

1990 No. 2179 (S.187)

BUILDING AND BUILDINGS

The Building Standards (Scotland) Regulations 1990

Made - - - - 1st November 1990

Laid before Parliament 14th November 1990

Coming into force 1st April 1991

ARRANGEMENT OF REGULATIONS

**PART I
GENERAL**

1. Citation and commencement
2. Interpretation
3. Exempted classes of buildings
4. Fixtures not requiring a warrant
5. Limited life buildings
6. Classification of buildings by purpose
7. Occupancy capacity
8. Measurements

**PART II
BUILDING STANDARDS**

9. Compliance with building standards
10. Fitness of materials
11. Structure
12. Structural fire precautions
13. Means of escape from fire and facilities for fire-fighting
14. Heat-producing installations
15. Storage of liquid and gaseous fuels
- 16-18. Preparation of sites and resistance to moisture
- 19-21. Resistance to transmission of sound
22. Conservation of fuel and power

- 23. Ventilation of buildings
- 24-25. Drainage and sanitary facilities
- 26. Electrical installations
- 27-28. Miscellaneous hazards
- 29. Facilities for dwellings
- 30-31. Storage of waste
- 32. Stairs, ramps and protective barriers
- 33. Facilities for disabled people

PART III REVOCATIONS ETC

- 34. Revocations and transitional provisions

SCHEDULES

- 1. Exempted classes of buildings
- 2. Fixtures not requiring a warrant
- 3. Classification of buildings by purpose
- 4. Occupancy load factors to be applied to rooms and spaces without fixed seating, other than in buildings of purpose group 1
- 5. Rules of measurement
- 6. Revocations

The Secretary of State, in exercise of the powers conferred on him by sections 3, 6(1), 11(7), 24(1) and 29(1) of, and Schedule 4 to, the Building (Scotland) Act 1959(a) and by section 2(2) of the European Communities Act 1972(b), being a Minister designated(c) for the purposes of that subsection in relation to measures relating to construction products, and of all other powers enabling him in that behalf, and, as required by section 3(6) of the Building (Scotland) Act 1959(d), having consulted the Building Standards Advisory Committee and such other bodies as appear to him to be representative of the interests concerned, hereby makes the following Regulations:

PART I GENERAL

Citation and commencement

- 1. These Regulations may be cited as the Building Standards (Scotland) Regulations 1990 and shall come into force on 1st April 1991.

(a) 1959 c.24; section 3(2) and (3) were amended by the Health and Safety at Work etc. Act 1974 (c.37) ("the 1974 Act"), Schedule 7, paragraphs 1(a) and 1(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.

(b) 1972 c.68.

(c) S.I. 1989/2393.

(d) Section 3(6) was substituted by the Building (Scotland) Act 1970 (c.38), section 1.

Interpretation

2.—(1) In these Regulations, unless the context otherwise requires—

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

“agriculture” has the same meaning as in the Agriculture (Scotland) Act 1948(a), and “agricultural” shall be construed accordingly;

“air supported structure” means a structure which has a space-enclosing single-skin membrane anchored to the ground and kept in tension by internal air pressure so that it can support applied loading;

“boundary” means a boundary between land on which a building is situated and land in different occupation, so however that—

(a) in relation to any external side of a building it shall exclude any part of the boundary which makes an angle with that side of more than 80°;

(b) in relation to any road, whether public or private, public access way or public right of way, river, stream, canal, loch, pond, common land or public open space it shall be taken to be the centre line thereof; and

(c) the sea and its foreshore shall not be regarded as land in different occupation;

“building” means any structure or erection of what kind or nature soever, whether temporary or permanent, and every part thereof, including any fixture affixed thereto, not being a structure or erection or part thereof consisting of, or ancillary to—

(a) any road, whether public or private, including in the case of a public road (but not in the case of a private road) any bridge on which the road is carried;

(b) any sewer or water main which is, or is to be, vested in a public authority;

(c) any aerodrome runway;

(d) any railway line;

(e) any large raised reservoir within the meaning of the Reservoirs Act 1975(b); or

(f) wires and cables, their supports above ground and other apparatus used for telephonic or telegraphic communication,

and includes any prospective building; and in relation to the extension, alteration or change of use of a building any reference to the building shall be construed as a reference only to so much of the building as is comprised in the extension or is the subject of alteration or change of use as the case may be;

“carport” means a roofed building for vehicle storage which is open on at least two sides except for roof supports;

