
SCOTTISH STATUTORY INSTRUMENTS

1999 No. 173

BUILDING AND BUILDINGS

**The Building Standards and Procedure
Amendment (Scotland) Regulations 1999**

Made - - - - 9th December 1999
*Laid before the Scottish
Parliament* - - - - 14th December 1999
Coming into force - - 17th April 2000

The Scottish Ministers, in exercise of the powers conferred on them by sections 2(4), 3, 6(1), 24(1) (b) and 29(1) of, and Schedule 4 to, the Building (Scotland) Act 1959(1) and of all other powers enabling them in that behalf and, as required by section 3(6) of that Act(2), having consulted the Building Standards Advisory Committee and such other bodies as appear to them to be representative of the interests concerned, hereby make the following Regulations:

Citation and commencement

1. These Regulations may be cited as the Building Standards and Procedure Amendment (Scotland) Regulations 1999 and shall come into force on 17th April 2000.

Amendment of Building Standards (Scotland) Regulations 1990

2.—(1) The Building Standards (Scotland) Regulations 1990(3) shall be amended in accordance with the following paragraphs.

(2) In paragraph (1) of regulation 2 (Interpretation)—

(a) for the definition of “chimney” there shall be substituted—

““chimney” means a structure enclosing one or more flues, not being a flue-pipe, but including a factory-made chimney, and including any opening for the accommodation of a combustion appliance, but does not include a chimney-can;”;

(b) for the definition of “porch”(4) there shall be substituted—

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- (1) 1959 c. 24; section 2(4) was substituted by the Local Government (Scotland) Act 1973 (c. 65), Schedule 15, paragraph 3(b); section 3(2) and (3) was amended by the Health and Safety at Work etc. Act 1974 (c. 37) (“the 1974 Act”), Schedule 7, paragraph 1(a) and (b) respectively; section 3(4) was amended by the Housing (Scotland) Act 1986 (c. 65), section 19(2); section 3(7) was inserted by the 1974 Act, Schedule 7, paragraph 1(c); section 29(1) contains a definition of “prescribed” relevant to the exercise of the statutory powers under which these Regulations are made. The functions of the Secretary of State were transferred to the Scottish Ministers by virtue of section 53 of the Scotland Act 1998 (c. 46)—see also the Scotland Act 1998 (Consequential Modifications) (No. 2) Order 1999 (S.I.1999/1820), Schedule 2, paragraph 29.
- (2) Section 3(6) was substituted by the Building (Scotland) Act 1970 (c. 38), section 1.
- (3) S.I. 1990/2179, amended by S.I. 1993/1457, 1994/1266, 1996/2251 and 1997/2157.
- (4) The definition of “porch” was amended by S.I. 1996/2251, regulation 2(2)(a).

“porch” means a building attached to and providing a covered entrance to a dwelling;”;

(c) for the definition of “room-sealed appliance” there shall be substituted—

““room-sealed appliance” means a combustion appliance which, when in operation, has its combustion chamber, air inlet and its flue outlet ways isolated from the room or space in which it is installed;” and

(d) for the definition of “Technical Standards”(5) there shall be substituted—

““Technical Standards” means the Technical Standards for compliance with the Building Standards (Scotland) Regulations 1990 issued by The Scottish Office in October 1990, as amended by the substitute pages issued by the Scottish Executive in and dated December 1999;”.

(3) In each of paragraphs (1) and (2) of regulation 11 (structure)(6), after the words “shall be so”, there shall be inserted the words “designed and”.

(4) In regulation 13 (means of escape from fire, facilities for fire-fighting and means of warning of fire in dwellings)(7)—

(a) in the heading, after the word “dwellings”, there shall be inserted the words “and enclosed shopping centres”; and

(b) in paragraph (1A), after the word “dwelling”, there shall be inserted the words “and enclosed shopping centre”.

(5) For regulation 14 (heat-producing installations), there shall be substituted—

“Combustion appliance installations

14. Every fixed combustion appliance installation incorporating an appliance designed to burn solid fuel (namely, fuel in solid form, including wood and peat) or gaseous or liquid fuel shall be so constructed and installed that—

(a) it operates safely;

(b) its operation does not cause damage by heat or fire to the building in which it is installed;

(c) the products of combustion do not cause a risk to health; and

(d) it receives sufficient air for its safe operation.”.

