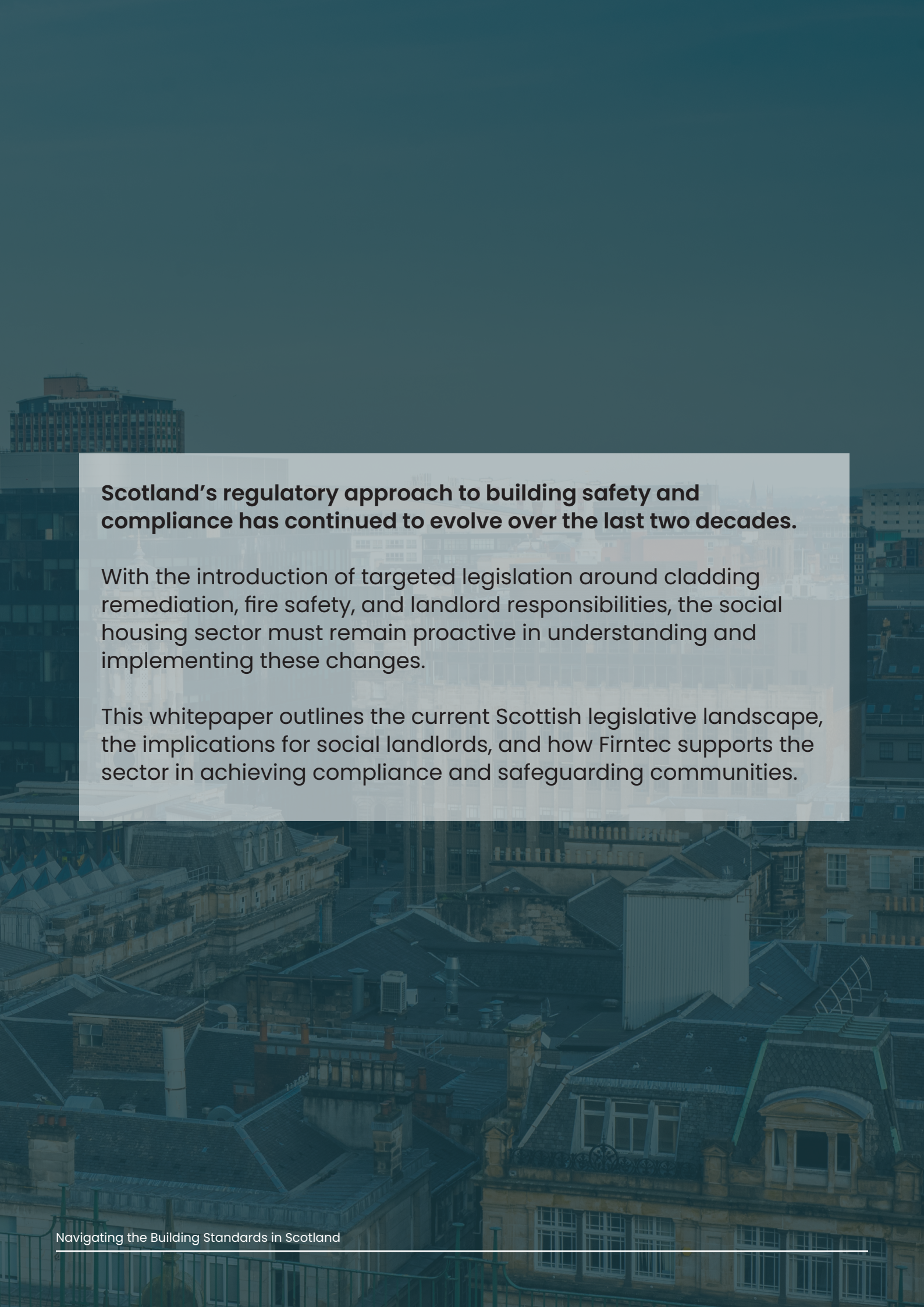


# Navigating the Building Standards in Scotland





An aerial photograph of a city, likely Edinburgh, showing a dense cluster of buildings with various rooflines, including many mansard roofs. A semi-transparent white rectangular box is overlaid on the upper half of the image, containing text. The background image is in a muted, blue-toned color palette.

## **Scotland's regulatory approach to building safety and compliance has continued to evolve over the last two decades.**

With the introduction of targeted legislation around cladding remediation, fire safety, and landlord responsibilities, the social housing sector must remain proactive in understanding and implementing these changes.

This whitepaper outlines the current Scottish legislative landscape, the implications for social landlords, and how Firntec supports the sector in achieving compliance and safeguarding communities.

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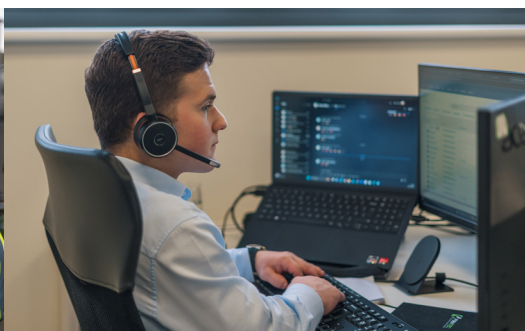
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# SCOTLAND'S DISTINCT APPROACH

In the wake of high-profile building safety failures across the UK, Scotland has opted for its own route to building safety reform.

