**POLICY NOTE**

**THE BUILDING (SCOTLAND) AMENDMENT REGULATIONS 2020**

**SSI 2020/275**

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) Regulations 2004 which set out functional standards for buildings. The purpose of this instrument is to extend the application of mandatory functional standard 2.15 which requires buildings to be designed and constructed in such a way that, in the event of an outbreak of fire within the building, fire growth will be inhibited by the operation of an automatic fire suppression system.

## Background

Section 1 of the Building (Scotland) Act 2003 allows Ministers to make 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 furthering the conservation of fuel and power and furthering the achievement of sustainable development.

This Statutory Instrument comes into force on 1 March 2021 and amends paragraph 2.15 of Schedule 5 of the Building (Scotland) Regulations 2004 which contains standards applicable to the design and construction of buildings. It amends the limitation of the mandatory building standard 2.15 to require automatic fire suppression systems in certain buildings to inhibit fire and smoke spread within the building following the outbreak of fire.

Provisions made in respect of paragraph 2.15 of schedule 5 completes action to deliver changes to building regulations in respect of fire safety initiated in 2018. This follows amendment to paragraph 2.4 of schedule 5 within The Building (Scotland) Amendment Regulations 2019, SSI 2019/210.

## Policy Objectives

The policy objective of this amendment is to improve fire precautions in the building where the fire originates by the operation of an automatic fire suppression system to control the spread of fire and smoke and hence reduce the risk of death or injury to the occupants following the outbreak of fire.

Amendment of the current paragraph 2.15 to Schedule 5 (building standards applicable to design and construction) implements proposals to extend the requirement for automatic fire

suppression systems to be installed on construction of flats and maisonettes, social housing dwellings and shared multi-occupancy residential buildings.

This follows wider changes in 2019, implementing advice by the Building Standards (Fire Safety) Review Panel, on how fire safety issues are addressed by the building standards system through updates to the Building Standards Division Technical Handbooks and published guidance on matters within the current scope of schedule 5.

In January 2018, David Stewart MSP lodged the Social Housing (Automatic Fire Suppression Systems) (Scotland) Bill. The Bill Initially proposed automatic fire suppression to be installed in all new-build social housing and existing high-rise social housing but later amended the proposal to apply to new build social housing only. On 20 June 2018, the Minister for Local Government, Housing and Planning indicated to Parliament that the Scottish Government will initiate legislation, within the current session of the Parliament, to require new-build Scottish social housing to be fitted with automatic fire suppression systems. It was agreed to combine change from the Review Panel with action for new build social housing.

**Consultation**

To comply with section 1(2) of the Building (Scotland) Act 2003 consultation with interested persons has been carried out.

The amendment made by this SSI in respect of new flats, maisonettes and shared multi-occupancy residential buildings formed part of a public consultation that ran from 4 July to 26 September 2018. This included four workshop events that took place over the summer in Edinburgh, Glasgow, Stirling and Aberdeen, attended by 246 individuals. A total of 222 responses to the consultation were received. The consultation, responses and the consultation analysis report is published online at https://consult.gov.scot/local-government-and-communities/compliance-and-enforcement-and-fire-safety/

The amendment made by this SSI in respect of social housing dwellings were the subject of a public consultation on the proposed Social Housing (Automatic Fire Suppression Systems)(Scotland) Bill that ran from 17 January to 16 April 2018. A total of 354 responses to the consultation were received. The consultation and a summary of responses is available on the Scottish Parliament website at https://www.parliament.scot/parliamentarybusiness/Bills/107479.aspx

**Impact Assessments**

A pre-screening notification was undertaken for the Strategic Environmental Assessment (reference PRE/01063), available at https://www2.gov.scot/seag/publicsearch.aspx. This established that the policy will result in ‘no or minimum environmental effects' and that under section 7 of the Environmental Assessment (Scotland) Act 2005, no further assessment is required.

The need for both an Equality Impact Assessment and Children's Rights and Welfare Impact Assessment was considered. The 'Equalities Impact Assessment – Results' report is published on the consultation page noted above.

**Financial Effects**

In respect of paragraph 2.15 to schedule 5, the subject of this instrument has a material impact on the cost of delivering new buildings and new building work. Accordingly, an assessment of the overall costs and benefits associated with this instrument and associated amendments to published guidance, on reducing deaths and serious injuries as a result of an outbreak of fire in flats and maisonettes, social housing dwellings and shared multi-occupancy residential buildings is provided within the final Business and Regulatory Impact Assessment published at https://consult.gov.scot/local-government-and-communities/compliance-and-enforcement-and-fire-safety/

Scottish Government

Directorate for Local Government and Communities

September 2020