
 STATUTORY INSTRUMENTS

1985 No. 1272 (S.105)

BUILDING AND BUILDINGS

**The Building Standards (Relaxation by Local Authorities)
(Scotland) Regulations 1985**

<i>Made</i> - - - - -	31st July 1985
<i>Laid before Parliament</i>	21st August 1985
<i>Coming into Operation</i>	7th October 1985

In exercise of the powers conferred on me by section 4(2) of the Building (Scotland) Act 1959(a) as substituted by section 2(1) of the Building (Scotland) Act 1970(b) and as amended by paragraph (4) of Schedule 15 to the Local Government (Scotland) Act 1973(c) and all other powers enabling me in that behalf, I hereby make the following regulations:—

PART 1—GENERAL

Citation and commencement

1. These regulations may be cited as the Building Standards (Relaxation by Local Authorities) (Scotland) Regulations 1985 and shall come into operation on 7th October 1985.

Revocation

2. The Building Standards (Relaxation by Buildings Authorities) (Scotland) Regulations 1975(d) are hereby revoked.

Interpretation

3. In these regulations—

“the Act” means the Building (Scotland) Act 1959;

“building standards regulations” means the Building Standards (Scotland) Regulations 1981(e);

“cubic capacity” means cubic capacity calculated or measured in accordance with the provisions of Schedule 3 to the building standards regulations;

“enclosed shopping centre” means a building containing shops having frontages to an arcade, mall or other covered circulation area;

“house” means a building in occupancy sub-group of occupancy use A1 or A2 set out in Schedule 1 to the building standards regulations.

(a) 1959 c. 24.

(b) 1970 c. 38.

(c) 1973 c. 65.

(d) S.I. 1975/547.

(e) S.I. 1981/1596, as amended by S.I. 1982/1878, 1984/1660.

PART II—DELEGATION OF POWER TO RELAX THE BUILDING
STANDARDS REGULATIONS*Alteration, extension or change of use of buildings not ancillary to houses*

4.—(1) This regulation shall apply to an application made under section 4(1)(a) of the Act for a direction dispensing with or relaxing any provision of the building standards regulations in the case of a particular building (other than a building ancillary to a house) which was erected, or a warrant for the erection of which was granted, not less than five years before the date of the application for the direction.

(2) The power to dispense with or relax such a provision shall be exercisable by the local authority instead of by the Secretary of State in relation to the alteration, extension or change of use of such a building, except where—

- (a) an extension to the building results in—
 - (i) in the case of a house, an increase in cubic capacity of more than 30 per cent, or
 - (ii) in any other case, an increase in cubic capacity of more than 5000 cubic metres or 30 per cent, whichever is the less, or
- (b) the building consists of or contains an enclosed shopping centre.

Erection, alteration or extension of buildings ancillary to houses

5.—(1) This regulation shall apply to an application made under section 4(1)(a) of the Act for a direction dispensing with or relaxing any provision of the building standards regulations in the case of a particular building which is ancillary to a house.

(2) The power to dispense with or relax such a provision shall be exercisable by the local authority instead of by the Secretary of State in relation to the erection, alteration or extension of such a building.

Disapplication of regulations

6. Nothing in these regulations shall apply where—

- (a) the application for a direction is made by a local authority having power to grant warrant in respect of the building to which the application relates, or
- (b) an application for a warrant under section 6 of the Act is referred to the Secretary of State under section 6A of the Act.

New St Andrew's House,
Edinburgh.
31st July 1985.

George Younger,
One of Her Majesty's Principal
Secretaries of State.

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

These regulations revoke and re-enact with amendments the Building Standards (Relaxation by Local Authorities) (Scotland) Regulations 1975. The Regulations come into operation on 7th October 1985.

The regulations extend the dispensation and relaxation powers exercised by local authorities to a wider range of existing buildings. The principal change is, in the case of buildings not ancillary to houses, to introduce a period of five years from the date of grant of building warrant, or erection of the building, in place of the fixed date of 15 June 1964 as the main criterion for determining whether a direction is dealt with by the Secretary of State instead of the local authority. This comprises the majority of buildings. In the case of buildings ancillary to houses there is no restriction as to time in relation to transfer of the powers of relaxation and dispensation to local authorities. The regulations also extend the dispensation and relaxation powers to include larger extensions to existing buildings without restriction to provisions of Parts of the building standards regulations.

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