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To: Chief Executives - Scottish Local Authorities

(copy: Building Standards Managers – Scottish Local Authorities)

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Dear Chief Executive

**The Building (Scotland) Act 2003
Scottish Power Energy Networks (SPEN) programme for rising main replacement works**

The purpose of this letter is to update you on recent discussion between Building Standards Division, Local Authority Building Standards Scotland (LABSS)/Hub, and Scottish Power Energy Networks (SPEN) about SPEN's programme for rising main replacement works.

SPEN are seeking a national approach on the application of the Building (Scotland) Regulations 2004, by verifiers with regards to replacement works i.e. whether a building warrant is required for rising main replacement work. LABSS have since discussed with their members and concluded that the majority of work is in effect replacement work. In certain circumstances the work will require the creation of new openings within separating walls, and on this basis a warrant would be required for the 'alteration' to a separating wall.

As you are aware local authorities are appointed by Scottish Ministers as verifiers to administer the building standards system in their own geographic area. The decision ultimately lies with you as the verifier. I am supportive of the conclusion reached by LABSS, and ask that in the interest of national consistency that you also support this position and follow the guidance agreed by LABSS given below.

LABSS Guidance

Taking the nature of work into consideration in terms of outlining a robust and consistent approach to the application of schedule 3 to regulation 5 of the Building (Scotland) Regulations 2004, as amended. SPEN have confirmed that "the cable diameter is 22mm and the hole we core is 25mm. We would only ever put one cable through a separating wall'."

The SPEN low voltage internal rising mains replacement work within domestic properties can be considered as work falling within type 24 under schedule 3 to regulation 5 of the Building (Scotland) Regulations 2004, as amended. This work would require to comply with relevant standards as required by regulations 8 to 12, but shall not require a warrant.

Enabling work, such as the formation of a core through a separating element, where such work does not attract any requirement of the regulations, such as outlined within standard 2.2 (and guidance clause 2.2.9) and standard 5.1 (and guidance clause 5.1.7) may be considered ancillary to work type 24 and therefore would also not require a warrant.

This position would not apply to enabling work where standards would apply, through standard 2.2, or 5.1 or through standard 1.1 (i.e., larger, or numerous holes or alterations which adversely affect the structure of the building). In such a case a building warrant will be required before the work is carried out.

LABSS have agreed with SPEN, the following specifics:

- The exemption consideration will strictly apply to enabling works to which no standards apply (in terms of the number and diameter of penetrations or work which may adversely affect the structure).
- SPEN will be advised that should any installation not follow the standard approach they must contact the relevant Local Authority verifier to discuss the need to apply for a building warrant.
- Lateral rising main replacement works must comply with mandatory standard 4.5 Electrical safety.
- SPEN should be aware that it is the building owner's responsibility to comply with any requirements of the standards, and the relevant persons responsibility to undertake work in accordance with relevant mandatory standards. SPEN have outlined a comprehensive approach to the quality control of these works.
- The advice provided by LABSS is informed guidance and it is ultimately the verifiers decision as to whether a building warrant application is required. SPEN may wish to confirm agreement with the LABSS position individually with each authority.

I trust the information provided is helpful and that you support this approach.

Yours sincerely



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Head of Building Standards Division