

SCOTTISH STATUTORY INSTRUMENTS

2022 No. 136

The Building (Scotland) Amendment Regulations 2022

PART 3

Amendment of the Building (Scotland) Regulations 2004 on [^{F1}1 February 2023]

F1 Words in Pt. 3 heading substituted (30.11.2022) by [The Building \(Scotland\) Amendment \(Amendment\) \(No. 2\) Regulations 2022 \(S.S.I. 2022/340\)](#), regs. 1, **2(3)**

Amendment of the Building (Scotland) Regulations 2004 – [^{F2}1 February 2023]

7. Subject to regulation 11, the Building (Scotland) Regulations 2004(1) are amended in accordance with regulations 8 to 10.

F2 Words in reg. 7 heading substituted (30.11.2022) by [The Building \(Scotland\) Amendment \(Amendment\) \(No. 2\) Regulations 2022 \(S.S.I. 2022/340\)](#), regs. 1, **2(4)**

Commencement Information

11 [Reg. 7](#) in force at 1.2.2023, see [reg. 1\(3\)](#) (as amended by S.S.I. 2022/340, [reg. 2](#))

Amendment of regulation 2 – interpretation

8. In regulation 2 (interpretation)—

(a) after the definition of “different occupation” insert—

““direct emission heating system”, in relation to a building, means a system (other than a heat network) by which the building is heated or is cooled, or by which hot water is made available in the building, which uses thermal energy produced by a source of production which—

(a) is located within the building, or curtilage of the building, and

(b) during normal operation produces greenhouse gas emissions at the point of production of that thermal energy,”

(b) after the definition of “flat” insert—

““greenhouse gas” has the same meaning as in section 10 of the Climate Change (Scotland) Act 2009(2),

“heat network” and “thermal energy” have the same meaning as in section 1 of the Heat Networks (Scotland) Act 2021(3).”

(1) S.S.I. 2004/406: relevant amending instruments are S.S.I. 2006/534, S.S.I. 2010/32, S.S.I. 2013/143, S.S.I. 2016/70 and S.S.I. 2016/71.

(2) 2009 asp 12.

(3) 2021 asp 9.

Commencement Information

I2 Reg. 8 in force at 1.2.2023, see **reg. 1(3)** (as amended by S.S.I. 2022/340, **reg. 2**)

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

9. In schedule 5—

(a) after paragraph 3.27 (water efficiency) insert—

“3.28 Overheating risk

Every building must be designed and constructed in such a way that the risk to the health of the occupants from overheating is reduced.

Limitation

This standard applies only to—

- (a) a unit of residential accommodation occupied by an individual, or individuals, living together as a family or as a single household,
 - (b) a shared multi-occupancy residential building,”
- (b) in paragraph 6.1 (carbon dioxide emissions)—
- (i) for the heading substitute “Energy demand and carbon dioxide emissions”,
 - (ii) at the end of sub-paragraph (b) omit “and”,
 - (iii) after sub-paragraph (c) insert—
 - “(d) it is capable of reducing the energy demand of the building.”,
 - (iv) in the limitation to the standard—
 - (aa) for “This standard does not apply to—” substitute—
 - “(1) Standard 6.1(b) only applies in respect of a building which is heated or cooled, or in which hot water is made available, by means of a direct emissions heating system.
 - (2) This standard does not apply to—”
 - (bb) at the end of sub-paragraph (d) of the new paragraph (2) omit “or”,
- (c) in paragraph 6.7 (commissioning building services)—
- (i) after “energy supply systems” insert “, control systems”,
 - (ii) after “achieve” insert “effective operation and”.

Commencement Information

I3 Reg. 9 in force at 1.2.2023, see **reg. 1(3)** (as amended by S.S.I. 2022/340, **reg. 2**)

Amendment of schedule 6 – building standards applicable to conversions

10. In schedule 6, in paragraph 2(c) after “3.19” insert “, 3.28”.

Commencement Information

I4 Reg. 10 in force at 1.2.2023, see **reg. 1(3)** (as amended by S.S.I. 2022/340, **reg. 2**)

Transitional provision

11. The amendments made by Part 3 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 [^{F3}1 February 2023], or
- (b) not completed before that date and—
 - (i) the contract for the work is entered into before [^{F4}1 February 2023], and
 - (ii) the work is completed on or before [^{F5}31 May] 2023.

F3 Words in **reg. 11(a)** substituted (30.11.2022) by **The Building (Scotland) Amendment (Amendment) (No. 2) Regulations 2022 (S.S.I. 2022/340)**, regs. 1, **2(5)(a)**

F4 Words in **reg. 11(b)(i)** substituted (30.11.2022) by **The Building (Scotland) Amendment (Amendment) (No. 2) Regulations 2022 (S.S.I. 2022/340)**, regs. 1, **2(5)(b)**

F5 Words in **reg. 11(b)(ii)** substituted (30.11.2022) by **The Building (Scotland) Amendment (Amendment) (No. 2) Regulations 2022 (S.S.I. 2022/340)**, regs. 1, **2(5)(c)**

Commencement Information

I5 Reg. 11 in force at 1.2.2023, see **reg. 1(3)** (as amended by S.S.I. 2022/340, **reg. 2**)

Changes to legislation:

There are currently no known outstanding effects for the The Building (Scotland) Amendment Regulations 2022, PART 3.