SCOTTISH STATUTORY INSTRUMENTS

2024 No. 327

BUILDING AND BUILDINGS

The Building (Scotland) Amendment (No. 2) Regulations 2024

Made - - - -	*6th November 2024*
Laid before the Scottish Parliament	*8th November 2024*
Coming into force - -	*1st January 2025*

The Scottish Ministers make the following Regulations in exercise of the powers conferred by section 1 and schedule 1 of the Building (Scotland) Act 2003(**a**), and all other powers enabling them to do so.

In accordance with section 1(2) of that Act they have consulted with such persons as appear to them to be representative of the interests concerned.

Citation and commencement

1. These Regulations may be cited as the Building (Scotland) Amendment (No. 2) Regulations 2024 and come into force on 1 January 2025.

Amendment of the Building (Scotland) Regulations 2004

2.—(1) The Building (Scotland) Regulations 2004(**b**) are amended in accordance with paragraph (2).

(2) In schedule 5 (building standards applicable to design and construction), in paragraph 6.11 (heating and hot water – direct emission heating system)—

(a) in the limitation to the standard, after sub-paragraph (c) insert—

"(d) a bioenergy or peat heating system,

(e) secondary heating.",

(b) for the interpretation section and related heading substitute—

"**Interpretation of this standard**

In this standard—

"bioenergy or peat heating system" in relation to a building, means a fixed combustion appliance installation the purpose of which is to produce thermal energy by which space within the building is heated or cooled, or by which hot water is made available in the building, and which for fuel is designed to use—

(**a**) 2003 asp 8. Section 1 was amended by section 6(2) of the Public Services Reform (Scotland) Act 2010 (asp 8). Paragraph 5(2) of schedule 1 was amended by S.S.I. 2014/364.

(**b**) S.S.I. 2004/406 as relevantly amended by S.S.I. 2023/177.

(a) biofuel,

(b) biomass,

(c) peat,

"biofuel" means liquid or gaseous fuel which is produced wholly from biomass,

"biomass" means material, other than fossil fuel, which is, or is derived directly or indirectly from, plant matter (such as wood), animal matter, fungi or algae,

"emergency heating" in relation to a building, means a fixed combustion appliance installation which is installed to be used only in the event of the failure of the heating or hot water service system which is designed and installed for use during normal operation of the building,

"main heating system" in relation to a building, means the heating or hot water service system designed and installed to be the means by which the demand for space heating and hot water is met during normal operation of the building,

"secondary heating" in relation to a building, means a fixed combustion appliance installation which is designed to provide space heating or hot water in addition to that provided by the main heating system of the building.".

ALASDAIR ALLAN
Authorised to sign by the Scottish Ministers

St Andrew's House,
Edinburgh
6th November 2024

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Building (Scotland) Regulations 2004 (the "2004 Regulations") and come into force on 1 January 2025.

Regulation 2 amends standard 6.11 of schedule 5 of the 2004 Regulations. The amendments introduce additional limitations to standard 6.11 so that it does not apply to heating which is designed to use bioenergy, biomass or peat as fuel or to secondary heating systems.

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