

SCOTTISH EXECUTIVE

BUILDING REGULATION NOTE Note No.4/99

Building (Scotland) Acts 1959 and 1970;

Building Standards (Scotland) Regulations 1990 (as amended);

Building (Procedure) (Scotland) Regulations 1981 (as amended);

Building (Forms) (Scotland) Regulations 1991 (as amended);

Building (Self-Certification of Structural Design) (Scotland) Regulations 1992;

Building Standards (Relaxation by Local Authorities) (Scotland) Regulations 1997;

Building Operations (Scotland) Regulations 1975;

Building Standards Advisory Committee (Scotland) Regulations 1959:

Consequences of Scotland Act 1998

1. This note provides guidance on the consequences for the above legislation arising from the Scotland Act 1998 (referred to below as 'the Act'), which devolved many functions to the Scottish Parliament. Having not been specifically reserved to the UK Parliament by reference in Schedule 5 to the Act, and being separately exercisable for Scotland, building control functions have been fully devolved.

2. Section 53 of the Act on 1st July transferred devolving functions of a Minister of the Crown (including the Secretary of State for Scotland) to the Scottish Ministers. There has been no need therefore for specific amendments to the above legislation to make the transfer effective. The Scottish Ministers is a collective term for the Scottish Executive, which section 44 of the Act defines as consisting of the First Minister, his appointed Ministers, and the Lord Advocate and Solicitor General for Scotland. The term Scottish Executive has also been adopted for the civil servants serving Scottish Ministers (i.e. the bulk of the old Scottish Office).

3. In general therefore where the building legislation listed above refers to the Secretary of State it should now be treated as referring to the Scottish Ministers. All the regulation making and other powers are

ferred to Scottish Ministers, and any reference to applications, appeals or forms that were to be
essed to the Secretary of State should now be addressed to

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ding Control Division

oria Quay
NBURGH
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s, for example, where form 3 is used for an appeal in relation to a relaxation that has been refusec
orm and necessary details should be sent to the above address. Any decisions or appeals to the
etary of State not made or decided as at 1st July will be made by the Scottish Ministers, by virtue
on 53 of the Act.

is not strictly necessary to alter local authority forms immediately, but reprintings can alter
ences to the 'Secretary of State' to 'Scottish Ministers' when convenient.

or further information please contact

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ed 11 August 1999.