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

“compartment”, except in the expression “watercloset compartment”, means any part of a building which is divided from all other parts by one or more compartment walls or compartment floors or by both such walls and floors; and, if any part of the top storey of a building is within a compartment, that compartment shall also include any roof space above such part of the top storey;

“compartment floor” and “compartment wall” mean respectively a floor and wall complying with the provisions of Part D of the Technical Standards relating to compartment floors and walls and dividing a compartment of a building or a lift well in a building from the remainder of the building;

“conservatory” means a building attached to and having an entrance from a dwelling and having not less than three-quarters of the area of its roof and not less than one-half of the area of its external walls made of translucent material;

“construct” includes alter, erect, extend and fit, and “construction” shall be construed accordingly;

“covered area” means a roofed building which is open on at least two sides except for roof supports;

(a) 1948 c.45.

(b) 1975 c.23.

“different occupation”, in relation to two adjoining buildings or parts of one building, means occupation or intended occupation of those buildings or parts by different persons;
“drainage system” means the system of pipes and drains used for the drainage of a building, including all other fittings, appliances and equipment so used;
“dwelling” means a unit of residential accommodation occupied (whether or not as a sole or main residence)–

(a) by a single person or by people living together as a family; or

(b) by not more than six residents living together as a single household (including a household where care is provided for residents);

“external wall” includes a part of a roof pitched at an angle of 70° or more to the horizontal;

“flat” means a dwelling on one storey, forming part of a building from some other part of which it is divided horizontally, and includes a dwelling of which the main entrance door and associated hall are on a different storey from the remainder of the dwelling;

“flue” means a passage which conveys the products of combustion to the open air;

“flue-pipe” means a pipe forming a flue, but not a pipe fitted as a lining in a chimney;

“foundation” means that part of the structure in direct contact with, and transmitting loads to, the ground;

“gallery” means a raised floor or platform, whether level or not, which is open to the room or space in which it is situated and which–

(a) has every part of its upper surface not less than 1.8 metres above the surface of the main floor of the said room or space; and

(b) occupies (or, in the case of there being more than one gallery, together occupy) not more than one-half of the area of the said room or space;

“greenhouse”, except in the expression “agricultural greenhouse”, means a building ancillary to a dwelling used mainly for growing plants which is either–

(a) detached from the dwelling; or

(b) attached to, but not entered from, the dwelling;

“house” means a dwelling on one or more storeys, either detached or forming part of a building from all other parts of which it is divided only vertically;

“kitchen” means any room or part of a room used primarily for the preparation or cooking of food;

“land in different occupation”, in relation to a building, means land occupied or to be occupied by a person other than the occupier of the land on which the building is or is to be situated;

“limited life building” means a building intended to have a life of the period specified in regulation 5;

“maisonette” means a dwelling on more than one storey, forming part of a building from some other part of which it is divided horizontally;

“occupancy capacity” shall be construed in accordance with regulation 7;

“occupier”, in relation to a dwelling, means the person inhabiting the dwelling;

“passenger conveyor” means a power-driven installation containing an endless moving walkway for the conveyance of persons between different levels or between different parts of the same level of a building;

“porch” means a building attached to and having an entrance from a dwelling and having a roof of opaque material;

“public open space” includes land used as a public park or for public recreation or as a burial ground;

“public road” has the same meaning as in the Roads (Scotland) Act 1984(a);

“purpose group” and “purpose sub-group” mean respectively a group or sub-group of buildings specified in Schedule 3;

“reasonably practicable”, in relation to the carrying out of any operation, means reasonably practicable having regard to all the circumstances including the expense involved in carrying out the operation;

“relevant standard” means a standard set out in the Technical Standards which relates to the requirements of a particular provision of these Regulations;

“room” means any enclosed part of a storey intended for human occupation or, where no part of any such storey is so enclosed, the whole of that storey, but excepting in either case any part used solely as a bathroom, shower room, washroom, watercloset compartment, stair or circulation area;

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

“sanitary facilities” includes washbasins, baths, showers, urinals and waterclosets;

“site”, in relation to a building, means the area of ground covered or to be covered by the building, including its foundations;

“socket outlet” means a fixed device containing contacts for the purpose of connecting to a supply of electricity the corresponding contacts of a plug attached to any current-using appliance;

“storey” means that part of a building which is situated between the top of any floor and the top of the floor next above it or, if there is no floor above it, between the top of the floor and the ceiling above it or, if there is no ceiling above it, the internal surface of the roof; and for this purpose a gallery or catwalk, or an openwork floor or storage racking shall be considered to be part of the storey in which it is situated;

“Technical Standards” means the Technical Standards for compliance with the Building Standards (Scotland) Regulations 1990 issued by the Scottish Office and dated October 1990.

