

Local Government, Housing and Planning Committee
Tuesday 2 December 2025
31st Meeting, 2025 (Session 6)

Note by the Clerk on the Building (Scotland) Amendment Regulations (SSI 2025/312)

Overview

1. At this meeting, the Committee will consider the following Scottish Statutory Instrument (SSI), which is subject to the negative procedure. The Committee is invited to consider the instrument and decide what, if any, recommendations to make.
2. More information about the instrument is summarised below:

Title of instrument: [Building \(Scotland\) Amendment Regulations \(SSI 2025/312\)](#)

Laid under: [Building \(Scotland\) Act 2003](#)

Laid on: 3 November 2025

Procedure: Negative

Deadline for committee consideration: 8 December 2025 (Advisory deadline for any committee report to be published)

Deadline for Chamber consideration: 12 December 2025 (Statutory 40-day deadline for any decision whether to annul the instrument)

Commencement: 6 April 2026

Procedure

3. Under the negative procedure, an instrument is laid after it is made, and is subject to annulment by resolution of the Parliament for a period of 40 days beginning on the day it is laid.
4. Once laid, the instrument is referred to:
 - the Delegated Powers and Law Reform (DPLR) Committee, for scrutiny on various technical grounds, and
 - a lead committee, whose remit includes the subject-matter of the instrument, for scrutiny on policy grounds.
5. Any MSP may propose, by motion, that the lead committee recommend annulment of the instrument. If such a motion is lodged, it needs to be debated at a meeting of the Committee, and the Committee then needs to report to the Parliament (by the advisory deadline referred to above).

6. If there is no motion recommending annulment, the lead committee is not required to report on the instrument.

Delegated Powers and Law Reform Committee consideration

7. The DPLR Committee considered the instrument on 11 November 2025 and reported on it in its [84th Report, 2025](#). The DPLR Committee made no recommendations in relation to the instrument.

Purpose of the instrument

8. The purpose of the instrument is to deliver changes to building regulations. These will extend the scope of the installation of automatic fire suppression systems in traditional buildings converted to hotel use, extend the ban of combustible external wall cladding systems to include hotels, guest houses, hostels and boarding houses, and also extend the list of exemptions (namely to exempt certain components associated with a solar shading device and materials which form the top horizontal floor layer of a balcony from such requirements). This is in response to a fatal fire at Cameron House hotel in December 2017 and the subsequent fatal accident inquiry (FAI) published in January 2023.
9. The [Policy Note](#) accompanying the instrument is included in Annexe A. It includes a summary of consultation undertaken on the instrument and the anticipated financial effects. The following impact assessments have been carried out:
 - [data protection impact assessment \(DPIA\)](#)
 - [business and regulatory impact assessment \(BRIA\)](#)
 - [child rights and wellbeing impact assessment \(CRWIA\)](#)
 - [equalities impact assessment \(EQIA\)](#)
 - [islands communities impact assessment \(ICIA\)](#)
 - [strategic environment assessment \(SEA\)](#)
 - [Fairer Duty Scotland](#)

Committee consideration

10. The Committee first considered the instrument at its meeting on [18 November 2025](#). Having received [correspondence from the Royal Incorporation of Architects Scotland](#) raising concerns about the threshold being applied to ascertain which buildings are covered by the regulations, the Committee agreed to write to the Scottish Government seeking further information on this issue. A further submission was received from the [High Rise Action Group](#).
11. The Scottish Government has since responded. The letter is provided at Annexe B.

12. So far, no motion recommending annulment has been lodged.
13. Members are invited to consider the instrument and the additional information gathered and decide whether there are any points they wish to raise.
14. If members have no points to raise, the Committee should note the instrument (that is, agree that it has no recommendations to make).
15. However, should a motion recommending annulment be lodged later in the 40-day period, it may be necessary for the Committee to consider the instrument again.

