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Chief Executives – Scottish Local Authorities

Copy to: Local Authority Building Standards
Managers

Our ref: A32558367
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Dear Chief Executive

**CHANGES TO GUIDANCE FOR APRIL 2021 - BUILDING (SCOTLAND) ACT 2003:
SECTIONS 4(2) AND 4(4) NOTICE RELATING TO GUIDANCE DOCUMENTS**

I am writing to advise you of changes being introduced to published guidance within the Building Standards Technical Handbooks that should be applied from 1 April 2021. A summary of the changes is attached in Annex A.

The Technical Handbooks are available electronically in html format. Full details of the changes to guidance are published on our website at: <https://www.gov.scot/policies/building-standards/monitoring-improving-building-regulations/>.

These changes are introduced as an addendum to the previously issued 2020 Technical Handbooks for domestic and non-domestic buildings which applied from 1 March 2021 and the notice issued by the Scottish Ministers under sections 4(2) and 4(4) of the Building (Scotland) Act 2003 is attached in Annex B.

Yours sincerely

Dr Stephen Garvin
Head of Building Standards

Summary of changes to legislation and guidance applicable from 1 April 2021

Legislation
Not applicable
The Building (Scotland) Regulations 2004 which set out functional standards for buildings are not further amended.

Guidance (new/updated)	Description
Building Standards Technical Handbook – Domestic 2020 (April 2021 addendum)	<p>Addendum changes to 2020 handbook.</p> <ul style="list-style-type: none"> • Clauses 2.2.10, 2.4.4 & 2.7.1 – References to BS 8414-1, BS 8414-2 and BS 9414 removed. • Clauses 2.6.0 & 2.7.0 – Information provided on review of cladding issues and interim changes to guidance implemented. • Clauses 2.6.4 & 2.7.1 – Additional guidance provided on use of Category 3 MCM cladding.
Building Standards Technical Handbook – Non-Domestic 2020 (April 2021 addendum)	<p>Addendum changes to 2020 handbook.</p> <ul style="list-style-type: none"> • Clauses 2.1.15, 2.2.7, 2.4.6 & 2.7.1 – References to BS 8414-1, BS 8414-2 and BS 9414 removed. • Clauses 2.6.0 & 2.7.0 – Information provided on review of cladding issues and interim changes to guidance implemented. • Clauses 2.6.4 & 2.7.1 – Additional guidance provided on use of Category 3 MCM cladding.

Building (Scotland) Act 2003: Sections 4(2) and 4(4) notice relating to guidance documents

Issue of guidance documents

Under the provisions of Section 4(1) of the Building (Scotland) Act 2003 (the Act), which came into force on 1 May 2005, Scottish Ministers may issue guidance documents for the purposes of providing practical guidance with respect to the requirements of any provision of building regulations and may issue revisions of the whole or any part of any guidance document.

Guidance documents issued under Section 4(1) of the Act take effect in accordance with a notice issued by Scottish Ministers under Section 4(2) of the Act.

This letter, issued on behalf of Scottish Ministers, constitutes such a notice.

From 1 April 2021, the following revised documents are guidance documents for the purpose of building regulations:

- The Scottish Building Standards Technical Handbooks – Domestic 2020 (April 2021 Addendum); and
- The Scottish Building Standards Technical Handbooks – Non-Domestic 2020 (April 2021 Addendum)

The guidance documents issued make no material change to the provisions of the Building (Scotland) Regulations 2004, as amended to 9 September 2020.

The Building (Scotland) Amendment Regulations 2020 (SSI 2020 No. 275) which came into force on 1 March 2021 remain the most recent amendment to the 2004 regulations.

Withdrawal of guidance documents

As provided for by Section 4(3) and 4(4) of the Act, the previous 2020 Technical Handbooks, Domestic and Non-Domestic, shall cease to have effect in relation to building warrant applications made under section 9 of the Act and completion certificates submitted under section 17(4) of the Act after 31 March 2021.