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To: Chief Executives - Scottish Local Authorities

(copy: Building Standards Managers – Scottish
Local Authorities)

11 December 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**

I wrote to you in my letter of 23 March 2020, highlighting the exceptional challenges facing the country from the coronavirus (COVID-19).

The purpose of this letter is to make clear that the Scottish Government consider that building standards verifiers across all local authorities should continue to work with Health Boards throughout the country to allow the temporary construction of buildings, testing and vaccination centres, as a matter of urgency and without any unnecessary delay.

As such, I give notice that the limitations around the use of temporary construction to provide or assist with the care of people, or acting as temporary mortuary accommodation, testing facilities, temporary laboratories and vaccination centres 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.

As a result, it is necessary for verifiers to continue 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).

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It is acknowledged that such buildings need to be safe for occupation. As such designers, builders and those managing and maintaining such buildings must demonstrate due diligence. Health Boards should be able to demonstrate that any temporary construction 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).

Kind regards

A handwritten signature in black ink, appearing to read 'Kevin Stewart', with a long horizontal flourish extending to the right.

KEVIN STEWART

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