(6) For regulation 15 (storage of liquid and gaseous fuels), there shall be substituted—

“Storage of liquid and gaseous fuels

15.—(1) Every oil storage system with a tank capacity of more than 90 litres, for the storage of fuel oil used principally to serve a combustion appliance providing space or water heating, or cooking facilities, shall be so constructed and installed as to minimise the risk of—

(a) fire spreading to the tank; and

(b) the contents of the tank contaminating any water supply, watercourse, drain or sewer.

(2) Every liquefied petroleum gas storage installation with a container capacity more than 150 litres (water equivalent), for the storage of liquefied petroleum gas used principally to serve a combustion appliance providing space or water heating, or cooking facilities, shall be so constructed and installed as to minimise the risk of—

(5) The definition of “Technical Standards” was substituted by S.I. 1996/2251, regulation 2(2)(b).

(6) Regulation 11(2) was substituted by S.I. 1994/1266, regulation 2(3).

(7) Regulation 13(1A) was inserted (and the heading to that regulation substituted) by S.I. 1993/1457, regulation 2(3).

- (a) fire spreading to the container; and
 - (b) the contents of the container forming explosive gas pockets in the vicinity of any liquefied petroleum gas storage container.”.
- (7) For the heading to regulation 16, there shall be substituted the words “Preparation of sites”.
- (8) There shall be inserted as a heading to regulation 17, as follows:–

“Resistance to moisture”.

- (9) There shall be inserted as a heading to regulation 18, as follows:–

“Resistance to condensation”.

- (10) For the heading to regulation 24, there shall be substituted the word “Drainage”.
- (11) For regulation 25(8), there shall be substituted–

“Sanitary facilities

25.—(1) A building to which this paragraph applies shall be provided with adequate sanitary facilities.

(2) Paragraph (1) shall apply to all buildings, except a building or part of a building to which the School Premises (General Requirements and Standards) (Scotland) Regulations 1967 to 1979(9) apply.

(3) This regulation shall not be subject to specification in a notice served under section 11 of the Act.

Sanitary facilities for disabled people

25A.—(1) A building to which this paragraph applies shall be provided with adequate provision of sanitary facilities for disabled people.

(2) Paragraph (1) shall apply to all buildings where access is provided for disabled people, except a storey or part of a storey which accommodates only fixed plant or machinery and to which access is required only for maintenance purposes.

(3) In this regulation, “disabled people” means persons with a physical, hearing or sight impairment which affects their mobility or their use of a building.

(4) This regulation shall not be subject to specification in a notice served under section 11 of the Act.”.

- (12) After regulation 26, there shall be inserted–

“Aids to assist the hard of hearing

26A. Every building, other than a building in purpose group 1, shall be provided with suitable aids to assist the hard of hearing.”.

- (13) In regulation 29 (facilities for dwellings)–

- (a) for the heading, there shall be substituted the words “Access and facilities for dwellings”; and
- (b) for paragraph (1), there shall be substituted–

(8) Regulation 25(2) was substituted by S.I. 1996/2251, regulation 2(3).

(9) S.I. 1967/1199, 1973/322 and 1979/1186.

- “(1) A building of purpose group 1 shall be provided with—
- (a) safe and convenient access from a suitable road;
 - (b) adequate access within and between its storeys;
 - (c) adequate sleeping accommodation;
 - (d) adequate kitchen facilities;
 - (e) adequate windows; and
 - (f) adequate space heating.”.

(14) For regulation 32 (stairs, ramps and protective barriers), there shall be substituted—

“Access to and movement within buildings, and protective barriers

32.—(1) All users of a building shall be provided with adequate means of access, and adequate means of movement within the building both horizontally and vertically.

(2) A building which contains fixed seating accommodation for an audience or spectators shall be provided with adequate level spaces for wheelchairs.

(3) Except where—

- (a) the provision of protective barriers would obstruct the use of such areas; or
- (b) in terms of the Technical Standards, such provision is not necessary,

every stair, ramp, raised floor or other raised accessible area which forms part of a building or which is provided to meet a requirement of this regulation shall have a suitable protective barrier.

