

Status: Point in time view as at 02/04/2023. This version of this Instrument contains provisions that are prospective.

Changes to legislation: There are currently no known outstanding effects for the The Building (Scotland) Amendment (No. 2) Regulations 2022. (See end of Document for details)

SCOTTISH STATUTORY INSTRUMENTS

2022 No. 349

BUILDING AND BUILDINGS

The Building (Scotland) Amendment (No. 2) Regulations 2022

Made - - - - *22nd November*
Laid before the Scottish *2022*
Parliament - - - - *24th November 2022*
Coming into force - - *3rd April 2023*

The Scottish Ministers make the following Regulations in exercise of the powers conferred by sections 1 and 54(2) and schedule 1 of the Building (Scotland) Act 2003(1), 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.

PROSPECTIVE

Citation and commencement

1. These Regulations may be cited as the Building (Scotland) Amendment (No. 2) Regulations 2022 and come into force on [F15 June] 2023.

F1 Words in [reg. 1](#) substituted (2.4.2023) by [The Building \(Scotland\) Amendment \(No. 2\) Regulations 2022 \(Amendment\) Regulations 2023 \(S.S.I. 2023/65\)](#), regs. 1, **2(2)**

Commencement Information

I1 [Reg. 1](#) in force at 5.6.2023, see [reg. 1](#)

Amendment of the Building (Scotland) Regulations 2004

2. Subject to regulation 5, the Building (Scotland) Regulations 2004(2) are amended in accordance with regulations 3 and 4.

- (1) [2003 asp 8](#). Section 1 was amended by section 6(2) of the Public Services Reform (Scotland) Act 2010 ([asp 8](#)). Paragraph 5(2) of schedule 1 was amended by [S.S.I. 2014/364](#).
- (2) [S.S.I. 2004/406](#). Paragraph 7.1 of schedule 5 was inserted by [S.S.I. 2011/120](#). Schedule 6 was substituted by [S.S.I. 2006/534](#), resulting in the removal of paragraph 3. The new paragraph inserted by these Regulations is accordingly numbered paragraph 2A. There are subsequent amendments to schedule 6 which are not relevant to these Regulations.

Commencement Information

I2 Reg. 2 in force at 5.6.2023, see reg. 1

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

3. In schedule 5 (building standards applicable to design and construction), after paragraph 7.1 (statement of sustainability) insert—

“Electric vehicle charging

7.2 Every building must be designed and constructed in such a way that provision for the charging of electric vehicles is made where car parking spaces are located within the building or the curtilage of the building.

Limitation

This standard does not apply to—

- (a) a non-domestic building where ten or fewer car parking spaces are present within the building or the curtilage of the building,
- (b) alteration to, or extension of a building, other than major renovation works.

Interpretation of this standard

In this standard—

“building envelope” in relation to a building, means the walls, floor, roof, windows, doors, roof windows and roof-lights,

“major renovation works” means works for the renovation of a building where ten or more car parking spaces are present within the building or the curtilage of the building and where—

- (a) more than 25% of the surface area of the building envelope undergoes renovation, and
- (b) the works include works to—
 - (i) car parking spaces, or
 - (ii) the electrical infrastructure of the building or of the car parking spaces.”.

Commencement Information

I3 Reg. 3 in force at 5.6.2023, see reg. 1

Amendment of schedule 6 – building standards applicable to conversions

4. In schedule 6 (building standards applicable to conversions) after paragraph 2 insert—

“2A. Every conversion, to which these regulations apply, which—

- (a) alters the number dwellings, or the number of building units, in the building,
- (b) changes the occupation or use of—
 - (i) a residential building to any other type of building, or

(ii) a building so that it becomes a residential building,
must meet the requirements of standard 7.2 (electric vehicle charging) in section 7, sustainability, of schedule 5.

Interpretation

In this paragraph “building unit” means a part of a building which is designed or altered to be used separately.”.

Commencement Information

I4 Reg. 4 in force at 5.6.2023, see **reg. 1**

Transitional provision

5. The amendments made by 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 provided that the work is—

- (a) completed before [^{F2}5 June] 2023, or
- (b) not completed before that date and—
 - (i) the contract for the work is entered into before [^{F3}5 June] 2023, and
 - (ii) the work is completed on or before [^{F4}1 September] 2023.

F2 Words in **reg. 5(a)** substituted (2.4.2023) by **The Building (Scotland) Amendment (No. 2) Regulations 2022 (Amendment) Regulations 2023 (S.S.I. 2023/65)**, regs. 1, **2(3)(a)**

F3 Words in **reg. 5(b)(i)** substituted (2.4.2023) by **The Building (Scotland) Amendment (No. 2) Regulations 2022 (Amendment) Regulations 2023 (S.S.I. 2023/65)**, regs. 1, **2(3)(b)**

F4 Words in **reg. 5(b)(ii)** substituted (2.4.2023) by **The Building (Scotland) Amendment (No. 2) Regulations 2022 (Amendment) Regulations 2023 (S.S.I. 2023/65)**, regs. 1, **2(3)(c)**

Commencement Information

I5 Reg. 5 in force at 5.6.2023, see **reg. 1**

St Andrew’s House,
Edinburgh
22nd November 2022

JENNY GILRUTH
Authorised to sign by the Scottish Ministers

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EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Building (Scotland) Regulations 2004 (the “2004 Regulations”) and come into force on 3 April 2023.

Regulation 3 amends schedule 5 to introduce a mandatory standard for electric vehicle charging facilities. Regulation 4 amends schedule 6 to apply the new standard to conversions in certain circumstances. Regulation 5 makes transitional provision the effect of which is that the amended 2004 Regulations will not apply to work which does not require a building warrant and which is completed before 3 April 2023 or work which is not completed before that date where the contract for the work is entered into before that date and the work is completed before 1 July 2023.

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