While England's Building Safety Act 2022 reshaped the regulatory framework around a new Building Safety Regulator and Accountable Person roles, Scotland has taken a more pragmatic and building-focused path.

## **The Scottish Government has prioritised:**

- Risk-led remediation
- Public transparency through registers and assessments
- Stronger building standards through technical updates and amendments

This allows housing providers and building owners in Scotland to take meaningful steps toward compliance while focusing on their specific portfolio risks, rather than conforming to a national template that may not suit Scotland's different regulatory structure.

## UNDERSTANDING THE LEGISLATIVE LANDSCAPE IN SCOTLAND

Scotland's building safety framework differs from the rest of the UK. While England's Building Safety Act 2022 introduced wide reaching reforms following the Grenfell tragedy, Scotland has adopted a more focused approach, emphasising cladding remediation, fire safety improvements and landlord responsibility.

### **Building (Scotland) Act 2003 (in force from 2005)**

This Act established Scotland's current building standards system. It introduced a verification led model administered by local authorities and requires building warrants for most construction work. It also places a continuing duty of compliance on building owners, not just on those involved in construction. The principles of this Act continue to underpin all building safety regulation in Scotland.



## **The Building (Scotland) Amendment Regulations 2022**

Introduced in response to lessons learned from the Grenfell Tower tragedy and subsequent national reviews, the Building (Scotland) Amendment Regulations 2022 marked a significant tightening of fire safety standards in Scottish building law, particularly for high rise residential buildings. These regulations amended the Scottish Building Standards Technical Handbooks, with a focus on limiting fire spread via external walls, improving evacuation capability, and eliminating the use of combustible materials on taller structures. Key changes include:

### **Combustible Cladding Ban**

The use of combustible materials in external wall systems was restricted on domestic and other high risk buildings with a storey height over 11 metres. This applies to cladding, insulation, and certain fixings or substrates, effectively prohibiting the types of materials implicated in historic cladding fires. Exceptions are now very limited and must be robustly justified via fire engineering or testing.

### **Mandatory Use of Non Combustible External Wall Systems**

For all new high rise buildings, the external envelope must now meet strict non combustibility requirements, typically through the use of materials achieving an A1 or A2 s1 d0 fire rating under EN 13501-1 classification. This ensures the system performs under fire conditions and does not contribute to fire growth or spread.

### **Evacuation Alert Systems for Buildings Over 18 Metres**

For residential buildings above 18 metres, there is now a requirement for the installation of a dedicated Evacuation Alert System. These systems must be designed in accordance with BS 8629 2019 to support the Fire and Rescue Service in initiating phased or full evacuation when required. This recognises that stay put strategies may not always be suitable and introduces a critical layer of operational control in emergencies.

### **Enhancements to Compartmentation & Fire Spread Prevention**

Additional clarifications were introduced regarding cavity barriers, fire stopping of services, balcony design, and other features that historically contributed to rapid fire spread in some multi storey buildings. These apply both to new developments and to major refurbishments where building warrants are required.

These amendments significantly raised the baseline for fire safety in new and refurbished buildings and directly support wider government goals for safer high rise living in Scotland. They are also closely aligned with the aims of the Housing (Cladding Remediation) (Scotland) Act 2024 and the Single Building Assessment programme, which together aim to bring existing buildings up to equivalent safety standards through assessment and remediation.

# UNDERSTANDING THE LEGISLATIVE LANDSCAPE IN SCOTLAND (cont...)

## **Housing (Cladding Remediation) (Scotland) Act 2024**

Enacted to address longstanding concerns around unsafe cladding systems, the Housing (Cladding Remediation) (Scotland) Act 2024 establishes a legal framework for assessing and remediating multi residential buildings in Scotland that may pose fire risks due to external wall systems.

The Act provides Scottish Ministers with powers to commission remediation work, create a Cladding Assurance Register, and introduce Cladding Assessment Notices to formally require assessments of at risk buildings. It also enables the recovery of remediation costs from responsible parties, including developers, in certain cases.

A key feature of the legislation is its support for the national Single Building Assessment (SBA) programme, which offers a holistic, government funded approach to assessing building safety, combining fire risk appraisal, cladding system evaluation, and other safety issues into a single coordinated process. This removes the burden from individual homeowners and ensures consistent standards across the housing sector.

The Act reinforces Scotland's distinct approach to building safety, placing greater emphasis on public assurance, government intervention, and financial fairness for affected residents. It plays a pivotal role in bringing older buildings into alignment with modern safety expectations, especially in the social housing sector.

## **Scottish Technical Handbooks**

Published alongside the Building Regulations, the Scottish Technical Handbooks provide detailed guidance on how to meet the functional standards required by law. They cover domestic and non-domestic buildings, including specific sections on fire, structure, energy, noise and safety. While not legally binding in themselves, they are essential reference tools for anyone designing or assessing building works in Scotland and are frequently used as the benchmark for compliance.

