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SCOTTISH STATUTORY INSTRUMENTS

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**2016 No. 71**

**BUILDING AND BUILDINGS**

**The Building (Energy Performance of Buildings)  
(Scotland) Amendment Regulations 2016**

*Made* - - - - 2nd February 2016  
*Laid before the Scottish  
Parliament* - - - - 4th February 2016  
*Coming into force* - - 13th March 2016

The Scottish Ministers make the following Regulations in exercise of the powers conferred by section 2(2) of the European Communities Act 1972<sup>(1)</sup> and all other powers enabling them to do so.

**Citation, application and commencement**

1.—(1) These Regulations may be cited as the Building (Energy Performance of Buildings) (Scotland) Amendment Regulations 2016.

(2) Regulation 2(3) applies—

(a) in the case of buildings occupied and owned by public authorities, from 1st January 2019; and

(b) in the case of all other buildings, from 31st December 2020.

(3) These Regulations come into force on 13th March 2016.

**Amendment of the Building (Scotland) Regulations 2004**

2.—(1) The Building (Scotland) Regulations 2004<sup>(2)</sup> are amended in accordance with paragraphs (2) and (3).

(2) For regulation 17(1)(a) (continuing requirements)<sup>(3)</sup> substitute—

“(a) accessible parts of every air-conditioning system within a building are inspected at regular intervals not exceeding five years; and”.

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<sup>(1)</sup> 1972 c.68. Section 2(2) was amended by the Scotland Act 1998 (c.46) (“the 1998 Act”), Schedule 8, paragraph 15(3) (which was amended by section 27(4) of the Legislative and Regulatory Reform Act 2006 (c.51) (“the 2006 Act”). Section 2(2) was also amended by section 27(1)(a) of the 2006 Act and by the European Union (Amendment) Act 2008 (c.7), Schedule, Part 1. The functions conferred upon the Minister of the Crown under section 2(2), insofar as within devolved competence, were transferred to the Scottish Ministers by virtue of section 53 of the 1998 Act.

<sup>(2)</sup> S.S.I. 2004/406.

<sup>(3)</sup> Regulation 17 was amended by S.S.I. 2006/534 and S.S.I. 2012/209.

(3) In paragraph 6.1 (carbon dioxide emissions)(4) of Schedule 5 (building standards applicable to design and construction)(5)—

(a) omit “and” after sub-paragraph (a);

(b) after sub-paragraph (b) insert—

“; and

(c) it is a nearly zero-energy building”; and

(c) at the end insert—

“Interpretation of this standard

In this standard—

“energy from renewable sources” means energy from renewable non-fossil sources, namely wind, solar, aero-thermal, geothermal, hydrothermal and ocean energy, hydropower, biomass, landfill gas, sewage treatment plant gas and biogases; and

“nearly zero-energy building” means a building that has a very high energy performance, as determined in accordance with a methodology approved under regulation 7 of the Energy Performance of Buildings (Scotland) Regulations 2008(6), where the nearly zero or very low amount of energy required should be covered to a very significant extent by energy from renewable sources, including energy from renewable sources produced on site or nearby.”.

St Andrew’s House,Edinburgh  
2nd February 2016

*MARCO BIAGI*  
Authorised to sign by the Scottish Ministers

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(4) Paragraph 6.1 was amended by [S.S.I. 2006/534](#), [S.S.I. 2010/32](#) and [S.S.I. 2014/219](#).

(5) Schedule 5 was substituted by [S.S.I. 2006/534](#).

(6) [S.S.I. 2008/309](#). Regulation 7 was substituted by [S.S.I. 2012/315](#).

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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations amend the Building (Scotland) Regulations 2004 (“the 2004 Regulations”).

Regulation 2 amends regulation 17 of and paragraph 6.1 of Schedule 5 to the 2004 Regulations to insert requirements in relation to the inspection of air-conditioning systems in buildings and nearly zero-energy buildings in implementation of Articles 9 and 15 of [Directive 2010/31/EU](#) of the European Parliament and of the Council on the energy performance of buildings (OJ L 153, 18.06.2010 p.13).

The amendments to paragraph 6.1 of Schedule 5 apply in the case of buildings occupied and owned by public authorities from 1st January 2019 and from 31st December 2020 in respect of all other buildings.

No business and regulatory impact assessment has been prepared for these Regulations as no adverse impact upon business, charities or voluntary bodies is foreseen.