

Introduction

On 1st May 2005, the Building (Scotland) Act 2003 came into force introducing a new system of Building Control in Scotland.

The Building (Scotland) Act 2003 contains many changes that will affect how your application for Building Warrant will be administered. Technical Handbooks for both domestic and non-domestic proposals will replace the present Technical Standards.

This information leaflet is only intended as a basic guide to the main changes that are contained within the new Legislation. For detailed information please access the Scottish Building Standards Division website www.sbsa.gov.uk or contact the Building Standards Office at the One Stop Shop, located in the Council Offices.

Building (Scotland) Act 2003

The new Building Act replaces the Building (Scotland) Act 1959/70 and introduces a new form of Building Control, now to be known as Building Standards. The new Legislation will replace the present system of Building Control that has been in existence for over 40 years. The new Act retains the basic principles in that a Building Warrant must be obtained before carrying out any building operations (other than those which are exempt) and a Completion Certificate must be accepted before using or occupying a building.

Some of these main changes are:

Technical Handbooks

The Buildings Regulations, or Building Standards, are now set out within 2 Technical Handbooks for

simplicity, 1 for domestic and the other for non-domestic work. There is practically no change in the actual content of the Building Regulations although the requirements have been grouped into new sections and renumbered accordingly. The former 16 parts have been reduced to 7 and cover General Matters, Structure, Fire, Environment, Safety, Noise and Energy.

A functional approach has been adopted to meet compliance with the Building Standards as opposed to the present prescribed and rather ridged means. This will allow Designers greater flexibility in that certain building functions will need to be met rather than the performance of components etc. In some instances, explanatory notes and links have been included with the aim of providing an appreciation of the reasons behind the requirements.

Making application for a Building Warrant

An application for Building Warrant must be submitted along with drawings, as at present. Once we are satisfied that compliance with the Building Regulations has been achieved, a Building Warrant will be granted.

Fees

A lodging fee must be paid when submitting an application to the Local Authority. These statutory fees are proportionate to the estimated cost of the works involved. The minimum fee is £100, which includes proposals up to a maximum estimated cost of £5000.

Works not requiring a Building Warrant

The amount of building work that does not require a Building Warrant has been extended. For

example, alterations to existing Houses of not more than 2 storeys are now exempt provided there is no increase in floor area, no alteration to the roof, external walls or other elements of structure and the work must not adversely affect a separating wall or result in change to the drainage system.

It is important to note however that although a Building Warrant may not be required, such works must comply fully with the Building Regulations.

Approved Certifiers

Certain parts of the design or construction of a building can be certified as complying with Building Regulations by individuals or firms. Approved Certifiers must be accepted by the Scottish Building Standards Agency through the Approved Certifiers Scheme. This will initially apply to Structural Engineers as Certifiers of Design and Electricians as Certifiers of Construction.

Completion Certificate

On completion of the works for which a Building Warrant has been granted the 'relevant person', who is normally the building Owner or Developer, must submit a Completion Certificate to the Local Authority. The responsibility for compliance with Building Regulations lies with the 'relevant person' although the Local Authority will carry out checks to protect the public interest before accepting a Completion Certificate. The Completion Certificate must be accepted by us before you can use or occupy the building.

Unauthorised works

It is an offence to carry out work without a Building Warrant but where work has started without a Warrant, a late submission for a Building Warrant can be made. If the work has been completed without a Building Warrant having been obtained a Completion Certificate must still be submitted. The Certificate will only be accepted however if the work has been carried out in accordance with the Building Regulations in force at the time of submission. Plans and specifications equivalent to those which would have been required for an Application for Building Warrant will be required so that the work can be adequately assessed and allow the Certificate to be accepted.

Such applications are subject to a 25% higher fee.

Inspection of records

The Building Standards Register will be available for inspection at Council Offices, School Place, Kirkwall, Orkney during normal Office hours. As from May 2005 the Register will also be available online by accessing the Orkney Islands Council website at www.orkney.gov.uk This Register will contain all relevant information on properties in much greater detail.

Building Standards in Orkney

The Building Standards Function in Orkney is part of Development and Infrastructure of the Orkney Islands Council.

Further information

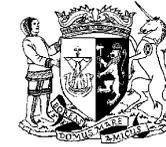
Should you wish additional information or wish to discuss any particular aspect of the works carried out, you may contact the Building Standards Office at:

The One Stop Shop
Orkney Islands Council
Council Offices, School Place
KIRKWALL, Orkney
KW15 1NY

Telephone: **01856 873535** Ext: **2729**

Advice and guidance is provided free of charge by a Building Standards Officer at the One Stop Shop between the hours of 9am & 5pm weekdays.

Additional information is also available by accessing the Orkney Islands Council website on www.orkney.gov.uk



ORKNEY
ISLANDS COUNCIL

Building Standards

THE BUILDING (SCOTLAND) ACT 2003

A new system of Building Control

Orkney Islands Council
Council Offices, School Place
Kirkwall, Orkney
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