

**2011 No. 120**

**BUILDING AND BUILDINGS**

**The Building (Scotland) Amendment Regulations 2011**

*Made* - - - - *17th February 2011*

*Laid before the Scottish Parliament* *21st February 2011*

*Coming into force* - - *1st May 2011*

The Scottish Ministers make the following Regulations in exercise of the powers conferred by sections 1, 8(8), 24, 33 and 36 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 2011 and come into force on 1st May 2011.

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

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

(2) In regulation 2(1) (interpretation), after the definition of “site” insert—

““statement of sustainability” means a statement issued for the purpose of compliance with regulation 9 and section 7.1(c) of Schedule 5;”.

(3) In Schedule 3 (descriptions of building and work, including the provision of services, fittings and equipment, not requiring a warrant), after paragraph 15A insert—

“**15B.** Any work associated with affixing a statement of sustainability to a building.”.

(4) In Schedule 5 (building standards applicable to design and construction), after section 6 insert—

**“SECTION 7: SUSTAINABILITY**

**Statement of sustainability**

**7.1** Every building must be designed and constructed in such a way that—

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(a) 2003 asp 8. Section 1 was amended by the Public Services Reform (Scotland) Act 2010 asp 8.

(b) S.S.I. 2004/406, as amended by S.S.I. 2006/534, S.S.I. 2008/310, S.S.I. 2009/119 and S.S.I. 2010/32.

- (a) with regard to a dwelling, a level of sustainability specified by the Scottish Ministers in respect of carbon dioxide emissions, resource use, building flexibility, adaptability and occupant well-being is achieved;
- (b) with regard to a non-domestic building, a level of sustainability specified by the Scottish Ministers in respect of carbon dioxide emissions is achieved; and
- (c) a statement of the level of sustainability achieved is affixed to the dwelling or non-domestic building.

### **Limitation**

This standard does not apply to—

- (a) alterations and extensions to buildings, other than 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, or alterations to buildings involving the fit-out of the building shell which is the subject of a continuing requirement;
- (b) conversions of buildings;
- (c) buildings that are ancillary to a dwelling that are stand-alone having an area less than 50 square metres;
- (d) buildings which will not be heated or cooled other than by heating provided solely for the purpose of frost protection;
- (e) buildings intended to have a life not exceeding the period specified in regulation 6; or
- (f) conservatories.”.

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

3.—(1) The Building (Procedure) (Scotland) Regulations 2004(a) are amended in accordance with this regulation.

- (2) In regulation 2(1) (interpretation), after the definition for “prescribed form” insert—
  - ““statement of sustainability” has the same meaning as in regulation 2(1) of the building regulations.”.
- (3) After regulation 41(bb) (submission of completion certificates) insert—
  - “(bc) in the case where the provisions of the building regulations require a statement of sustainability, a copy of that statement; and”.
- (4) In regulation 57 (maintenance of records)—
  - (a) after paragraph (2)(a)(ii) insert—
    - “(iia) particulars of statements of sustainability;”;
  - (b) after paragraph (2)(b)(iii) insert—
    - “(iia) statements of sustainability;”.

### **Amendment of the Building (Forms) (Scotland) Regulations 2005**

4.—(1) The Building (Forms) (Scotland) Regulations 2005(b) are amended in accordance with this regulation.

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(a) S.S.I. 2004/428 as amended by S.S.I. 2007/167 and 2009/117.  
 (b) S.S.I. 2005/172 as amended by S.S.I. 2006/163.

(2) In the Schedule, in the declarations in form 5 (completion certificate – submission) and form 6 (completion certificate where no building warrant obtained – submission), after “I enclose a copy of the energy performance certificate(s) for the building(s).” insert—

“I enclose a copy of the statement of sustainability issued for the purpose of regulation 9 of and section 7 of Schedule 5 to the Building (Scotland) Regulations 2004.”.

*KEITH BROWN*

Authorised to sign by the Scottish Ministers

St Andrew’s House,  
Edinburgh  
17th February 2011

## **EXPLANATORY NOTE**

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

These Regulations amend the Building (Scotland) Regulations 2004 (“the principal Regulations”).

Regulation 2 amends Schedule 5 to the principal Regulations to add a new building standard requiring that certain buildings must be designed and constructed to one of a number of a specified levels of sustainability and must have a statement of sustainability attached to them.

Regulations 3 and 4 make consequential amendments to the Building (Procedure) (Scotland) Regulations 2004 and the Building (Forms) (Scotland) Regulations 2005.

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.

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