(4) Paragraphs (1) and (2) shall not be subject to specification in a notice served under section 11 of the Act.”.

(15) Regulation 33 (facilities for disabled people) is revoked.

(16) For Schedule 1 (exempted classes of buildings)(**10**), there shall be substituted the Schedule set out in Schedule 1 to these Regulations.

(17) For Schedule 2 (fixtures not requiring a warrant)(**11**), there shall be substituted the Schedule set out in Schedule 2 to these Regulations.

(18) For Schedule 4 (occupancy load factors to be applied to rooms and spaces without fixed seating, other than buildings of purpose group 1), there shall be substituted the Schedule set out in Schedule 3 to these Regulations.

(19) In Schedule 5 (rules of measurement)(**12**), after paragraph 1 there shall be inserted—

“1A. The total floor area of an enclosed shopping centre shall be taken to be the sum of the floor area of each storey and compartment, including any galleries.”.

Amendment of Building (Procedure) (Scotland) Regulations 1981

3. In paragraph (1) of regulation 3 (interpretation) of the Building (Procedure) (Scotland) Regulation 1981(**13**), for the definition of “Technical Standards”(14), there shall be substituted—

““Technical Standards” means the Technical Standards for compliance with the Building Standards (Scotland) Regulations 1990 issued by The Scottish Office in October 1990, as

(10) Schedule 1 was substituted by S.I. [1996/2251](#), regulation 2(4) and amended by S.I. [1997/2157](#), regulation 2(5).

(11) Schedule 2 was substituted by S.I. [1996/2251](#), regulation 2(5) and amended by S.I. [1997/2157](#), regulation 2(6).

(12) Schedule 5 was amended by S.I. [1996/2251](#), regulation 2(6).

(13) S.I. [1981/1499](#), amended by S.I. [1987/1232](#), [1988/2194](#), [1990/1358](#), [1991/159](#) and [1528](#), [1995/1572](#) and [1997/2157](#).

(14) The definition of “Technical Standards” was substituted by S.I. [1997/2157](#)

amended by the substitute pages issued by the Scottish Executive in and dated December 1999;”.

Transitional provisions

4. In relation to—

- (a) an application for a warrant for the construction or change of use of a building which was made before the date of coming into force of these Regulations;
- (b) an application for the extension of the period of validity or the amendment of the terms of such a warrant granted at any time,

the building standards regulations applicable to the building in question shall be those in force at the time the application for the warrant was made and any reference in the Building (Scotland) Act 1959 to building standards regulations shall be construed accordingly.

St. Andrew’s House, Edinburgh
9th December 1999

SARAH H BOYACK
A member of the Scottish Executive

SCHEDULE 1

Regulation 2(16)

SCHEDULE TO BE SUBSTITUTED FOR SCHEDULE 1 TO THE
BUILDING STANDARDS (SCOTLAND) REGULATIONS 1990

“SCHEDULE 1

Regulation 3

EXEMPTED CLASSES OF BUILDINGS

| <i>(1)</i> <i>Class</i> | <i>(2)</i> <i>Description</i> | <i>(3)</i> <i>Exceptions</i> |
|--|--|---|
| PART 1 – DETACHED BUILDINGS | | |
| Buildings controlled by other legislation | | |
| 1 | A building the construction of which is subject to the Explosives Acts 1875 and 1923 ⁽¹⁵⁾ . | |
| 2 | A building erected on a site which is subject to licensing under the Nuclear Installations Act 1965 ⁽¹⁶⁾ . | A dwelling, office or canteen. |
| 3 | A building included in the Schedule of monuments maintained under section 1 of the Ancient Monuments and Archaeological Areas Act 1979 ⁽¹⁷⁾ . | A building of purpose group 1 or 2. |
| Buildings not frequented by people | | |
| 4 | A building into which people cannot or do not normally go. | (i) A building (other than a wall or fence) within 10 metres or the equivalent of its height (whichever is the less) of the boundary, and for the purpose of this exception, the boundary, in relation to any road, public access way or public right of way, river, stream, canal, loch, pond, common land or public open space, shall be taken to be the nearest edge thereof to the relevant land; |

⁽¹⁵⁾ 1875 c. 17 and 1923 c. 17.

