

Local Government, Housing and Planning Committee

11th Meeting, 2023 (Session 6)

Tuesday, 18 April 2023

SSI cover note for: Building (Scotland) Amendment (No. 2) Regulations 2022 (Amendment) Regulations 2023

SSI 2023/65

Title of Instrument: Building (Scotland) Amendment (No. 2) Regulations 2022
(Amendment) Regulations 2023

Type of Instrument: Negative

Laid Date: 3 March 2023

Circulated to Members: 9 March 2023

Meeting Date: 18 April 2023

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: 24 April 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: [The Building \(Scotland\) Amendment \(No. 2\) Regulations 2022 \(Amendment\) Regulations 2023 \(legislation.gov.uk\)](https://legislation.gov.uk/uk/legislation/regulations/2022/2222/2023)

3. Copies of the Scottish Government's Explanatory and Policy Notes are included in **Annexe A**.

Purpose

4. The Policy Note states that the Regulations amend The Building (Scotland) Amendment (No. 2) Regulations 2022 (the "2022 Regulations") which introduce a new mandatory standard for buildings and building work. The purpose of the instrument is to amend the date on which the 2022 Regulations comes into force from 3 April 2023 to 5 June 2023.

5. The Policy Note goes on to explain that the 2022 regulations were made to ensure that new domestic and non-domestic buildings, including homes, have a minimum level of electric vehicle charging. This instrument amends the date on which provisions within the 2022 Regulations come into force from 3 April 2023 to 5 June 2023 in order to provide a reasonable period, after publication of supporting guidance, for the implementation of changes in response to the building standard introduced.

Delegated Powers and Law Reform Committee consideration

6. At its meeting on 14 March 2023¹ the DPLR Committee considered the instrument and agreed not to draw it to the attention of the relevant lead committee.

Procedure for Negative Instruments

7. 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.

¹ <https://digitalpublications.parliament.scot/Committees/Report/DPLR/2023/3/15/e88d1e7f-d8e2-4a9c-a9b2-540e0b9dab2b#Annex-A>

8. 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) Amendment (No. 2) Regulations 2022 (the “2022 Regulations”) and come into force on 2 April 2023.

Regulation 2(2) of these Regulations amends regulation 1 of the 2022 Regulations to change the date on which the 2022 Regulations come into force from 3 April 2023 to 5 June 2023.

Regulation 2(3) amends the transitional provision in regulation 5 of the 2022 Regulations so that the amendments made by the 2022 Regulations will not apply to work which does not require a building warrant which is completed before 5 June 2023 or not completed before that date where the contract for the work is entered into before 5 June 2023 and the work is completed on or before 1 September 2023

POLICY NOTE

THE BUILDING (SCOTLAND) AMENDMENT (NO. 2) REGULATIONS 2022 (AMENDMENT) REGULATIONS 2023

SSI 2023/65

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. The instrument is subject to negative parliamentary procedure.

Purpose of the instrument.

These Regulations amend The Building (Scotland) Amendment (No. 2) Regulations 2022 (the “2022 Regulations”) which introduce a new mandatory standard for buildings and building work. The purpose of this instrument is to amend the date on which the 2022 Regulations comes into force from 3 April 2023 to 5 June 2023.

Policy Objectives

Section 1 of the Building (Scotland) Act 2003 (the Act) allows Ministers to make regulations (building regulations) with respect to the design, construction, demolition and conversion of buildings and the provision of services, fittings and equipment in or in connection with buildings for purposes including securing the health, safety, welfare and convenience of persons in or about buildings, furthering the conservation of fuel and power, and furthering the achievement of sustainable development.

Using these powers, the 2022 regulations were made to ensure that new domestic and nondomestic 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.

This instrument amends the date on which provisions within the 2022 Regulations come into force from 3 April 2023 to 5 June 2023. This change is made to provide a reasonable period, after publication of supporting guidance, for the implementation of changes in response to the building standard introduced.

These Regulations also make corresponding changes to the transitional provision in regulation 5 of the 2022 Regulations to amend the ‘completed before’ date and the ‘contract’ date to 5 June 2023 and the ‘work is completed’ date to 1 September 2023.

Consultation

Notification of the intent to amend the date on which the provisions of the 2022 Regulations come into force was published prior to the laying of this instrument.

Impact Assessments

No impact assessments are required for this amending instrument.

Financial Effects

This instrument has no financial effects.

Scottish Government
Transport Scotland, Low Carbon Economy Directorate
February 2023