Clerks to the Committee
November 2025

Annexe A: Accompanying material

Scottish Government Policy Note

THE BUILDING (SCOTLAND) AMENDMENT REGULATIONS 2025 - SSI 2025/312

The above instrument was made in exercise of the powers conferred by sections 1 and 54(2) and schedule 1 of the Building (Scotland) Act 2003. The instrument is subject to negative procedure.

Summary Box

The purpose of the instrument is to lay regulations delivering planned changes to building regulations. These changes extend the scope of the installation of automatic fire suppression systems in traditional building converted to hotel use, extend the ban of combustible external wall cladding systems to include hotels, guest houses, hostels and boarding houses, and extend the list of exemptions to Regulation 8(4).

Policy Objectives

Following the tragic fire at Cameron House hotel in December 2017 during which Simon Midgley and Richard Dyson lost their lives and the subsequent fatal accident inquiry (FAI) published in January 2023, the Scottish Government undertook a review of the FAI outcomes through the Ministerial working group on building and fire safety and so Scotland's building and fire safety regulatory frameworks. As part of the group's actions, two expert panels were created. Firstly, a short life working group to review the FAI recommendations (which reported in October 2023) and secondly the ongoing fire safety expert panel was created to look at the long-term commitments outlined within the Cameron House hotel short life working group (SLWG) report and to review other aspects of Scottish building standards and fire safety guidance.

Recommendations (short term) from the SLWG review have already been implemented including amending guidance in the technical handbooks to promote the use of automatic fire suppression systems for historic building conversions to hotels, introduction of a requirement for local authorities to notify the Scottish Government where future conversions of historic buildings are to be used as hotel accommodation, promoting to industry (through workshops) the dangers of historic construction techniques, materials and fire spread in hidden voids.

This review for the longer-term recommendations has seen a panel of experts consider mandating automatic fire suppression systems where historic buildings are being converted into hotels, consider the special risks which existing hotels and similar premises may pose through the presence of hidden voids, historic construction techniques, varying standards of workmanship, age, and variance from current standards/guidance and other building fire safety issues.

This SSI seeks to implement changes to regulations.

UN Convention on the Rights of the Child (Incorporation) (Scotland) Act 2024 Compatibility

In accordance with section 23(2) of the United Nations Convention on the Rights of the Child (Incorporation) (Scotland) Act 2024, the Scottish Ministers certify that, in their view, the Building (Scotland) Amendment Regulations 2025 is compatible with the UNCRC requirements as defined by section 1(2) of the Act.

EU Alignment Consideration

This instrument is not relevant to the Scottish Government's policy to maintain alignment with the EU.

Consultation

To comply with the requirements of section 1(2) of the Building (Scotland) Act 2003 a public consultation took place from 13 December 2024 to 7 March 2025. We engaged The Lines Between to provide analysis of the consultation responses. Across 29 questions, of which 24 contained a quantitative element, the consultation sought views on various aspects of fire safety regulations and addressed the two recommendations directed at the Scottish Government made by the Fatal Accident Inquiry (FAI) report into the Cameron House Hotel fire. In total, 40 consultation responses were received, with six from individuals and 34 from organisations. The Lines Between report provided an analysis of these consultation responses.

As a result of that consultation the following changes to regulations are proposed. Changes extending the scope of the installation of automatic fire suppression systems in traditional building converted to hotel use, extending the ban of combustible external wall cladding systems to include hotels, hostels and boarding houses, amending building standard 2.15 relating to automatic fire suppression for low-risk extensions and conversions of buildings in scope and extend the list of exemptions to Regulation 8(4).

