

EXECUTIVE NOTE

THE BUILDING (PROCEDURE) (SCOTLAND) AMENDMENT REGULATIONS 2007 S.S.I. 2007/167

The above instrument was made in exercise of the powers conferred by section 33 of the Building (Scotland) Act 2003. The instrument is subject to negative resolution procedure.

Background

The Building (Procedure) (Scotland) Regulations 2004 implement the Building (Scotland) Act 2003 (the Act) by setting the procedures for obtaining a warrant, presenting a completion certificate, using Approved Certifiers and handling dangerous and defective buildings. These amendment regulations are required to help implement the EC Directive on the Energy Performance of Buildings (EU Directive 2002/91/EC), to simplify the submission of completion certificates and to clarify access to Building Standards Registers.

Policy Objectives

The Building (Procedure) (Scotland) Regulations 2004 (the Regulations) are an essential part of the building standards system which was introduced by the Building (Scotland) Act 2003 (the Act), setting the administrative structure for the new building standards system in Scotland. The Regulations fully complement the Building (Scotland) Regulations 2004 which prescribe standards for buildings; the Building (Fees) (Scotland) Regulations 2004 which set the fee structure and the Building (Forms) (Scotland) Regulations 2004.

Amending Regulations are required to:-

- 1) Deal with changes required to the information to be produced in relation to the implementation of the EU Directive on the Energy Performance of Buildings (EU Directive 2002/91/EC),
- 2) Enable a single completion certificate to be accepted by verifiers in respect of multiple dwellings covered by a single building warrant where there is a single owner and the works are of a minor nature, and
- 3) Allow prospective owners and occupiers of dwellings and those in relevant or adjoining buildings access to Part II of the Building Standards Register.

Consultation

The need to provide energy performance certificates is a requirement of Section 6 (Energy) of The Building (Scotland) Amendment Regulations 2006, which were the subject of extensive public consultation (over 500 organisations and interested parties) between 1 March and 26 May 2006 and the process of making changes to building regulations included consultation with a significant number of organisations representative of all professional interests within the construction industry. We have ensured that consultation has taken place with all relevant professional organisations/institutes, construction research bodies, designers, housebuilders, technical specialists and those responsible for the administration of the building standards system.

Financial Effects

The instrument should have no financial effects on business but will simplify procedures for verifiers and registered social landlords and should reduce administration costs in relation to dwelling improvements.