⁽¹⁶⁾ 1965 c. 57.

⁽¹⁷⁾ 1979 c. 46; section 1 was amended by the National Heritage Act 1983 (c. 47), Schedule 4, paragraph 25.

| <i>(1)</i> <i>Class</i> | <i>(2)</i> <i>Description</i> | <i>(3)</i> <i>Exceptions</i> |
|--|--|---|
| 5 | Fixed plant or machinery or a building housing only fixed plant or machinery, the only normal visits to which are intermittent visits to inspect or maintain the fixed plant or machinery. | <ul style="list-style-type: none"> (ii) A wall or fence within the exceptions in Class 13 of this Schedule; (iii) A tank, cable, sewer, drain or other pipe above or below ground which falls within any of the exceptions in Class 16 of this Schedule. <p>A building within 1 metre of a boundary.</p> |
| Agricultural greenhouses and other agricultural buildings | | |
| 6 | An agricultural greenhouse or other building of mainly translucent material used mainly for commercial growing of plants. A building— | <ul style="list-style-type: none"> (i) used to any extent for retailing (including storage of goods for retailing) or exhibiting; or (ii) situated on land within the boundaries of which there are harmful or dangerous substances. |
| 7 | A building used for any other form of agriculture | <ul style="list-style-type: none"> (a) A building— <ul style="list-style-type: none"> (i) used to any extent for retailing (including storage of goods for retailing) or exhibiting; (ii) exceeding 2000 cubic metres in capacity; (iii) within 10 metres or the equivalent of its height (whichever is the less) of a boundary of a building of |

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| <i>(1)</i> <i>Class</i> | <i>(2)</i> <i>Description</i> | <i>(3)</i> <i>Exceptions</i> |
|--|--|--|
| | | <p>purpose group 1 or 2; or</p> <p>(iv) A building situated on land within the boundaries of which there are harmful or dangerous substances;</p> <p>(b) A tank, cable, sewer, drain or other pipe above or below ground which falls within Class 16 of this Schedule;</p> <p>(c) A dungstead.</p> |
| Works of civil engineering | | |
| 8 | A work of civil engineering construction including a dock, wharf, harbour, pier, quay, sea defence work, lighthouse, embankment, river work, dam, bridge, tunnel, filter station or bed, inland navigation, reservoir, water works, pipe line, sewage treatment works, gas holder or main, electricity supply line and supports. | A septic tank, or private sewage treatment works, which is serving a building subject to regulation 24. |
| Buildings of a specialised nature | | |
| 9 | A building essential for the operation of a railway including a locomotive or carriage shed, or for the operation of a work of civil engineering contained in Class 8, and erected within the curtilage of such a railway or work. | <p>(i) A signalling and control centre for a railway or dock;</p> <p>(ii) A building, not being a building falling within Class 10 of this Schedule, of purpose group 4 or 5 erected within the curtilage of such a railway or work.</p> |
| 10 | A road or rail passenger shelter or a telephone kiosk having a floor area not exceeding 30 square metres, and which, insofar as it is glazed, complies with the requirements of regulation 27(1)(b). | A building containing a combustion appliance which is subject to regulation 14. |

| <i>(1)</i> <i>Class</i> | <i>(2)</i> <i>Description</i> | <i>(3)</i> <i>Exceptions</i> |
|---|---|--|
| 11 | A caravan or mobile home within the meaning of the Caravan Sites and Control of Development Act 1960 ⁽¹⁸⁾ , or a tent, van or shed within the meaning of section 73 of the Public Health (Scotland) Act 1897 ⁽¹⁹⁾ . | A septic tank or private sewage treatment works serving a building of this class. |
| Small buildings | | |
| 12 | A single-storey building having an area not exceeding 30 square metres, and which, insofar as it is glazed, complies with the requirements of regulation 27(1)(b), other than a building falling within excepted classes 10, 13, 18, 19 or 20 of this Schedule. | A building— (i) of purpose group 1; (ii) ancillary to or within the curtilage of a building of purpose group 1; (iii) within 1 metre of a boundary; (iv) containing sleeping accommodation or a combustion appliance which is subject to regulation 14; (v) containing sanitary accommodation; (vi) situated on land within the boundaries of which there are harmful or dangerous substances. |
| 13 | A wall or fence | A wall exceeding 1.2 metres or a fence exceeding 2 metres in height. |
| Construction and development buildings | | |
| 14 | A building used only by people engaged in the construction, demolition or repair of any building or structure during the course of that work. | A building containing sleeping accommodation. |
| 15 | A building used in connection with the letting or sale of any building under construction until such time as the letting or sale of all related buildings is completed. | A building containing sleeping accommodation (excluding unused bedrooms in a showhouse). |

Tanks, cables, sewers, drains etc.