A full list of those consulted and who agreed to the release of this information is attached to the consultation report published on the Scottish Government website, it includes

- Arup Fire
- Association of Specialist Fire Protection
- Astute Fire Engineering
- British Automatic Fire Sprinkler Association
- Built Environment Forum Scotland
- Chartered Institute of Architectural Technologists (CIAT)
- City of Edinburgh Council
- Historic Environment Scotland
- Local Authority Building Standards Scotland (prepared by SBSH for LABSS).
- Moray Council Building Standards
- North Lanarkshire Council
- Rockwool Ltd
- Scottish Fire and Rescue Service

- The Highland Council
- The Institute of Fire Safety Managers
- The National Trust for Scotland

Impact Assessments

Impact assessments have been completed on the draft SSI as indicated below:

- Child Rights and Wellbeing IMPACT Assessment (CRWIA)
- Data Protection Impact Assessment (DPIA)
- Equality Impact Assessment (EQIA)
- Islands Communities Impact Assessment (ICIA)
- Strategic Environment Assessment (SEA)
- Fairer Duty Scotland

Financial Effects

A Business and Regulatory Impact Assessment (BRIA) has been completed and is attached. The impact of this policy on business is based upon engagement and by reducing the severity of fires there will be indirect benefits including:

- Reduced costs of firefighting including associated environmental costs (e.g. reduced water run-off).
- Reduced remedial costs.

It was also determined that the impact of costs on small and micro businesses would not disproportionately affect small businesses.

**Scottish Government
Housing Directorate
October 2025**

Annexe B: Response from Cabinet Secretary for Housing

Ariane Burgess MSP

Convener

Local Government, Housing and Planning Committee

Dear Convener,

Building (Scotland) Amendment Regulations 2025 SSI 2025/312

Thank you for your letter of 19 November 2025.

The Royal Incorporation of Architects in Scotland (RIAS) were represented on the Scottish Government Building and Fire Safety Expert Working Group (BFSEWG) which met to take forward the recommendations of the Cameron House Hotel Fatal Accident Inquiry directed towards the Scottish Government.

The issue identified within the letter from the RIAS is considered and accounted for within the proposed new guidance clause 2.15.7 of the Building Standards Technical handbooks. The guidance is intended to ensure that the potential use of bed settees within suites and all bedrooms, including staff bedrooms, is captured

The intention of rooms used for sleeping accommodation is clarified in the revised Technical Handbook guidance with the particular concern for potential use of bed settees being addressed by 'living rooms within suites', as follows:

[extract] Draft new clause - 2.15.7 Conversion of traditional buildings to hotel use

Traditional buildings converted to hotels with 15 or more rooms used for sleeping accommodation must have an automatic fire suppression system installed in accordance with guidance set out in Clause 2.15.1 Automatic fire suppression systems. A hotel under the current definition of residential building includes guest house, boarding house, hostel, boutique and apart hotel. Bedrooms, living rooms within suites and staff bedrooms are all considered to be rooms used for sleeping accommodation.

I would also note the following:

- The application in practice will be monitored under the Section 34 process of the Building (Scotland) Act 2003 which includes that a verifier must notify the Scottish Government where future conversions of traditional buildings are to be used as hotel accommodation.
- The Technical Handbook guidance will be strengthened where the conversion has not more than 14 rooms used for sleeping accommodation.
- The guidance will also explain the 15 bedroom threshold.

The rationale in relation to more than 14 rooms was discussed at meeting 4 of the BFSEWG (2 June 2025). BS EN 16925:2018 is a standard that provides guidelines

for the design, installation and maintenance of automatic residential sprinkler systems, ensuring fire safety in residential buildings. Contained within papers discussed at the meeting indicate the following:

A small hotel is defined in BS EN 16925 as a hotel or guest house with up to 14 lettable rooms and an occupied floor at a height of up to four storeys or 18 m above the lowest fire brigade access level, without a licence to sell alcohol.

We know that this threshold encompasses the meaning of B&B, guest house etc. as defined with the Scottish Government guide for existing buildings with sleeping accommodation and therefore meets the consensus of the expert panel being that small hotels, bed and breakfast establishments and boarding houses are out-with the scope of Recommendation 4.

I hope the information I have provided is of assistance to the Local Government, Housing and Planning Committee.

Yours sincerely,

MÀIRI MCALLAN