“watercloset compartment” means an enclosed part of a storey which contains a urinal or a watercloset pan which has provision for flushing from a piped supply of water and is connected to a drainage system.

(2) In these Regulations, unless the context otherwise requires, a reference to a numbered regulation or Schedule is a reference to the regulation in, or Schedule to, these Regulations bearing that number, and a reference in a regulation to a numbered paragraph is a reference to the paragraph in that regulation bearing that number.

(3) In these Regulations any note in a Schedule shall be treated for all purposes as a substantive provision of the Regulations.

Exempted classes of buildings

3. Subject to the exceptions in column (3) of Schedule 1, these Regulations shall not apply to any building the whole of which falls into any one or more of the exempted classes specified in Part I of that Schedule or to any extension to a building the whole of which extension falls into any one or more of the exempted classes specified in Part II thereof.

Fixtures not requiring a warrant

4. For the purposes of the proviso to section 6(1) of the Act, any operation for the alteration of a building which consists solely of the fitting of a fixture of a kind specified in Schedule 2 shall not, subject to the exceptions in column (3) of that Schedule, require a warrant.

Limited life buildings

5. For the purposes of section 3(3)(b) of the Act (which enables special provision to be made for buildings intended to have a limited life) a period of five years is specified.

Classification of buildings by purpose

6.—(1) For the purposes of these Regulations, buildings or parts thereof shall be classified according to the numbered purpose group or groups and, where applicable, lettered purpose sub-group or sub-groups set out in Schedule 3.

(2) In the determination of such classification, any use which is ancillary to another use or which is of a minor nature shall be disregarded and the classification shall be that of the principal use or uses.

(3) Where a building is divided into compartments, nothing in this regulation shall prevent these compartments being independently classified, whether or not the division is required by any provision of these Regulations.

(4) Where a building or part of a building does not fall into any purpose group or sub-group these Regulations shall have effect as if the more or most onerous standard applicable to any classification applied.

Occupancy capacity

7.—(1) For the purposes of these Regulations, the occupancy capacity of a room or space shall be—

(a) in the case of a room or space described in column (1) of Schedule 4 the number (or in the case of a fractional number the next lowest whole number) obtained by dividing the area of the room or space in square metres by the relevant occupancy load factor specified in column (2) of that Schedule; or

(b) in any other case the number of persons the room or space is likely to accommodate in use.

(2) The occupancy capacity of a building or storey which is divided into rooms or spaces shall be—

(a) in the case of a storey of a building of purpose group 2 which is not open to the public and which contains both day rooms and sleeping rooms, the sum of the occupancy capacities of either the day rooms or the sleeping rooms, whichever is the greater; or

(b) in any other case the sum of the occupancy capacities of the rooms or spaces.

(3) Where a room or space is likely to be put to more than one use, the greater or greatest relevant occupancy capacity shall apply.

(4) In this regulation “space” includes a roof or other area open to the external air to which there is access for a purpose other than the maintenance of the building.

Measurements

8. For the purposes of these Regulations, measurements shall be made or calculated in accordance with Schedule 5.

PART II

BUILDING STANDARDS

Compliance with building standards

9.—(1) The requirements of regulations 10 to 33 shall be satisfied only by compliance with the relevant standards.

(2) Without prejudice to any other method of complying with a relevant standard, conformity with provisions which are stated in the Technical Standards to be deemed to satisfy that standard shall constitute such compliance.

Fitness of materials

10. Materials, fittings, components and other manufactured products used to meet a requirement of these Regulations shall be suitable for the purpose for which they are so used and shall be used so as to comply with the requirements of these Regulations.

Structure

11.—(1) Every building shall be so constructed that the combined loads to which the building may be subject are sustained and transmitted to the ground without impairing the stability of the building.

(2) Every building of five or more storeys shall be so constructed that in the event of a failure of any part of the structure the extent of any resultant collapse will not be disproportionate to the cause of the failure.

Structural fire precautions

12.—(1) Every building shall be so constructed that, for a reasonable period, in the event of fire—

- (a) its stability is maintained;
- (b) the spread of fire and smoke within the building is inhibited; and
- (c) the spread of fire to and from other buildings is inhibited.

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

Means of escape from fire and facilities for fire-fighting

13.—(1) Every building shall be provided with—

- (a) adequate means of escape in the event of fire; and
- (b) adequate fire-fighting facilities.

