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SCOTTISH STATUTORY INSTRUMENTS

2007 No. 166

BUILDING AND BUILDINGS

The Building (Scotland) Amendment Regulations 2007

<i>Made</i> - - - -	<i>6th March 2007</i>
<i>Laid before the Scottish Parliament</i>	<i>6th March 2007</i>
<i>Coming into force</i> - -	<i>28th March 2007</i>

The Scottish Ministers, in exercise of the powers conferred by sections 1 and 54 of and Schedule 1 to, the Building (Scotland) Act 2003(a) and of all other powers enabling them in that behalf, and having consulted the Building Standards Advisory Committee and such other persons as appear to them to be representative of the interests concerned, in accordance with section 1(2) of that Act, hereby make the following Regulations:

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Building (Scotland) Amendment Regulations 2007 and shall come into force on 28th March 2007.

(2) In these Regulations references to “Schedule 2” and “Schedule 5” are references to those parts of the Schedule to the Building (Scotland) Amendment Regulations 2006(b) substituting new schedules for Schedules 2 and 5 of the Building (Scotland) Regulations 2004(c).

Amendment of Regulations

2. In the Schedule to the Building (Scotland) Amendment Regulations 2006(b)—

- (a) for Schedule 2 (conversions to which the regulations apply) substitute Schedule 2 as set out in the Schedule to these Regulations; and
- (b) in Schedule 5 (building standards applicable to design and construction)—
 - (i) in paragraph 6.9, in the sub-paragraph headed *Limitation*, for sub-paragraph (a)(iii) substitute—
 - “(iii) conversions, 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;”;

(a) 2003 asp 8.
(b) S.S.I. 2006/534.
(c) S.S.I. 2004/406.

(ii) in paragraph 6.10, for the sub-paragraph headed Limitation substitute–

“Limitation

This standard does not apply to–

- (a) domestic buildings;
- (b) communal areas of buildings in different occupation;
- (c) district or block heating systems where each part of the building designed for different occupation is fitted with heat meters; or
- (d) heating fired by solid fuel or biomass.”.

St Andrew’s House,
Edinburgh
6th March 2007

RHONA BRANKIN
A member of the Scottish Executive

SCHEDULE

Regulation 2(a)

“SCHEDULE 2

Regulation 4

CONVERSIONS TO WHICH THE REGULATIONS APPLY

1. Changes in the occupation or use of a building to create a dwelling or dwellings or a part thereof.
2. Changes in the occupation or use of a building ancillary to a dwelling to increase the area of human occupation.
3. Changes in the occupation or use of a building which alters the number of dwellings in the building.
4. Changes in the occupation or use of a domestic building to any other type of building.
5. Changes in the occupation or use of a residential building to any other type of building.
6. Changes in the occupation or use of a residential building which involve a significant alteration of the characteristics of the persons who occupy, or who will occupy, the building, or which significantly increase the number of people occupying, or expected to occupy, the building.
7. Changes in the occupation or use of a building so that it becomes a residential building.
8. Changes in the occupation or use of an exempt building (in terms of Schedule 1) to a building which is not so exempt.
9. Changes in the occupation or use of a building to allow access by the public where previously there was none.
10. Changes in the occupation or use of a building to accommodate parts in different occupation where previously it was not so occupied.”.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Building (Scotland) Amendment Regulations 2006 (the “2006 Regulations”). These Regulations will come into force on 28th March 2007 before the 2006 Regulations come into force on 1st May 2007 so that the amendments will already be in place.

The amendments are in relation to the Schedule to the 2006 Regulations.

Regulation 2(a) substitutes a new Schedule 2 (which relates to conversions) for the one contained in the Schedule to the 2006 Regulations.

Regulation 2(b) makes changes to paragraphs 6.9 and 6.10 of Schedule 5 which is contained in the Schedule to the 2006 Regulations. The amendment to paragraph 6.9 is in relation to one of the limitations to the standard regarding energy performance certificates and provides that the limitation will not apply to shell and fit-out buildings and stand-alone buildings which were previously included in the limitation. The amendment to paragraph 6.10 is with regard to the Limitation thereto so that domestic buildings do not need to comply with the standard.

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