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Date: 19 February 2024
Our ref: K: FOI/Ref: 2024-000035
Email: nss.pcf-foi@nhs.scot

Dear [REDACTED]

Freedom of Information Reference: FOI-2024-000035 – Building Regulations.

I refer to your freedom of information request that we received on 20 January 2024 requesting the following information:

Why does the Scottish Health Technical Memorandum 03-01 (Interim Version 3.0) Parts A and B, published in February 2022, reference English building legislation rather than Scottish building legislation?

- For example, Section 3.7 (p.21) notes that in regard *“The Building Regulations Approved documents L and F: apply to domestic and non-domestic buildings; clarify satisfactory methods of providing ventilation and give ventilation rates; and set minimum standards...”*
- Approved Documents come within the English 1984 Act.

Why is the SHTM not, for example, referencing the Domestic and Non-Domestic Technical Handbooks?

- The Scottish Government publish, via the Building Standards Division, technical handbooks which explain how to achieve the requirements.

Given that building construction regulations are not the same in England and Scotland, why would Health Facilities Scotland use English rather than Scottish legislation in their publications?

Any other information you think would be relevant (Under Section 16 (Advice and Assistance)).

I can advise you that we have now completed the search of our records and can provide you with the following information:

The Scottish Health Technical Memorandum (SHTM) 03-01 is currently in the process of being updated, with a new version due to be published in 2024. You are correct in noting that the Building (Scotland) Regulations and the corresponding Technical Handbooks are applicable in Scotland - the reference to the equivalent English regulations in the current SHTM 03-01 is an oversight and will be updated to reference the Scottish equivalent in the new update.



Headquarters

Gyle Square, 1 South Gyle Crescent, EDINBURGH EH12 9EB

Chairperson Keith Redpath
Chief Executive Mary Morgan

I trust you will find the information of assistance and if you require any further information, please do not hesitate to contact me.

If you are unhappy with any aspect of how we have dealt with your request, you can make representations to us asking us to review the handling of your request. Please write to the

Head of Information and Cyber Security
Digital and Security
NHS National Services Scotland
Headquarters
Gyle Square
1 South Gyle Crescent
Edinburgh
EH12 9EB

or at the email address nss.foi@nhs.scot within 40 working days of the date of this correspondence.

If after a review you are still unhappy, you also have the right to apply to the Scottish Information Commissioner, who can be contacted at Kinburn Castle, St Andrews, Fife, KY16 9DS, or via their [online application form](#).

If you have any queries about this letter, please contact me at the above address.

Yours sincerely