⁽¹⁸⁾ 1960 c. 62.

⁽¹⁹⁾ 1897 c. 38; section 73 was amended by the National Health Service (Scotland) Act 1972 (c. 58), Schedule 6, paragraph 56.

| <i>(1)</i> <i>Class</i> | <i>(2)</i> <i>Description</i> | <i>(3)</i> <i>Exceptions</i> |
|---|---|--|
| 16 | Any tank, cable, sewer, drain or other pipe above or below ground. | (i) A drainage system, septic tank or private sewage treatment works, which is serving a building subject to regulation 24; (ii) A tank which is subject to regulations 15 or 31; (iii) A cable, conductor or apparatus which is subject to regulation 26. |
| Temporary buildings | | |
| 17 | A building erected on a site for a period not exceeding 28 consecutive days or 60 days in any period of 12 months. | |
| Buildings ancillary to dwellings | | |
| 18 | A single-storey building ancillary to and within the curtilage of a dwelling of purpose sub-group 1B or 1C, comprising a garage, garden hut or store or building for keeping animals, birds or other livestock for domestic purposes. | A building— (i) exceeding 30 square metres in area; (ii) within 1 metre of the dwelling, unless it is at least 500 millimetres from any boundary; (iii) containing a combustion appliance which is subject to regulation 14; or (iv) situated on land within the boundaries of which there are harmful or dangerous substances. |
| 19 | Any other single-storey building ancillary to and within the curtilage of a dwelling of purpose sub-group 1B or 1C, including a carport, covered area, greenhouse, summer house or swimming pool cover. | A building— (i) exceeding 30 square metres in area; (ii) containing a combustion appliance which is subject to regulation 14; or (iii) situated on land within the boundaries of which there are harmful or dangerous substances. |
| 20 | An underground or substantially underground building within the curtilage of a dwelling of purpose sub-group 1B or 1C, the purpose | A building— (i) exceeding 30 square metres in area; (ii) the excavation for which is nearer to any exposed |

| <i>(1)</i> <i>Class</i> | <i>(2)</i> <i>Description</i> | <i>(3)</i> <i>Exceptions</i> |
|----------------------------|--|--|
| | of which is solely to afford shelter or protection from the effects of weapons of war (whether nuclear, chemical or conventional). | part of another building than a distance equal to the depth of the excavation plus 1 metre; or (iii) situated on land within the boundaries of which there are harmful or dangerous substances. |

**PART II –
BUILDINGS ATTACHED
TO DWELLINGS OF
PURPOSE SUB-GROUP 1B
OR 1C**

| | | |
|----|--|--|
| 21 | A single-storey extension to an existing dwelling of purpose sub-group 1B or 1C which is ancillary to the dwelling and consists of a conservatory or porch which, insofar as it is glazed, complies with the requirements of regulation 27(1)(b) or a greenhouse, carport or covered area. | A building– (i) exceeding 30 square metres in area or, in the case of a porch, 8 square metres; (ii) containing a flue or a combustion appliance which is subject to regulation 14; (iii) containing sanitary accommodation; (iv) (except in the case of a greenhouse, carport or covered area) within 1 metre of a boundary; or (v) situated on land within the boundaries of which there are harmful or dangerous substances. |
|----|--|--|

NOTES

1. In the application of Part 1 of this Schedule no account shall be taken of an office use which is ancillary to the main purpose of the building.

2. For the purpose of Class 17, an air-supported or otherwise collapsible building shall not be exempt solely on account of deflation or other form of intermittent collapse.”.

(15) 1875 c. 17 and 1923 c. 17.

