

2024 No. 247

BUILDING AND BUILDINGS

The Building (Scotland) Amendment Regulations 2024

Made - - - - *18th September 2024*
Laid before the Scottish Parliament *20th September 2024*
Coming into force - - *1st January 2025*

The Scottish Ministers make the following Regulations in exercise of the powers conferred by sections 1 and 54(2) and schedule 1 of the Building (Scotland) Act 2003(a), 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 2024 and come into force on 1 January 2025.

Amendment of the Building (Scotland) Regulations 2004

2.—(1) The Building (Scotland) Regulations 2004(b) are amended in accordance with paragraph (2).

(2) In schedule 5 (building standards applicable to design and construction), for paragraph 4.14 (in-building physical infrastructure for high-speed electronic communications networks) substitute—

“Gigabit-ready physical infrastructure for electronic communications networks

4.14. Every building and building unit must be designed and constructed in such a way that—

- (a) gigabit-ready in-building physical infrastructure up to a network termination point for gigabit-capable public electronic communications network is provided,
- (b) in the case of a building which contains more than one building unit, a common access point for gigabit-capable public electronic communications networks is provided,
- (c) to the extent that it is reasonably practicable to do so—
 - (i) gigabit-capable onsite physical infrastructure is provided,

(a) 2003 asp 8. Section 1 was amended by section 6(2) of the Public Services Reform (Scotland) Act 2010 (asp 8). Paragraph 5(2) of schedule 1 was amended by S.S.I. 2014/364.
(b) S.S.I. 2004/406 as relevantly amended by S.S.I. 2016/70.

- (ii) each network termination point is connected to a gigabit-capable electronic communications network.

Limitations

This standard does not apply to—

- (a) alterations or extensions to buildings that do not include major renovation works,
- (b) buildings having an area not exceeding 30 square metres, ancillary to and within the curtilage of a dwelling.

Standard 4.14(c) does not apply to non-domestic buildings.

Interpretation of this standard

In this standard—

“access point” means a physical point, located inside or outside the building, accessible to undertakings providing or authorised to provide public electronic communications networks, where connection to the gigabit-ready in-building physical infrastructure is made available,

“building unit” means a part of a building which is designed or altered to be used separately,

“gigabit-capable public electronic communications network” means a public electronic communications network which is capable of delivering broadband access services at speeds of at least 1000 Mbps,

“gigabit-ready onsite physical infrastructure” means physical infrastructure or installations, outwith the building, including elements under joint ownership, intended to host wired gigabit-capable public electronic communications networks so as to enable delivery of gigabit-capable public electronic communications networks to the building,

“gigabit-ready in-building physical infrastructure” means in-building physical infrastructure intended to host elements, or enable delivery, of gigabit-capable public electronic communications networks,

“in-building physical infrastructure” means physical infrastructure or installations at the end-user’s location, including elements under joint ownership, intended to host wired or wireless access networks, where such access networks are capable of delivering electronic communications services and connecting the access point with the network termination point,

“major renovation works” means works at the end-user’s location encompassing structural modifications of the entire in-building physical infrastructure, or of a significant part of it,

“network termination point” means a physical point located inside the building, or in the case of a building which contains more than one building unit, the building unit, at which an occupier is provided with access to public electronic communications networks,

“public electronic communications network” has the meaning given by Section 151(1) of the Communications Act 2003.”.

Transitional provision

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

- (a) completed before 1 January 2025, or
- (b) not completed before that date and—

- (i) the contract for the work is entered into before 1 January 2025, and
- (ii) the work is completed on or before 1 July 2025.

RICHARD LOCHHEAD
Authorised to sign by the Scottish Ministers

St Andrew's House,
Edinburgh
18th September 2024

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 1 January 2025.

Regulation 2 replaces standard 4.14 of schedule 5 of the 2004 Regulations. The new standard 4.14 requires the provision of infrastructure capable of delivering broadband access services at speeds of at least 1000 Mbps.

Regulation 3 makes transitional provision so that the changes made by these Regulations to standard 4.14 will not apply to work which does not require a building warrant and which is either completed before 1 January 2025, or if not completed before that date, where the contract for the work is entered into before 1 January 2025 and the work is completed on or before 1 July 2025.

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