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

- (a) buildings of purpose sub-groups 1B and 1C; and
- (b) buildings to which the Fire Certificates (Special Premises) Regulations 1976(a) apply.

Heat-producing installations

14. Every fixed heat-producing installation incorporating an appliance designed to burn solid fuel (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 are not a hazard to health; and
- (d) it receives sufficient air for its safe operation.

Storage of liquid and gaseous fuels

15.—(1) Subject to paragraph (2), every fixed storage tank for—

- (a) the storage of fuel oil used principally to serve an appliance providing space or water heating, or cooking facilities, in any building; or
- (b) the storage of liquefied petroleum gas serving any appliance in a building of purpose group 1 or 2,

shall be so constructed and installed as to minimise the risk of fire spreading to the tank or of the contents of the tank contaminating any water supply, watercourse, drain or sewer.

(2) This regulation shall not apply to—

- (a) a fuel oil storage tank of a capacity not exceeding 90 litres;
- (b) a liquefied petroleum gas storage tank of a capacity not exceeding 150 litres water equivalent.

Preparation of sites and resistance to moisture

16.—(1) Subject to paragraph (3), a site and ground immediately adjoining a site shall be so prepared and treated as to protect the building and its users from harmful effects caused by—

- (a) harmful or dangerous substances;
- (b) matter in the surface soil; and

(a) S.I. 1976/2003, amended by S.I. 1985/1333 and 1987/37.

(c) vegetable matter.

(2) Subject to paragraph (3), a site and ground immediately adjoining a site shall be so drained or otherwise treated as to protect the building and its users, so far as may be reasonably practicable, from harmful effects caused by—

- (a) ground water;
- (b) flood water; and
- (c) existing drains.

(3) Paragraphs (1)(b), (1)(c) and (2)(c) shall not apply to a limited life building of purpose groups 2 to 7 inclusive.

(4) In paragraph (1)(a) "harmful or dangerous substances" includes deposits of faecal or animal matter and any substance or mixture of substances which is or could become corrosive, explosive, flammable, radioactive or toxic or which produces or could produce any gas likely to have any such characteristic.

17.—(1) Subject to paragraph (2), a building shall be so constructed as to protect the building and its users from harmful effects caused by —

- (a) moisture rising from the ground; and
- (b) precipitation.

(2) This regulation shall not apply to a building where penetration of moisture from outside will result in effects no more harmful than those likely to arise from use of the building.

18. A building of purpose group 1 shall be so constructed as to protect the building and its users, so far as may be reasonably practicable, from harmful effects caused by condensation.

Resistance to transmission of sound

19.—(1) Subject to paragraph (2), every wall which separates a dwelling from another building and, in the case of a dwelling forming part of a building, every wall and floor which separates the dwelling from another part of the building shall provide adequate resistance to transmission of airborne sound.

(2) Paragraph (1) shall not apply to a wall between a dwelling and any area which is open to the external air.

20.—(1) Every floor separating a dwelling from any other part of a building above the dwelling shall provide adequate resistance to transmission of sound caused by impact.

(2) Roofs or walkways which are situated directly above a dwelling and to which there is access other than for maintenance purposes shall provide adequate resistance to transmission of sound caused by impact.

21. Regulations 19 and 20 shall not be subject to specification in a notice served under section 11 of the Act.

Conservation of fuel and power

22.—(1) In a building to which this regulation applies, reasonable provision shall be made for the conservation of fuel and power.

(2) This regulation shall apply to all buildings other than—

- (a) buildings of purpose groups 2 to 7 inclusive which—
 - (i) are limited life buildings;
 - (ii) have a total floor area not exceeding 30 square metres; or
 - (iii) are unheated or have a space heating system which is designed to give a maximum output not exceeding 25 watts per square metre of floor area;
- (b) buildings of one storey which have a fabric covering and are supported by a frame or by air pressure;
- (c) circulation and service areas in buildings comprising more than one dwelling which are not part of an individual dwelling;

- (d) conservatories, greenhouses, garages, stores, wash-houses, watercloset compartments and other accommodation which are ancillary to and form part of a building of purpose group 1 and which have external access; and
- (e) buildings of purpose group 6 or 7 which have a space heating system which is designed to give a maximum output not exceeding 50 watts per square metre of floor area.

Ventilation of buildings

23.—(1) A building to which this regulation applies shall have means of providing an adequate supply of air for users of the building.