(16) 1965 c. 57.

(17) 1979 c. 46; section 1 was amended by the National Heritage Act 1983 (c. 47), Schedule 4, paragraph 25.

(18) 1960 c. 62.

(19) 1897 c. 38; section 73 was amended by the National Health Service (Scotland) Act 1972 (c. 58), Schedule 6, paragraph 56.

SCHEDULE 2

Regulation 2(17)

SCHEDULE TO BE SUBSTITUTED FOR SCHEDULE 2 TO THE
BUILDING STANDARDS (SCOTLAND) REGULATIONS 1990

“SCHEDULE 2

Regulation 4

FIXTURES NOT REQUIRING A WARRANT

| <i>(1)</i> <i>Category</i> | <i>(2)</i> <i>Description</i> | <i>(3)</i> <i>Exceptions</i> |
|-------------------------------|---|--|
| 1 | A fixture or notice for which there is no requirement provided in these Regulations. | |
| 2 | An outdoor sign which is subject to the Town and Country Planning (Control of Advertisements) (Scotland) Regulations 1984(20). | |
| 3 | A combustion appliance which is subject to regulation 14. | (i) A solid fuel appliance with an output rating more than 50 kW, or an oil or gas-fired appliance with a net input rating more than 70 kW; (ii) A chimney, flue-pipe or hearth, except a balanced flue as referred to in Category 4 below. |
| 4 | A balanced flue serving a room-sealed appliance. | A balanced flue which passes through a combustible wall. |
| 5 | A flue liner. | |
| 6 | Provision of thermal insulating material to or within a wall, ceiling, roof or floor. | Application of thermal insulating material to the outer surface of an external wall. |
| 7 | Replacement of a fixture or appliance, in whole or in part, by another of the same general type as it is replacing, including a sanitary appliance or sink (together with any relevant branch soil or waste pipe), rainwater gutter or downpipe, combustion appliance, electrical fixture, ventilation fan, chimney or flue outlet fitting or terminal, | |

(20) S.I. 1984/467.

| <i>(1)</i> <i>Category</i> | <i>(2)</i> <i>Description</i> | <i>(3)</i> <i>Exceptions</i> |
|-------------------------------|---|---------------------------------|
| | fire hydrant or main, lift, escalator, solid waste chute or container, door or window. | |
| 7A | Replacement, in whole or part, by material of the same general type as that which it is replacing, of lining, cladding, covering or rendering of an internal or external wall, ceiling or roof. | |
| 8 | Replacement of a window by another which is not of the same general type as that which it is replacing. | |
| 9 | Provision of a single sanitary facility, other than a watercloset or shower, or relocation within the same room or space of sanitary facilities (together with any relevant branch soil or waste pipe). | |
| 10 | Provision of a stairlift within a dwelling. | |
| 11 | Refillable liquefied petroleum gas storage cylinders supplying, via a fixed pipework installation, combustion appliances used principally for providing space or water heating, or cooking facilities. | |

NOTE

Notwithstanding the fact that the fixtures listed in this Schedule do not require a warrant, they shall, except where replacing with the same general type, in all respects and in the manner of their fitting meet any relevant requirements of these Regulations (see section 6(1) of the Act).”

SCHEDULE 3

Regulation 2(18)

SCHEDULE TO BE SUBSTITUTED FOR SCHEDULE 4 TO THE
BUILDING STANDARDS (SCOTLAND) REGULATIONS 1990

“SCHEDULE 4

Regulation 7

OCCUPANCY LOAD FACTORS TO BE APPLIED TO ROOMS AND SPACES
WITHOUT FIXED SEATING, OTHER THAN IN BUILDINGS OF PURPOSE GROUP 1

