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SCOTTISH STATUTORY INSTRUMENTS

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**2022 No. 136**

**The Building (Scotland) Amendment Regulations 2022**

**PART 2 S**

**Amendment of the Building (Scotland) Regulations 2004 on 1 June 2022**

**Amendment of the Building (Scotland) Regulations 2004 – 1 June 2022 S**

2. Subject to regulation 6, the Building (Scotland) Regulations 2004(1) are amended in accordance with regulations 3 to 5.

**Commencement Information**

**II** [Reg. 2](#) in force at 1.6.2022, see [reg. 1\(2\)](#)

**Amendment of regulation 8 – fitness and durability of materials and workmanship S**

3. In regulation 8 (fitness and durability of materials and workmanship), after paragraph (2) insert—

“(3) Subject to paragraph (4), work must be carried out so that materials which form part of an external wall cladding system, or specified attachment, of a relevant building are of European Classification A2-s1, d0 or A1, classified in accordance with BS EN 13501-1:2018 entitled “Fire classification of construction products and building elements. Classification using testing data from reaction to fire tests” published by the British Standards Institution.

(4) Paragraph (3) does not apply to materials which form part of—

- (a) cavity trays,
- (b) cavity vents,
- (c) a roof (other than a roof pitched at an angle 70 degrees or more to the horizontal) if that part is connected to an external wall,
- (d) door frames and doors,
- (e) insulation and water proofing materials used below the ground and up to 300 mm above the ground,
- (f) intumescent and fire stopping materials, fire barriers and cavity barriers where the inclusion of the materials is necessary to meet the requirements in section 2 (fire) of schedule 5 (building standards applicable to design and construction),
- (g) membranes,
- (h) seals, gaskets, fixings, sealants and backer rods,
- (i) thermal break materials,

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(1) [S.S.I. 2004/406](#): relevant amending instrument is [S.S.I. 2006/534](#).

(j) window frames and glass.

(5) Work must be carried out so that an external wall cladding system or internal lining does not comprise of highly combustible metal composite material.

(6) In this regulation—

“highly combustible metal composite material” means any panel or sheet, having a thickness of no more than 10 mm, which consists of a number of layers, two or more of which are made of metal, alloy, or metal compound and one or more substantial layer of which is made of material having a gross calorific value of more than 35 MJ/kg when tested in accordance with BS EN ISO 1716:2018 entitled “Reaction to fire tests for products – Determination of the gross heat of combustion (calorific value)” published by the British Standards Institution,

“relevant building” means a building having a storey, or creating a storey (not including roof-top plant areas or any storey consisting exclusively of plant rooms) at a height of 11 metres or more above the ground and which contains—

- (a) a dwelling,
- (b) a building used as a place of assembly, or as a place of entertainment or recreation,
- (c) a hospital,
- (d) a residential care building or sheltered housing complex,
- (e) a shared multi-occupancy residential building,

“specified attachment” means—

- (a) a balcony,
- (b) solar shading,
- (c) a solar panel,

attached to an external wall,

“substantial layer” means a layer is one which is at least 1 mm thick or has a mass per unit area of at least 1 kg per m<sup>2</sup>.”.

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#### Commencement Information

**I2** Reg. 3 in force at 1.6.2022, see **reg. 1(2)**

#### **Amendment of schedule 3 – descriptions of building and work, including the provision of services, fittings and equipment, not requiring a warrant** **S**

**4.** In schedule 3 (descriptions of buildings and work, including the provision of services, fittings and equipment, not requiring a warrant)—

- (a) in paragraph 17 for “thermal insulating material to the outer surface of an external wall” substitute “an external wall cladding system that consists of thermal insulating material”,
- (b) in paragraph 25 omit “cladding,”,
- (c) after paragraph 25 insert—

“**25A.** Replacement of part of an external wall cladding system when the replacement is to make a minor repair.”.

**Commencement Information**

**I3** Reg. 4 in force at 1.6.2022, see **reg. 1(2)**

**Amendment of schedule 5 – building standards applicable to design and construction** **S**

**5.** In schedule 5 (building standards applicable to design and construction), in paragraph 2.7 (spread on external walls) after “way” insert “, having regard to the height, use and position of the building”.

**Commencement Information**

**I4** Reg. 5 in force at 1.6.2022, see **reg. 1(2)**

**Transitional provision** **S**

**6.** The amendments made by Part 2 of 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 if that work is—

- (a) completed before 1 June 2022, or
- (b) not completed before that date and—
  - (i) the contract for the work is entered into before 1 June 2022, and
  - (ii) the work is completed on or before 30 September 2022.

**Commencement Information**

**I5** Reg. 6 in force at 1.6.2022, see **reg. 1(2)**

**Changes to legislation:**

There are currently no known outstanding effects for the The Building (Scotland) Amendment Regulations 2022, PART 2.