(2) An opening in a building which is required for the purposes of paragraph (1) shall be so located as to ensure effective operation.

(3) This regulation shall apply to all buildings except buildings or any part of a building to which the Factories Act 1961(a) applies.

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

Drainage and sanitary facilities

24.—(1) A building shall be provided with a drainage system sufficient to ensure hygienic disposal of discharges from the building.

(2) In this regulation “discharges” includes effluents, used water and the run-off of rain-water from roofs and other exposed surfaces of the building.

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

(2) This regulation shall apply to all buildings other than—

- (a) buildings or any part of a building to which the Factories Act 1961 applies;
- (b) buildings or any part of a building to which the School Premises (General Requirements and Standards) (Scotland) Regulations 1967 to 1979(b) apply;
- (c) buildings or any part of a building of purpose groups 3 and 4.

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

Electrical installations

26.—(1) Every electrical installation to which this regulation applies and every item of stationary electrical equipment connected to such an installation shall provide adequate protection against its being a source of fire or a cause of personal injury.

(2) This regulation shall not apply to an installation—

- (a) serving a building or any part of a building to which the Mines and Quarries Act 1954(c) or the Factories Act 1961 applies;
- (b) forming part of the works of an undertaker to which regulations for the supply and distribution of electricity made under the Electricity (Supply) Acts 1882 to 1936 or section 16 of the Energy Act 1983(d) apply; or
- (c) consisting of a circuit (including a circuit for telecommunication or for transmission of sound, vision or data, or for alarm purposes) which operates at a voltage not normally exceeding 50 volts alternating current or 120 volts direct current, measured between any two conductors or between any conductor and earth, and which is not connected directly or indirectly to an electricity supply which operates at a voltage higher than those mentioned in this sub-paragraph.

(3) In paragraph (1) “stationary electrical equipment” means electrical equipment which is fixed, or which has a mass exceeding 18 kg and is not provided with a carrying handle.

(a) 1961 c.34.

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

(c) 1954 c.70.

(d) 1983 c.25.

Miscellaneous hazards

27.—(1) Subject to paragraph (2), every building shall be so constructed as to provide adequate protection for users of the building and persons in its vicinity from danger from accidents arising from—

- (a) collision with projections on the exterior of the building and in circulation areas within the building;
- (b) collision with glazing;
- (c) cleaning of windows;
- (d) use of escalators or passenger conveyors;
- (e) discharge of steam or hot water.

(2) Paragraph (1)(a) shall not apply to buildings or any part of a building to which the Factories Act 1961 applies.

(3) In paragraph (1)(b) “glazing” means any permanently secured sheet of glass or plastics.

28.—(1) Subject to paragraph (2), every system in which heated water is stored in a building (irrespective of whether the water is heated in the system) and which does not incorporate a ventilating pipe open to the atmosphere shall be so constructed as to provide adequate protection from malfunctions of the system.

(2) This regulation shall not apply to—

- (a) any system in which the storage capacity for heated water does not exceed 15 litres;
- (b) any parts of a system which are used solely for space heating;
- (c) any system used for an industrial or commercial process.

Facilities for dwellings

29.—(1) A building of purpose group 1 shall be provided with—

- (a) adequate sleeping accommodation;
- (b) adequate kitchen facilities;
- (c) adequate windows;
- (d) adequate space heating;
- (e) adequate access between its storeys; and
- (f) safe and convenient access from a suitable road.

(2) Every building of purpose group 1 to which it is reasonably practicable to make available a public supply of electricity shall be provided with sufficient electricity lighting points and socket outlets.

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

Storage of waste

30.—(1) A building of purpose group 1 shall be provided with adequate accommodation for solid waste storage.

(2) Such accommodation shall be so constructed as to—

- (a) facilitate access for storage and for removal of its contents;
- (b) minimise risks to health and safety; and
- (c) prevent contamination of any water supply or watercourse.

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

31. A dungstead or farm effluent tank shall be so constructed, positioned and protected as to minimise risks to health and safety and prevent contamination of any water supply or watercourse.

Stairs, ramps and protective barriers

32.—(1) A stair or ramp which forms part of a building or which is provided to meet a requirement of these Regulations shall provide a safe means of passage for users of the building.

(2) Except where the provision of protective barriers would obstruct the use of such areas, 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 these Regulations shall have a suitable protective barrier where necessary.

(3) Paragraph (1) shall not be subject to specification in a notice served under section 11 of the Act.

