

Local Government, Housing and Planning Committee
Tuesday, 29 October 2024
28th Meeting, 2024 (Session 6)

Note by the Clerk on Building (Scotland) Amendment Regulations 2024 (2024/247)

Overview

1. At this meeting, the Committee will consider the following Scottish Statutory Instrument (SSI), which is subject to annulment by resolution of the Parliament until 14 November 2024. The Committee is invited to consider the instrument and decide what, if any, recommendations to make.
2. Information about the instrument is summarised below:

Title of instrument: Building (Scotland) Amendment Regulations 2024 (2024/247)

Laid under: [Building \(Scotland\) Act 2003](#)

Laid on: 20 September 2024

Procedure: Negative

Deadline for committee consideration: 11 November 2024

Deadline for Chamber consideration: 14 November 2024

Commencement: 1 January 2025

Procedure

3. Under the negative procedure, an instrument is laid after it is made, and is subject to annulment by resolution of the Parliament for a period of 40 days beginning on the day it is laid.
4. Once laid, the instrument is referred to:
 - the Delegated Powers and Law Reform (DPLR) Committee, for scrutiny on various technical grounds, and
 - a lead committee, whose remit includes the subject-matter of the instrument, for scrutiny on policy grounds.
5. Any MSP may propose, by motion, that the lead committee recommend annulment of the instrument. If such a motion is lodged, it must be debated at a meeting of the Committee, and the Committee must then report to the Parliament (by the advisory deadline referred to above).
6. If there is no motion recommending annulment, the lead committee is not required to report on the instrument.

Delegated Powers and Law Reform Committee consideration

7. The DPLR Committee [considered the instrument on 1 October 2024](#). The DPLR Committee made no recommendations in relation to the instrument and agreed not to draw it to the attention of the Parliament on any of the grounds within its remit.

Purpose of the instrument

8. The purpose of the instrument is to ensure that new domestic and non-domestic buildings, as well as existing buildings undertaking certain conversion works, are equipped with the passive infrastructure to support gigabit-capable broadband connections. These measures are intended to help prevent the need for disruptive, time-consuming and expensive retrospective works to homes to enable connectivity.
9. [The Policy Note accompanying the instrument](#) includes a summary of consultation undertaken on the instrument, impact assessments carried out, and the anticipated financial effects.
10. The Policy Note explains that as part of the accompanying [Business and Regulatory Impact Assessment \(BRIA\)](#):

“It was noted that additional costs are more likely to affect smaller developments in rural areas. Larger developments already receive gigabit capable connectivity on a commercial basis from network operators. By applying a cost cap within the statutory guidance this ensures the additional costs are limited. In instances where additional costs are incurred as a result of meeting the new requirements around gigabit capable infrastructure costs be passed on to the customer.”
11. The Policy Note confirms that “no significant issues of competition, restriction or imbalance were identified” during the BRIA.

Committee consideration

12. So far, no motion recommending annulment has been lodged.
13. Members are invited to consider the instrument and decide whether there are any points they wish to raise. If there are, options include:
 - seeking further information from the Scottish Government (and/or other stakeholders) through correspondence, and/or
 - inviting the Minister (and/or other stakeholders) to attend the next meeting to give evidence on the instrument.

It would then be for the Committee, at the next meeting, to consider the additional information gathered and decide whether to make recommendations in relation to the instrument.

LGHP/S6/24/28/3

14. If members have no points to raise, the Committee should note the instrument (that is, agree that it has no recommendations to make).
15. However, should a motion recommending annulment be lodged later in the 40-day period, it may be necessary for the Committee to consider the instrument again.

**Clerks to the Committee
October 2024**