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SCOTTISH STATUTORY INSTRUMENTS

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**2009 No. 119**

**BUILDING AND BUILDINGS**

**The Building (Scotland) Amendment Regulations 2009**

*Made* - - - - - *20th March 2009*  
*Laid before the Scottish*  
*Parliament* - - - - - *23rd March 2009*  
*Coming into force* - - - - - *1st May 2009*

The Scottish Ministers make the following Regulations, in exercise of the powers conferred by sections 1 and 8(8) of and paragraph 4 of Schedule 1 to the Building (Scotland) Act 2003<sup>(1)</sup> and all other powers enabling them to do so.

In accordance with section 1(2) of the Building (Scotland) Act 2003 they have consulted with the Building Standards Advisory Committee and such other persons as appear to them to be representative of the interests concerned.

**Citation and commencement**

1. These Regulations may be cited as the Building (Scotland) Amendment Regulations 2009 and come into force on 1st May 2009.

**Amendment of regulations**

2.—(1) The Building (Scotland) Regulations 2004<sup>(2)</sup> are amended in accordance with paragraphs (2) and (3).

(2) In Schedule 1 (exempted buildings) in paragraph 21 for “200” substitute “50”.

(3) In Schedule 3 (descriptions of building and work not requiring a warrant)—

(a) after paragraph 2 insert—

“**2A.** A building or any works to or in a building or the conversion of a building that is a prison or a building where a person may be legally detained or otherwise legally held in custody. **Except** – Any work which increases the floor area of the building by more than 100 square metres. Any demolition or alteration of the roof, external walls or elements of structure. Any work involving underpinning. Any work adversely affecting a separating wall. Any work involving a change in the method of wastewater discharge. Work, not being work of types 3 to 26 below, to a prison or a building where a person may be legally

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(1) 2003 asp 8.

(2) S.S.I. 2004/406, as amended by S.S.I. 2006/534, S.S.I. 2007/166 and S.S.I. 2008/310.

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**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

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detained or otherwise legally held in custody having a storey, or creating a storey, at a height of more than 7.5 metres.

**2B.** A building or any work to or in a building or the conversion of a building that is the Scottish Parliament.

**2C.** A building or any work to or in a building or the conversion of a building belonging to Her Majesty in right of Her private estates.”;

(b) in the heading before paragraph 3 for “types 1 and 2” substitute “types 1 to 2C”; and

(c) in paragraph 21 after “exceeding” insert “50 square metres in area but not exceeding”.

St Andrew’s House,  
Edinburgh  
20th March 2009

*STEWART STEVENSON*  
Authorised to sign by the Scottish Ministers

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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations amend the Building (Scotland) Regulations 2004 (“the 2004 Regulations”) and come into force on 1st May 2009. Regulation 2(2) amends Schedule 1 to the 2004 Regulations to restrict the exemption from regulations 8 to 12 to paved areas or hardstanding not greater than 50 square metres in area. Schedule 3 to the 2004 Regulations sets out certain types of work that must comply with building regulations but does not require a warrant. Regulation 2(3) amends Schedule 3 to include certain works done to prisons (and other buildings such as police cells court custody suites), the Scottish Parliament and property owned by Her Majesty in Her private capacity. Regulation 2(3) amends Schedule 3 to the effect that work to construct paved areas or hardstanding the area of which is greater than 50 square metres but not greater than 200 square metres will not require a building warrant.