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To: Chief Executives - Scottish Local Authorities

(copy: Building Standards Managers – Scottish  
Local Authorities)

Our ref:

23 March 2020

Dear Chief Executive

**The Building (Scotland) Act 2003  
The Building (Scotland) Regulations 2004; Regulation 3, Schedule 1:  
Special measures to enable the erection of temporary care assistance buildings as a  
result of the COVID-19 outbreak**

As a result of the exceptional challenges facing the country from the coronavirus (COVID-19) it is possible that the capacity of existing hospitals and health care facilities will be stretched to unprecedented limits as increased numbers of people are likely to be affected by the virus. This will put an enormous strain on our existing health care services and will possibly lead to a need to erect additional temporary accommodation, to provide care for people requiring medical care and treatment.

The purpose of this letter is to make clear that the Scottish Government consider that building standards verifiers across all local authorities must work with Health Boards and others throughout the country to allow the erection of any such required temporary buildings as a matter of urgency and without any unnecessary delay.

As such, I give notice that the limitations around the use of temporary buildings being erected to provide or assist with the care of people, or acting as temporary mortuary accommodation, should not be enforced for the foreseeable time and until further notice.

I would also ask that any temporary change of use of existing buildings to provide health care are not considered as “conversions”, in terms of the Building (Scotland) Act 2003, and will also be exempt from the requirement for a building warrant.

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As a result, it is necessary for verifiers to take a pragmatic and flexible approach to any emergency work being undertaken at this difficult time to assist our health services providing much needed care to our population and helping to prevent the further spread of the coronavirus (COVID-19).

It is acknowledged that such buildings need to be safe for occupation. As such, Health Boards will continue to appropriately appoint designers, builders and that they, and those managing and maintaining such buildings must demonstrate due diligence. Health Boards should be able to demonstrate that any temporary building can be operated safely, particularly in relation to structure, fire, escape, ventilation, electrical work, gas safety and access. They should also provide appropriate levels of services such as plumbing, drainage, heating and lighting. Health boards may set their own standards based on the use of the buildings, which would typically be in excess of building standards requirements.

I would also expect that building standards verifiers would, if requested, provide professional advice to assist in these situations if at all possible.

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](mailto:Stephen.garvin@gov.scot)).

Yours sincerely



**KEVIN STEWART**

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