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To: Chief Executives - Scottish Local Authorities

(copy: Building Standards Managers – Scottish
Local Authorities)

20 March 2020

Dear Chief Executive

**The Building (Scotland) Act 2003:
Special measures to enable the occupation of new buildings as a result of the COVID-19 outbreak – Guidance on building standards compliance and enforcement**

The construction industry is a significant part of the Scottish economy and building standards services play a significant role in ensuring that new buildings are healthy and safe to occupy. However, the exceptional challenges facing the country from the coronavirus (COVID-19) means that there is a need to be more pragmatic and flexible in the way that building standards are delivered. To manage the current situation it is vital that support is given to communities, individuals and businesses to maintain revenue streams and to take possession of new homes and business premises.

As such the purpose of this letter is to make clear that building standards verifiers across all local authorities must work with the relevant person, whether the owner or developer, to take measures that continue to allow occupation of new domestic and non-domestic properties. Such buildings need to be safe for occupation, but this guidance recognises that there will be difficulties in offering a normal site inspection and reasonable inquiry process in the coming months. As a result it is necessary for verifiers to take a pragmatic and flexible approach to the processing of completion certificates.

This guidance will apply during the current uncertain period brought about by the COVID-19 pandemic. It is intended to be used at the point where full site inspection and completion services can no longer be offered by local authorities. It is also intended to allow occupation to be obtained, whilst maintaining the health, safety and welfare of those in and about new buildings.

The principles of this guidance, which are based on compliance with the Building (Scotland) Act 2003, are as follows:

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- The relevant person should submit the completion certificate to local authority verifiers with as full a set of information and certification as possible. The emphasis of evidence and certification must allow key health and safety matters to be considered.
- Local authority verifiers should then work with developers and accept alternative means of demonstrating compliance during reasonable inquiry, including at completion stages and where necessary during the construction process. This might include using digital photographs or video, or using remote means to view completed buildings.
- Where site inspections can no longer be undertaken and acceptance of a completion certificate is not possible then a temporary occupation certificate with appropriate conditions should be issued, providing that the evidence provided is sufficient to address safety.
- Local authorities issuing temporary certificates should monitor which new domestic and non-domestic buildings have temporary occupation for follow up at a later date to obtain completion certificates.
- Local authorities should consider a sympathetic and risk based approach to any enforcement of occupied buildings without completion certificates or temporary occupation certificates recognising the current circumstances.
- In all cases there must be no detriment to the health, safety and welfare of people in or about their new building.

This guidance is applicable to domestic buildings with a storey height of not more than 4.5 metres. It may be used with discretion for domestic buildings above 4.5 metres height and in lower risk non-domestic buildings. It should not be used for any domestic or non-domestic building above 11 metres in height or where the end use of the building is considered high risk or the consequences of non-compliance are likely to be significant. This would include schools, hospitals and certain other categories of residential buildings.

I would like to acknowledge the role of Local Authority Building Standards Scotland and Homes for Scotland for their joint working on these matters in recent days. The parties are encouraged to continue to work together to enable any necessary guidance and innovative ways of working as required to deliver new homes and business premises. I would hope that this joint working and collaboration will continue beyond the period of the guidance and lead to further improvements in building standards service and compliance.

Officials from Building Standards Division at Scottish Government will be available to respond to any queries that arise, contact in the first instance should be via Stephen Garvin, Head of Building Standards Division (07836 504 781, Stephen.garvin@gov.scot).

Kind regards



KEVIN STEWART

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