

Local Government, Housing and Planning Committee

33rd Meeting, 2022 (Session 6)

Tuesday, 20 December 2022

SSI cover note for: Building (Scotland) Amendment (No. 2) Regulations 2022

SSI 2022/349

Title of Instrument: Building (Scotland) Amendment (No. 2) Regulations 2022

Type of Instrument: Negative

Laid Date: 24 November 2022

Circulated to Members: 24 November 2022

Meeting Date: 20 December 2022

Minister to attend meeting: No

Motion for annulment lodged: No

Drawn to the Parliament's attention by the Delegated Powers and Law Reform Committee? No

Reporting deadline: 16 January 2023

Recommendation

1. The Committee is invited to consider any issues which it wishes to raise on this instrument.
2. An electronic copy of the instrument is available at: [Building \(Scotland\) Amendment \(No. 2\) Regulations 2022](#)
3. Copies of the Scottish Government's Explanatory and Policy Notes are included in **Annexe A**.

Purpose

4. The Policy Note states that the purpose of the instrument "is to ensure new domestic and non-domestic buildings, including existing buildings undergoing major

renovation, have a minimum provision of electric vehicle charging infrastructure... [in order to] ...provide people with a more comprehensive charging environment for current and future electric vehicle owners.”

Delegated Powers and Law Reform Committee consideration

5. At its meeting on 6 December the DPLR Committee considered the instrument and determined that it did not need to draw the attention of the Parliament to the instrument on any grounds within its remit.¹

Procedure for Negative Instruments

6. Negative instruments are instruments that are “subject to annulment” by resolution of the Parliament for a period of 40 days after they are laid. All negative instruments are considered by the Delegated Powers and Law Reform Committee (on various technical grounds) and by the relevant lead committee (on policy grounds). Under Rule 10.4, any member (whether a member of the lead committee) may, within the 40-day period, lodge a motion for consideration by the lead committee recommending annulment of the instrument. If the motion is agreed to, the Parliamentary Bureau must then lodge a motion to annul the instrument for consideration by the Parliament.

7. If that is also agreed to, Scottish Ministers must revoke the instrument. Each negative instrument appears on a committee agenda at the first opportunity after the Delegated Powers and Law Reform Committee has reported on it. This means that, if questions are asked or concerns raised, consideration of the instrument can usually be continued to a later meeting to allow correspondence to be entered into or a Minister or officials invited to give evidence. In other cases, the Committee may be content simply to note the instrument and agree to make no recommendation on it.

**Clerks,
Local Government, Housing and Planning Committee**

Annexe A

Scottish Government Explanatory Note

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

¹ [Subordinate Legislation Considered by the Delegated Powers and Law Reform Committee on 6 December 2022 | Scottish Parliament](#)

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.

As per purpose above and including Scottish Government Policy Note

POLICY NOTE

THE BUILDING (SCOTLAND) AMENDMENT (NO. 2) REGULATIONS 2022

SSI 2022/349

The above instrument was made in exercise of the powers conferred by sections 1 and 54(2) and schedule 1 of the Building (Scotland) Act 2003 (a). The instrument is subject to negative procedure.

Summary Box

To ensure new domestic and non-domestic buildings, including existing buildings undergoing major renovation, have a minimum provision of electric vehicle charging infrastructure.

Policy Objectives

The First Minister declared a Global Climate Emergency in April 2019 and announced that Scotland will be carbon neutral by 2040 and will emit net-zero emissions by 2045. The Scottish Government's Climate Change Plan update (CCPu), published in December 2020, set out the pathway to meet Scotland's statutory greenhouse gas emission reduction targets by 2032.

With the transport sector being the largest emitter of greenhouse gases in Scotland, accounting for 29% of all emissions in 2019, and road transport making up the majority of those emissions at 66% (Scottish Greenhouse Gas Statistics), we have committed to decarbonising transport in Scotland. Scotland's ambitious climate change legislation sets a target date for net zero emissions of all greenhouse gases by 2045, with interim targets of 75% by 2030 and 90% by 2040. In line with this, the National Transport Strategy 2 sets out the strategic vision for Scotland's transport system and the national Mission Zero for transport aims to ensure people and places benefit fairly from the shift to sustainable, zero emission mobility. This underlines our ambition to deliver a healthier, cleaner and greener Scotland for current and future generations.

As part of this, the Scottish Government is fully committed to phasing out the need for petrol and diesel cars and vans by 2030. The transition to electric vehicles will contribute significantly to these goals and, with demand growing rapidly, we want

people to have access to convenient and reliable electric vehicle charging infrastructure at home, at work and when out and about.

Therefore, this legislation is being made to ensure that new domestic and non-domestic buildings, including homes, have a minimum level of electric vehicle charging infrastructure which will provide people with a more comprehensive charging environment for current and future electric vehicle owners. We also believe that this will further encourage people to make their next car electric and help contribute towards Scotland goal of reducing our transport emissions to net-zero by 2045.

Consultation

On 26 July 2021, the Scottish Government launched a consultation: Building regulations - energy standards and associated topics - proposed changes. Section 7 of the consultation sought views on the requirements are laying out in this legislation for the installation of EV charge points and enabling infrastructure in a number of different building types with parking spaces. The consultation closed on 28 November 2021 and analysis of those responses was undertaken by Harlow Consulting.

In addition, Transport Scotland hosted four stakeholder webinars in August and September 2021 on the policy proposals for EV charge points. A number of stakeholders participated, including representatives from the public sector, building developers, charities and the transport sector. These webinars were open to all and advertised on the consultation website.

A response to the consultation responses and analysis was published by Transport Scotland on 11 August 2022 that briefly summarised the key responses that were received regarding those policy proposals, and set out the Scottish Government's next steps.

A full list of those consulted and who agreed to the release of this information is attached to the consultation report published on the Scottish Government website.

Transport Scotland also commission research through ClimateXChange who published their results in the paper, *Electric vehicle enabled buildings: evidence review of installation costs*.

Impact Assessments

A total of three impact assessments were completed for The Building (Scotland) Amendment (No. 2) Regulations 2022. They are:

- Business Regulatory Impact Assessment.
- Equality Impact Assessment.
- Island Communities Impact Assessment.

Copies of these impact assessments are available on the Transport Scotland website.

We assessed that the legislation we were proposing did not meet the threshold, or was not deemed relevant, for the following impact assessments:

- Child Rights and Wellbeing
- Fairer Scotland Duty
- Human Rights in policy making
- Strategic Environmental

Financial Effects

A Business and Regulatory Impact Assessment (BRIA) has been completed and is attached. The impact of this policy on business is that it will have an impact on developers and those involved in the property and real estate development markets, potentially increasing their costs slightly but the cost caps that will be in place will help ensure that costs are not substantial. All businesses involved in the construction of new domestic and non-domestic buildings, including existing buildings undergoing major renovations, will be equally affected through the requirement to provide EV charging infrastructure. However, whilst the cost will be minimal when spread out over the whole cost of the development, whether it be a housing or commercial, in most cases it is expected that this small additional cost will be passed on to the customer, meaning that there will be no cost to the business itself.

The legislation will not present a significant impact on small businesses in the construction sector as these businesses largely do not operate in construction activity to the scale that the legislation will be applied.

The legislation will also encourage an uptake in EVs throughout Scotland growing the market for EV provision, EV infrastructure provision and associated support services, which will provide opportunities for those sector businesses and for new businesses to emerge to service those needs. No significant issues of competition, restriction or imbalance were identified.

Scottish Government

Transport Scotland, Low Carbon Economy Directorate

November 2022