

## **EXECUTIVE NOTE**

### **THE BUILDING (SCOTLAND) AMENDMENT REGULATIONS 2007 (S.S.I. 2007/166)**

The above instrument was made in exercise of the powers conferred by section 1 of and Schedule 1 to the Building (Scotland) Act 2003 (“the 2003 Act”). The instrument is subject to negative resolution procedure.

#### **Background**

The SSI amends the Building (Scotland) Amendment Regulations 2006, laid on 3 November 2006, which apply to the design, construction or demolition of a building, the provision of services, fittings or equipment in or in connection with a building, and the conversion of a building. The SSI is required as a result of the erroneous omission in the final draft of a clause in Schedule 2 and agreed text in Schedule 5 to the 2006 Regulations.

The Building (Scotland) Amendment Regulations 2007 will come into force on 28 March 2007, and before the Building (Scotland) Amendment Regulations 2006 come into force on 1 May 2007. It is essential that the necessary amendments be in place prior to 1 May 2007.

#### **Policy Objectives**

A new Schedule 2 has been substituted for the one currently contained in the Schedule to the 2006 Regulations. The insertion of new clause (7) *Changes in the occupation or use of a building so that it becomes a residential building* corrects this omission and re-orders the remaining clauses.

Additionally, there are substitute paragraphs in:-

The Limitations applicable in Schedule 5, paragraph 6.9(a)(iii) which covers the provisions for energy performance certificates; and

The Limitations applicable in Schedule 5, paragraph 6.10, which covers the provision whereby every building must be designed and constructed in such a way that each part of a building designed for different occupation is fitted with fuel consumption meters.

#### **Consultation**

The Building (Scotland) Amendment Regulations 2006 and guidance documents have already been subject to extensive public consultation between 1 March and 26 May 2006. Subsequent to the identification of the aforementioned omissions, the Building Standards Advisory Committee (BSAC) was advised of the background to and need for the amending regulations. The Scottish Association of Building Standards Managers (SABSM) has also been made aware of the omissions and is expecting the necessary amendments.

#### **Financial Effects**

There are no consequential financial effects from this amending SSI.