Facilities for disabled people

33.—(1) Subject to paragraph (4), a storey of a building to which this regulation applies and to which storey there is direct access at ground level shall be provided with adequate access for disabled people.

(2) In every such storey in which sanitary facilities are provided, these facilities shall include adequate provision for disabled people.

(3) Every such storey which contains fixed seating accommodation for an audience or spectators shall be provided with adequate level spaces for wheelchairs.

(4) This regulation shall apply to—

(a) buildings of purpose groups 2 to 6 inclusive; and

(b) surgeries which form part of a building of purpose group 1,

but shall not apply to a storey or part of a storey which houses only fixed plant or machinery and to which access is required only for maintenance purposes.

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

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

PART III

REVOCATIONS ETC

Revocations and transitional provisions

34.—(1) Subject to paragraph (2), the Regulations specified in Schedule 6 are revoked.

(2) Notwithstanding the revocations in paragraph (1), 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 warrant was made and any reference in the Act to building standards regulations shall be construed accordingly.

St Andrew's House, Edinburgh
1st November 1990

James Douglas-Hamilton
Parliamentary Under Secretary of State,
Scottish Office

EXEMPTED CLASSES OF BUILDINGS

(1) <i>Class</i>	(2) <i>Description</i>	(3) <i>Exceptions</i>
PART I – DETACHED BUILDINGS		
Buildings controlled by other legislation		
1	A building the construction of which is subject to the Explosives Acts 1875 and 1923(a)	
2	A building erected on a site which is subject to licensing under the Nuclear Installations Act 1965(b)	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(c)	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 within 10 metres or the equivalent of its height (whichever is the less) of a boundary ii. A wall or fence within the exceptions in Class 13 of this Schedule
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	A building within 1 metre of a boundary
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 used to any extent for retailing (including storage of goods for retailing) or exhibiting
7	A building used for any other form of agriculture	A building– i. used to any extent for retailing (including storage of goods for retailing) or exhibiting; ii. exceeding 2000 cubic metres in capacity; or iii. within 10 metres or the equivalent of its height (whichever is the less) of a boundary of a building of purpose group 1 or 2
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 subject to regulation 24

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

(b) 1965 c.57.

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

(1) <i>Class</i>	(2) <i>Description</i>	(3) <i>Exceptions</i>
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	A passenger station or terminal, a building of purpose group 1 or 2 or an office or a canteen
10	A road or rail passenger shelter or a telephone kiosk having a floor area not exceeding 30 square metres	A building containing a heat-producing appliance which is subject to regulation 14
11	A caravan or mobile home within the meaning of the Caravan Sites and Control of Development Act 1960(a) or a tent, van or shed within the meaning of section 73 of the Public Health (Scotland) Act 1897(b)	
Small buildings		
12	A single-storey building having an area not exceeding 30 square metres	A building— i. of purpose group 1; ii. within 1 metre of a boundary; or iii. containing sleeping accommodation or a heat-producing appliance which is subject to regulation 14
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
Tanks, cables, sewers, drains etc		
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 subject to regulation 24 ii. A tank which is subject to regulation 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	

(a) 1960 c.62.

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

(1) <i>Class</i>	(2) <i>Description</i>	(3) <i>Exceptions</i>
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 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; or iii. containing a heat-producing appliance which is subject to regulation 14
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; or ii. containing a heat-producing appliance which is subject to regulation 14
20	An underground or substantially underground building within the curtilage of a dwelling of purpose sub-group 1B or 1C, the purpose of which is solely to afford shelter or protection from the effects of weapons of war (whether nuclear, chemical or conventional)	A building— i. exceeding 30 square metres in area; or ii. the excavation for which is nearer to any exposed part of another building than a distance equal to the depth of the excavation plus 1 metre

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, porch, 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 heat-producing appliance which is subject to regulation 14; or iii. (except in the case of a greenhouse, carport or covered area) within one metre of a boundary
----	---	---

NOTES

1. In the application of Part I 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 purposes 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.

SCHEDULE 2

Regulation 4

FIXTURES NOT REQUIRING A WARRANT

(1) <i>Category</i>	(2) <i>Description</i>	(3) <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(a)	
3	A heat-producing appliance which is subject to regulation 14	An associated 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 flue which passes through a combustible wall
5	Lining of a flue	
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 that which it is replacing, including a sanitary appliance (together with any relevant branch soil or waste pipe), rainwater gutter or downpipe, heat-producing appliance, electrical fixture, ventilation fan, chimney or flue outlet fitting or terminal, fire hydrant or main, lift, escalator, solid waste chute or container, door, window, internal or external wall, ceiling or roof lining, cladding, covering or rendering	
8	Replacement of a window by another which is not of the same general type as that which it is replacing	

NOTE

Notwithstanding the fact that the fixtures listed in this Schedule do not require a warrant they shall in all respects and in the manner of their fitting meet any relevant requirements of these Regulations.

