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To: Chief Executives - Scottish Local Authorities

(copy: Building Standards Managers – Scottish
Local Authorities)

Our ref:

7 April 2020

Dear Chief Executive

**The Building (Scotland) Act 2003
The Building (Procedure)(Scotland) Regulations 2004
Guidance on Duration of building warrant – extending the validity and
Determination of application – refusal and deemed refusal as a result of the
COVID-19 outbreak**

As a result of current stay at home advice and the suspension of all non-essential construction work, the time taken to obtain building warrants and to complete building projects is likely to increase.

Local authorities verifiers have discretionary powers in these areas and can extend the duration of a building warrant beyond the normal three year period (with or without the application of conditions). Verifiers can also agree to extend the time allowed for a building warrant application to be approved beyond the nine month deemed refused period.

Adopting a consistent, sympathetic and supportive approach within the application of this above regulations is considered essential during this time to support the construction industry.

The Building Standards Division (BSD) has been in discussions with industry representatives in the form of Homes for Scotland (HfS), the Scottish Property Federation (SPF) and Local Authority Building Standards Scotland (LABSS).

As a result of these discussions the following guidance has been developed in accordance with the Building (Procedure) (Scotland) Regulation 2004, but requiring

local authority verifiers to apply the legislation in the most supportive way. It will be applicable to all building warrant applications during the current uncertain period brought about by the COVID-19 pandemic.

Duration of building warrant - extending the validity:

- On receipt of an application to extend the period of validity of building warrant whilst this guidance is in force and whether the application is for the first extension or otherwise, the verifier shall extend the building warrant for a further nine months without condition.
- It is recognised further applications to extend validity can subsequently be made to the verifier and if submitted outwith the period of this guidance or any other related guidance that may be developed, then the verifier should revert to normal practice.
- A fee is payable for the purposes of extending the building warrant and this should be dealt with in the manner normally adopted by the local authority.

These measures will avoid the need for a new building warrant application and fee to be submitted and any potential additional costs that the application of conditions may have imposed.

Determination of application – refusal and deemed refusal:

- Before a building warrant application is refused or deemed refused at nine months after the first report or any previously agreed extended period, verifiers shall agree an extension of time if desired by the applicant to facilitate approval of the application.

This will avoid a new building warrant application and associated fee being required if the applicant wishes to proceed with the project.

It is acknowledged that there is considerable uncertainty as to the duration of this COVID-19 period and of any subsequent economic impacts. As such the Scottish Government will continue to work with stakeholders to consider the need for further guidance as appropriate.

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

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

KEVIN STEWART