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To: Chief Executives - Scottish Local Authorities

(copy: Building Standards Managers – Scottish Local Authorities)

Our ref: A33961442

15 July 2021

Dear Chief Executive,

**The Building (Procedure)(Scotland) Regulations 2004
Continuation of 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**

Further to the letter of 1 March 2021 from Kevin Stewart as Minister for Local Government, Housing and Planning extending the period of guidance for the duration of the building warrant period and deemed refusal over the period affected by COVID-19. I am writing to inform you that I am extending the guidance for a further period until 31 March 2022. It is my intention to review the position every six months, and I will further advise you if there are any further extensions.

The intent of the guidance at that time was to ensure that where work was paused or building warrant applications were taking longer to be approved as a result of the COVID-19 pandemic that applicants would not be disadvantaged through the expiry of their building warrant or deemed refusal of their application and given the current situation it is appropriate that the guidance remains in place.

More recently the current difficulties affecting supply of construction materials are affecting the ability for construction projects to start on time and continue as planned. This is a factor in the decision to extend the special measures for a further period to support the industry. Given the shortage of materials contractors may seek alternative materials to use to keep building completion dates on time. Where this is the case they should be liaising with the local authority to agree the acceptance of alternative materials, and confirm they meet building regulations. This should be formalised by submitting an amendment to the building warrant so that the verifier can record such changes.

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I again recognise that granting an extension to a building warrant requires further work and a fee is normally charged. However, it remains important that the fee does not prevent the safe and timely delivery of construction projects for building warrant applicants. As such you should continue to use your discretion with regards to charging or waiving fees and particularly for small works that were halted by the pandemic.

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).

Yours sincerely

Kind regards



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