(a) S.I. 1984/467.

CLASSIFICATION OF BUILDINGS BY PURPOSE

(1) <i>Purpose group and descriptive title</i>	(2) <i>Purpose sub-group where applicable</i>	(3) <i>Description of purpose or form of building</i>
1. Dwellings*	1A	Flats and maisonettes
	1B	Houses containing a habitable storey at a height exceeding 4.5 metres
	1C	Houses not containing a habitable storey at a height exceeding 4.5 metres
2. Institutional and other residential	2A	Residential accommodation, other than dwellings, for old people or children or for the treatment, care or maintenance of persons suffering from illness or mental or physical disability or handicap
	2B	Any other building, other than a dwelling, containing sleeping accommodation
3. Offices		Offices or premises used for office, administrative or clerical purposes (including writing, book-keeping, sorting papers, filing, typing, duplicating, machine calculating, police and fire service work, drawing and the editorial preparation of work for publication), financial transactions (including banking and building society work) and communications (including postal, telegraph and radio, television, film, audio or video recording or performance (not open to the public), communication or control)
4. Shops and Commercial		Shops or premises used for retail or wholesale trade or business, including sales by auction, self-selection and over-the-counter wholesale trading, hairdressing and beauty or body care and premises to which members of the public are invited to resort for the purpose of delivering or uplifting goods in connection with their cleaning, repair, hire or other treatment or (except in the case of the repair of motor vehicles) of themselves carrying out such cleaning, repair or other treatment
5. Assembly and recreational	5A	Places of entertainment and recreation other than sports stadia, including bingo halls, broadcasting, recording and film studios open to the public, casinos, dance halls, entertainment, conference, exhibition and leisure centres (except where consisting predominantly of a swimming pool), funfairs and amusement arcades, licensed betting offices, museums and art galleries, non-residential clubs, public houses, restaurants, cafes, snack bars, theatres, cinemas and concert halls
	5B	Any other places of assembly, including swimming pool buildings, churches and other places of worship, crematoria, dancing schools, educational establishments, gymnasias, law courts, libraries open to the public, non-residential day centres, clinics, health centres and surgeries, passenger stations and termini for air, rail, road or sea travel, public toilets, riding schools, ice rinks, sports pavilions, sports stadia, zoos and menageries

(1)	(2)	(3)
<i>Purpose group and descriptive title</i>	<i>Purpose sub-group, where applicable</i>	<i>Description of purpose or form of building</i>
6. Industrial	6A	<p>Manufacturing, processing, repairing, cleaning, washing, breaking up or otherwise treating any substance comprising or used in association with—</p> <p>adhesives asphalt and bituminous products chemical and allied industries cleaners and solvents clothing and footwear (excluding laundering) coal and petroleum products cork products dry cleaning dye-stuffs and pigments fertilisers grains and cereals inks insulated wires and cables leather, sheepskin and fur linoleum magnetic tape oils and greases paints paper, printing and publishing (excluding paper manufacturing) pharmaceutical products photographic materials and products plastics polishes rubber and synthetic rubber soaps and detergents spirit distilling surgical bandages and plasters synthetic resins textiles timber, joinery, furniture, brushes and brooms toilet preparations upholstery weedkillers and pesticides</p>
	6B	Any other industrial building including buildings used for generating or supplying power or slaughtering livestock
7. Storage and warehousing**	7A	<p>Storage of hazardous goods or materials, and storage of vehicles containing hazardous goods or materials, including—</p> <p>i. any compressed, liquefied or dissolved gas; ii. any substance which becomes dangerous by interaction with either water or air; iii. any liquid substance with a flash point below 65 Celsius including whisky or other spirituous liquor; iv. any corrosive substance; v. any substance capable of emitting poisonous fumes; vi. any oxidising agent; vii. any substance liable to spontaneous combustion; viii. any substance that changes or decomposes readily giving out heat when doing so; ix. any combustible solid substance with a flash point less than 120 Celsius; x. any substance likely to spread fire by flowing from one part of a building to another</p>

(1) <i>Purpose group and descriptive title</i>	(2) <i>Purpose sub-group, where applicable</i>	(3) <i>Description of purpose or form of building</i>
	7B	Storage of any other goods or materials, and car parks and parking garages not coming within purpose sub-group 7A or 7C
	7C	Open-sided*** car parks and parking garages, designed to admit or accommodate only passenger or light goods vehicles not exceeding 2500 kilograms gross mass

*Includes any surgeries, consulting rooms, offices or other accommodation not exceeding in the aggregate 50 square metres forming part of a dwelling and used by an occupant of the dwelling in a professional or business capacity.

