



Building (Scotland) Act 2003

2003 asp 8

PART 1

BUILDING REGULATIONS

Power to make building regulations

1 Building regulations

- (1) The Scottish Ministers may, for any of the purposes of—
 - (a) securing the health, safety, welfare and convenience of persons in or about buildings and of others who may be affected by buildings or matters connected with buildings,
 - (b) furthering the conservation of fuel and power, and
 - (c) furthering the achievement of sustainable development,make regulations (“building regulations”) with respect to the design, construction, demolition and conversion of buildings and the provision of services, fittings and equipment in or in connection with buildings.
- (2) Before making regulations under subsection (1) (except regulations consolidating other regulations) or an order under subsection (4) the Scottish Ministers must consult—
 - ^{F1}(a)
 - (b) such ^{F2}... persons as appear to them to be representative of the interests concerned.
- (3) Schedule 1 makes further provision about the matters as to which building regulations may provide.
- (4) The Scottish Ministers may by order modify paragraph 5(2) of that schedule.
- (5) The Scottish Ministers may by order modify any enactment if it appears to them that the enactment is inconsistent with, or is unnecessary or requires alteration in consequence of, any provision of building regulations.

Changes to legislation: There are currently no known outstanding effects for the Building (Scotland) Act 2003, Cross Heading: Power to make building regulations. (See end of Document for details)

Textual Amendments

- F1** S. 1(2)(a) repealed (1.8.2010) by [Public Services Reform \(Scotland\) Act 2010 \(asp 8\)](#), [ss. 6\(2\)\(a\)\(i\)](#), [134\(7\)](#); [S.S.I. 2010/221](#), [art. 3\(2\)](#), Sch.
- F2** Word in s. 1(2)(b) repealed (1.8.2010) by [Public Services Reform \(Scotland\) Act 2010 \(asp 8\)](#), [ss. 6\(2\)\(a\)\(ii\)](#), [134\(7\)](#); [S.S.I. 2010/221](#), [art. 3\(2\)](#), Sch.

Commencement Information

- I1** S. 1 in force at 22.9.2004 for specified purposes and 1.5.2005 in so far as not already in force by [S.S.I. 2004/404](#), [art. 2\(1\)\(2\)](#), [Sch. 1](#)

2 Continuing requirements

- (1) Building regulations may impose on owners of buildings to which such regulations apply such continuing requirements as the Scottish Ministers consider appropriate for securing that the purposes of any designated provision of the regulations are not frustrated.
- (2) In subsection (1), “designated provision” means a provision designated in the regulations as one to which the continuing requirements relate.
- (3) A continuing requirement imposed by virtue of subsection (1) does not apply in relation to a building unless a provision of the regulations designated in relation to that requirement applies to the building.
- (4) Continuing requirements may by virtue of subsection (1) be imposed on owners of buildings of such description as the regulations may specify (whenever erected, and whether or not any building regulations were applicable to them at the time of their erection).

Commencement Information

- I2** S. 2 in force at 22.9.2004 for specified purposes and 1.5.2005 in so far as not already in force by [S.S.I. 2004/404](#), [art. 2\(1\)\(2\)](#), [Sch. 1](#)

Changes to legislation:

There are currently no known outstanding effects for the Building (Scotland) Act 2003, Cross
Heading: Power to make building regulations.