



# Building (Scotland) Act 2003

## 2003 asp 8

### PART 1

#### BUILDING REGULATIONS

##### *Guidance documents*

#### **4 Guidance documents for purposes of building regulations**

- (1) The Scottish Ministers may issue guidance documents for the purpose of providing practical guidance with respect to the requirements of any provision of building regulations and may issue revisions of the whole or any part of any guidance document.
- (2) A guidance document or revision issued under subsection (1) takes effect in accordance with a notice issued by the Scottish Ministers—
  - (a) identifying the guidance document or, as the case may be, the revision,
  - (b) stating the date on which the document or revision is to take effect, and
  - (c) specifying the provisions of building regulations for the purpose of which the document or revision is issued.
- (3) The Scottish Ministers may withdraw guidance documents.
- (4) A withdrawal of a guidance document under subsection (3) takes effect in accordance with a notice issued by the Scottish Ministers—
  - (a) identifying the document in question, and
  - (b) stating the date on which the document is to cease to have effect.
- (5) In subsections (3) and (4) of this section and section 5—

“guidance document” means a document issued under subsection (1) of this section subject to any revision issued under that subsection,

“document” includes part of a document.

## **5 Compliance with guidance documents**

- (1) Failure to comply with a guidance document does not render a person liable to civil or criminal proceedings.
- (2) But proof of compliance with such a document may be relied on in any proceedings (whether civil or criminal) as tending to negative liability for an alleged contravention of building regulations.
- (3) In any proceedings (whether civil or criminal)—
  - (a) a document purporting to be a notice issued under section 4(2) or (4) is to be taken to be such a notice unless the contrary is proved,
  - (b) a document which appears to the court to be the guidance document to which such a notice refers is to be taken to be that guidance document unless the contrary is proved.