| <i>(1)</i> <i>Description of room or space</i> | <i>(2)</i> <i>Occupancy Load Factor</i> |
|---|--|
| Standing spectators' area. | 0.3 |
| Amusement arcade, assembly hall (including a general-purpose place of assembly), bar (public area), bingo hall. | 0.5 |
| Concourse, dance hall or floor, queuing area, mall areas in enclosed shopping centres (Class A). | 0.7 |
| Committee room, common room, conference room, dining room, licensed betting office (public area), lounge (other than a lounge bar), meeting room, reading room, restaurant, staff room, waiting room, food courts in enclosed shopping centres. | 1.0 |
| Exhibition hall. | 1.5 |
| Shop sales area (Class 1), mall areas in enclosed shopping centres (Class B). | 2.0 |
| Shop sales area (Class 3). | 4.0 |
| Art gallery, dormitory, factory production area, museum, workshop. | 5.0 |
| Office. | 6.0 |
| Kitchen, library, shop sales area (Class 2). | 7.0 |
| Bedroom or study bedroom. | 8.0 |
| Bed-sitting room, billiards room. | 10.0 |
| Car park, storage and warehouse accommodation. | 30.0 |

NOTES**1.** For the purposes of this Schedule, shop sales areas are classified thus—

Class 1 – shop sales areas other than those listed below as Class 2, including supermarkets and department stores (all sales areas), shops for personal services such as hairdressing and shops for the delivery or uplift of goods for cleaning, repair or other treatment or for members of the public themselves carrying out such cleaning, repair or other treatment;

Class 2 – shop sales areas in shops trading predominantly in furniture, floor coverings, cycles, perambulators, large domestic appliances or other bulky goods or trading on a wholesale self-selection basis;

Class 3 – shop sales areas in shops within an enclosed shopping centre when calculating an aggregate occupancy for all shops in a centre – not to be used for individual shops.

2. The descriptions arcade, hall, gallery and room used in the Schedule do not indicate a particular design or configuration of building.

3. For the purposes of this Schedule, mall areas in enclosed shopping areas are classified thus–

Class A – up to 6 metres wide;

Class B – all areas beyond the 6 metres width in Class A.”

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations make further amendments to the Building Standards (Scotland) Regulations 1990 (the “1990 Regulations”) and the Building (Procedure) (Scotland) Regulations 1981. The amendments deal mainly with Part F (*Heat-Producing Installations and Storage of Liquid and Gaseous Fuels*) and Part T (*Access and Facilities for Disabled People*) of the Technical Standards for compliance with the Building Standards (Scotland) Regulations 1990.

Amendment of the definition of “Technical Standards” at regulation 2(2) gives effect, through the substitute pages mentioned therein, to these amendments and to a number of other minor changes to the Technical Standards to remove inconsistencies and for clarification purposes.

Concerns over carbon monoxide poisonings, changes in the design of gas boilers and fires, and a desire to reduce pollution from oil tanks have necessitated the amendments to Part F. The amendments to Part T integrate access and facilities for disabled people throughout the Regulations resulting in the discontinuance of Part T as a separate Part and provide access for disabled people to all new dwellings. Parts Q and S are amended accordingly. Regulation 33 is revoked and the requirements included in the other regulations as necessary. Regulation 25A covers sanitary facilities for disabled people, and standards have been incorporated in Part M. Regulation 26A is added to cover aids to assist the hard of hearing and standards inserted in Part N. Regulation 29 has expanded access provision that is detailed in Part Q. Regulation 32 on stairs etc. is re-written to cover “access to and movement within buildings, and protective barriers”.

Changes to the other parts are relatively minor. Part A has amendments to definitions and schedules of exempt works etc., many a consequence of changes to other Parts. Part C now permits the use of European Standards in structural calculations, and the appendix to Part J dealing with the Standard Assessment Procedure for energy rating of dwellings now incorporates a reference to the source document from the Building Research Establishment rather than duplicating the text; and Parts D, E, G, K and R have other minor changes.

These Regulations come into force on 17th April 2000, but do not apply to any construction or change of use of a building where application for warrant was made before that date.

These Regulations and their supporting Technical Standards were notified in draft to the European Commission and the other Member States in accordance with Directive 98/34/EC of the European

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Parliament and the Council (O.J. No. L204, 21.7.98, p.37) as amended by Directive [98/48/EC](#) of the European Parliament and the Council (O.J. No. L217, 5.8.98, p.18).

Copies of the Technical Standards supporting the 1990 Regulations as amended are available from The Stationery Office.

Compliance Cost Assessments and Regulatory Impact Assessments of the effect of the revised Technical Standards have been carried out and summaries thereof have been deposited for inspection with the Scottish Parliament Information Centre.