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SCOTTISH STATUTORY INSTRUMENTS

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**2014 No. 219**

**BUILDING AND BUILDINGS**

**The Building (Scotland) Amendment Regulations 2014**

*Made* - - - - - *12th August 2014*  
*Laid before the Scottish*  
*Parliament* - - - - - *14th August 2014*  
*Coming into force* - - - - - *1st October 2015*

The Scottish Ministers make the following Regulations in exercise of the powers conferred by sections 1 and 54(2) of the Building (Scotland) Act 2003<sup>(1)</sup> and all other powers enabling them to do so.

In accordance with section 1(2) of that Act they have consulted with such 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 2014 and come into force on 1st October 2015.

**Amendment of the Building (Scotland) Regulations 2004**

2.—(1) Schedule 5 to the Building (Scotland) Regulations 2004<sup>(2)</sup> (building standards applicable to design and construction) is amended in accordance with paragraphs (2) and (3).

(2) In the limitation to the standard contained in paragraph 6.1 (carbon dioxide emissions), for sub-paragraph (a) substitute—

- “(a) alterations and extensions to buildings other than—
- (i) alterations and extensions to stand-alone buildings having an area less than 50 square metres that would increase the area to 50 square metres or more;
  - (ii) extensions to non-domestic buildings where the extension will have an area which is both greater than 100 square metres and greater than 25% of the area of the existing building; and
  - (iii) alterations to buildings involving the fit-out of the building shell which is the subject of a continuing requirement;”.

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(1) 2003 asp 8. Section 1 was amended by section 6(2)(a) of the Public Services Reform (Scotland) Act 2010 (asp 8).  
(2) S.S.I. 2004/406, as relevantly amended by S.S.I. 2006/534, S.S.I. 2010/32 and S.S.I. 2012/209.

(3) In the limitation to the standard contained in paragraph 6.9 (energy performance certificates), for sub-paragraph (a)(iii) substitute—

“(iii) conversions, alterations and extensions to buildings other than—

- (aa) alterations and extensions to stand-alone buildings having an area less than 50 square metres that would increase the area to 50 square metres or more; and
- (bb) alterations to buildings involving the fit-out of the building shell which is the subject of a continuing requirement;”.

**Transitional provision**

3. The amendments made by these Regulations do not apply to work which, by virtue of regulation 5 of and Schedule 3 to the Building (Scotland) Regulations 2004, does not require a building warrant if that work is—

- (a) completed before 1st October 2015; or
- (b) not completed before that date and—
  - (i) the contract for the work is entered into before 1st October 2015; and
  - (ii) the work is completed before 31st January 2016.

St Andrew’s House,  
Edinburgh  
12th August 2014

*DEREK MACKAY*  
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 principal Regulations”).

Regulation 2(2) amends Schedule 5 to the principal Regulations so that the building standard in paragraph 6.1 (carbon dioxide emissions) applies to extensions to non-domestic buildings where the size of the extension will be greater than 100 square metres and 25% of the existing building. It also clarifies the existing exceptions to limitation (a).

Regulation 2(3) amends the limitations to the building standard contained in paragraph 6.9 (energy performance certificates) of said Schedule 5 to clarify the exceptions to limitation (a)(iii).

Regulation 3 is a transitional provision, the effect of which is that the amended Regulations will not apply to work which does not require a building warrant which is completed before 1st October 2015 or not completed before that date where the contract for the work is entered into before 1st October 2015 and the work is completed before 31st January 2016.

A Business and Regulatory Impact Assessment has been prepared and placed in the Scottish Parliament Information Centre. Copies can be obtained from the Building Standards Division, Directorate for the Built Environment, Ground Floor, Denholm House, Almondvale Business Park, Almondvale Way, Livingston, West Lothian, EH54 6GA and online at: <http://scotland.gov.uk/Topics/Built-Environment/Building/Building-standards/BSD/CurrentConsultation/EnergyBRIA>