

ACHIEVING COMPLIANCE WITH THE BUILDING (SCOTLAND) REGULATIONS 2004 USING BS 7671: 2001 (2004)

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THIS IS THE SECOND of two articles on the Building (Scotland) Regulations 2004 and gives an overview of the new system of building standards and certification, the role of the Scottish Building Standards Agency, the various technical handbooks and the warrant system, etc.

THE SCOTTISH BUILDING STANDARDS AGENCY

The Scottish Building Standards Agency (SBSA) was set up in June 2004 as an Executive Agency of the Scottish Executive to undertake the national functions related to the new building standards system set out in the Building (Scotland) Act 2003.

The SBSA website lists the functions of the Agency as:

- to write the building regulations and associated guidance,
- to provide views to help verifiers make decisions,
- to grant relaxations to the building standards in exceptional cases,
- to maintain a Register of Approved Certifiers of Design and Approved Certifiers of Construction,
- to monitor and audit the Certification System,
- to monitor and audit the performance of Verifiers,
- to verify Crown buildings.

LOCAL AUTHORITIES

Under the Building (Scotland) Act 2003, local authorities are appointed as Verifiers of the building standard system. The building standards department of a local authority carries out this role, together with enforcement of the system where regulations are not met.

Building Standards surveyors verify that work proposed complies with the Building (Scotland) Regulations 2004 prior to granting a building warrant and also make reasonable enquiry in respect of works carried out to determine compliance, prior to accepting a Completion Certificate for a project.

BUILDING STANDARDS AND BUILDING WARRANTS

The present Building (Scotland) Regulations 2004 came into force on 1 May 2005. Building standards apply to almost all building, and where work is proposed a building warrant will normally be required.

A Building Warrant is the legal permission to carry out building



work, convert or demolish a building in an agreed manner. It is an offence to start work without a building warrant where one is required. This responsibility lies primarily with the relevant person, who is normally the owner, occupier or developer of the building.

Exempt buildings, services, fittings and equipment are listed in Regulation 3 schedule 1 of the Building (Scotland) Regulations 2004.

Regulation 5 schedule 3 of the Building (Scotland) Regulations 2004 gives details of building work, including the provision of services, fittings and equipment, that do not require a warrant. Although a warrant is not required, the work must comply with building regulations. This can be a complex area and persons involved in electrical work may often need to make enquiry to determine if a building warrant is required. General information and publications, together with specialised guidance on electrical installations is available in the documents section of the Scottish Building Standards Agency website: www.sbsa.gov.uk. Advice can also be sought from local authority Verifiers.

The SBSA Technical Handbooks provide guidance on compliance with the 64 mandatory functional standards included under the Building (Scotland) Regulations 2004.

THE NEW CERTIFICATION SYSTEM

The new building standards system introduces an optional system of certification of design or construction by individuals who have the necessary skills and experience. Approved Certifiers are members of schemes that are approved by Scottish Ministers and operated by Scheme Providers. This permits qualified and experienced building professionals or tradesmen to be responsible for ensuring compliance with building regulations, within a framework approved by the SBSA.

Therefore, there are two routes to achieving compliance with the Building (Scotland) Regulations 2004 – Non-certificated route, and the Certificated route.

Using the non-certificated route, a building warrant applicant submits the complete design with the building warrant application to the Verifier (local authority). The Verifier checks the design and will grant a building warrant once they are satisfied the proposals meet building regulations. The applicant can then proceed with the work and must advise the Verifier when work commences. This allows the Verifier to make checks whilst the work is in progress. Once the work is complete the applicant submits a Completion Certificate for acceptance by the Verifier. This will be accepted if, after reasonable enquiry, works are found to comply with the building

warrant and with the building regulations.

The certificated route is relevant to work that requires a building warrant and there are two stages – design and construction.

Design

Aspects of design may be certified as complying with Building Regulations when submitting the building warrant application, by a certificate from an Approved Certifier of Design. Such aspects are not checked by the Verifier, provided a valid certificate is issued. At present, the certification of design route is available for design of structural elements of a building (standards 1.1 & 1.2 of the building standards). Use of an Approved Certifier of Design offers a discount on the building warrant fee.

Construction

Aspects of works on site can also be certified, this time by an Approved Certifier of Construction. This is the route that both NICEIC and SELECT offer through their appointments as providers of the Scheme for Certification of Construction (Electrical Installations to BS 7671).

Where this route is taken, the applicant submits a 'notice of intention to certify construction' to the Verifier prior to the commencement of work. Works covered by a certificate are not inspected on site by the Verifier as part of the duty to make reasonable enquiry. Instead, the Certifier of Construction carries out appropriate inspection and testing during the work and on completion issues a certificate of construction. This is submitted with the completion certificate and offers a small refund on the warrant fee.

Certificates of Construction or Design may only be issued by an Approved Certifier who has suitable qualifications, experience and understanding of the matter certified. The persons signing the certificate must be registered to do so and this is recorded on the SBSA Certification Register.

Under the certificated route, the Certifier of Construction or Design must also be or be employed or contracted by, an Approved Body forming part of a scheme approved by Scottish Ministers and operated by a Scheme Provider, who is appointed and audited by the Scottish Building Standards Agency.

MORE INFORMATION

More information is available from the scheme operators SELECT www.select.org.uk and the NICEIC www.niceic.com. In addition further information is available from Scottish Building Standards Agency website: www.sbsa.gov.uk.