Together, these frameworks form a regulatory environment that is increasingly focused on lifecycle safety, technical compliance and clear accountability for building owners, particularly within the social housing sector.



## **EWS1 Forms in Scotland**

The External Wall System Form (EWS1) was originally developed by the Royal Institution of Chartered Surveyors (RICS) for use in the UK to help mortgage lenders assess the safety of cladding systems on high-rise residential buildings.

In the UK, EWS1 forms are used in some contexts, particularly in mortgage lending, but the Scottish Government has made it clear they are not a regulatory requirement and are not part of Scotland's building standards framework. Due to differences in property ownership and the mortgage market, each flat in a building in Scotland historically required its own EWS1 form rather than one for the whole block, creating significant cost and administrative challenges. To address this, the Scottish Government introduced the Single Building Assessment (SBA) to replace multiple flat-specific forms with one whole-building evaluation.

Unlike EWS1, which is carried out per flat and often initiated for mortgage purposes, the SBA offers a whole-building approach. This provides more comprehensive data, shared costs among owners, and a consistent framework aligned with the Housing (Cladding Remediation) (Scotland) Act 2024. While EWS1 forms are still requested in Scotland, particularly by UK-wide lenders, the Scottish Government encourages using SBAs as the preferred tool for assessing and addressing cladding-related risk.



# THE ROLE OF SINGLE BUILDING ASSESSMENTS

As part of its Cladding Remediation Programme, the Scottish Government introduced the Single Building Assessment (SBA). This is a key mechanism through which residential buildings in Scotland can be assessed for fire and external wall safety.

An SBA involves a holistic review of a building's construction, cladding materials, fire stopping, and overall safety risks. It typically includes both intrusive and non-intrusive surveys carried out by competent, independent professionals.

## **SBAs are especially important for:**

- Mixed tenure residential buildings where access and liability can be complex
- Social housing providers looking to understand portfolio risk
- Buildings that may otherwise struggle to access insurance or lending

The SBA process helps ensure consistency in how buildings are assessed across Scotland and forms the basis for government-backed remediation funding. It also helps populate the Cladding Assurance Register, a new public resource mandated by the 2024 Act.

## **How SBAs Support Regulatory Compliance**

By commissioning a Single Building Assessment, landlords can demonstrate alignment with:

- The risk-led approach of the Housing (Cladding Remediation) (Scotland) Act 2024
- Compliance with technical standards set out in the Building (Scotland) Amendment Regulations 2022
- Broader responsibilities under the Building (Scotland) Act 2003 for ongoing compliance and building safety

This makes SBAs not just a funding gateway, but a key tool in ensuring long term compliance with evolving Scottish regulation.





# LOOKING AHEAD TO THE HOUSING (SCOTLAND) BILL & FUTURE CHANGE

The Housing (Scotland) Bill, introduced to the Scottish Parliament in 2024, signals further change on the horizon for housing providers, particularly within the social housing sector. If passed, the Bill will introduce new rights for tenants, stronger regulation of landlords and letting agents, and a heightened focus on property condition and tenant safety.

One of the most notable parallels between the Scottish Bill and developments in England is the indirect influence of Awaab's Law. Introduced in England through the Social Housing Regulation Act 2023, Awaab's Law requires landlords to investigate and resolve hazards like damp and mould within strict legal timeframes, following the tragic death of two-year-old Awaab Ishak due to prolonged exposure to unsafe housing conditions.

While Scotland's proposed Housing Bill does not replicate Awaab's Law directly, it reflects similar priorities, particularly through provisions aimed at ensuring faster response times to disrepair, clearer accountability for social landlords, and stronger enforcement mechanisms to protect tenant health. Scottish Ministers have also voiced support for similar measures to address damp, mould, and poor indoor air quality, especially in the social rented sector.

In addition, the Housing (Scotland) Bill proposes the introduction of long-term rent controls, enhanced tenant participation rights, and new powers for local authorities to monitor compliance more effectively. For social landlords, this means a likely need for greater transparency, investment in property condition tracking, and an increasingly proactive approach to building safety and maintenance.

As with other recent legislation, the emphasis is on prevention, early intervention, and whole building solutions, themes that are already shaping best practice across the industry.



# SUPPORT FROM FIRNTEC

Firntec works with housing providers, public bodies and commercial organisations across Scotland to help them interpret, implement and comply with all relevant building safety legislation.

## **Our services include:**

- Cladding assessments and Single Building Assessments
- Fire risk appraisals of external walls (FRAEWs)
- Compliance consultancy across Scottish building regulations
- Technical design reviews in line with the Scottish Technical Handbooks
- Stock Condition Surveys
- Structural Surveys and Investigations

We combine our deep knowledge of regulations with practical experience of working in all types of buildings. Our focus is always on delivering clear, actionable insight that enables our clients to prioritise safety, maintain compliance and demonstrate accountability.

Scotland's building legislation continues to evolve. Housing providers and building managers must remain informed and engaged to manage risk, maintain compliance and safeguard tenants and occupants. By understanding the key laws and utilising structured assessments like the SBA, housing providers and building managers can stay ahead of requirements and protect the long-term value and safety of their estates.





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