**Warehousing excludes self-selection wholesale trading included in purpose group 4.

***For the purpose of this description "open-sided" means naturally ventilated to provide an adequate supply of air in accordance with regulation 23.

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

(1) <i>Description of room or space</i>	(2) <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	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	1.0
Exhibition hall	1.5
Shop sales area (Class 1)	2.0
Art gallery, dormitory, factory production area, museum, office (room not exceeding 60 square metres in area), workshop	5.0
Kitchen, library, office (room exceeding 60 square metres in area), 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 purpose of this Schedule shops are classified thus—

Class 1 – shops 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 – shops trading predominantly in furniture, floor coverings, cycles, perambulators, large domestic appliances or other bulky goods, or trading on a wholesale self-selection basis.

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

RULES OF MEASUREMENT

Area**1. The area of-**

- (a) a single-storey building for the purpose of regulation 3 shall be taken to be the total area, excluding any gallery or openwork floor;
- (b) a storey shall be taken to be the total area of the floors within that storey or, if the building is compartmented, within a storey of a compartment, excluding any gallery or openwork floor;
- (c) a room excludes any built-in fixture extending from the floor to the ceiling.

Cubic capacity

2. The cubic capacity of a building or compartment shall be taken to be the volume of the space contained by its enclosing walls, the upper surface of the floor of the lowest storey in the building or compartment, and the topmost ceiling in the building or compartment or, if the topmost storey has no ceiling, the internal surface of the roof.

Height**3. The height of-**

- (a) a building shall be taken to be the height from the surface of the ground to the underside of the ceiling of the topmost storey or, if the topmost storey has no ceiling, one-half of the height of the roof above its lowest part;
- (b) a compartment shall be taken to be the height within the compartment from the upper surface of the floor of the lowest storey to the topmost ceiling or, if the topmost storey has no ceiling, the internal surface of the roof;
- (c) a storey above the ground shall be taken to be the vertical height from the ground to the upper surface of the floor of the storey, and the expression "a storey at a height" shall be construed accordingly.

4. In the measurement of height from ground which is not level the height shall be taken to be the mean height, except that-

- (a) for the purpose of Class 13 of Schedule 1; and
- (b) for any other purpose where the difference in level is more than 2.5 metres, the height shall be taken to be the greatest height.

General

5. Except where the context otherwise requires, measurements shall be horizontal or vertical.

6. Measurements of area and cubic capacity shall be taken to the inner surfaces of enclosing walls or, on any side where there is no enclosing wall, to the outermost edge of the floor on that side.

7. Any expression of gradient, slope or fall shall be taken to mean one unit of vertical measurement in a given number of such units of horizontal measurement.

8. Except for the purpose of regulation 3, any measurements of parts of a building in different occupation shall be taken separately.

SCHEDULE 6
REVOCATIONS

Regulation 34(1)

<i>Regulations revoked</i>	<i>Reference</i>
The Building Standards (Scotland) Regulations 1981	S.I. 1981/1596
The Building Standards (Scotland) Amendment Regulations 1982	S.I. 1982/1878
The Building Standards (Scotland) Amendment Regulations 1984	S.I. 1984/1660
The Building Standards (Scotland) Amendment Regulations 1986	S.I. 1986/1278
The Building Standards (Scotland) Amendment Regulations 1987	S.I. 1987/1231

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations revoke and replace the Building Standards (Scotland) Regulations 1981 to 1987. The Regulations apply to any construction, alteration or change of use of a building, subject to certain exceptions (regulation 3 and Schedule 1). The Regulations come into force on 1st April 1991 but do not apply where application for the building warrant was made before that date (regulation 34(2)).

The Regulations prescribe standards for buildings for the purposes of Part II of the Building (Scotland) Act 1959. They differ in form from the 1981-1987 Regulations by being statements of requirements supported by Technical Standards contained in a volume prepared by the Scottish Office. Regulation 9 provides that the requirements of regulations 10 to 33 are satisfied only by compliance with the relevant standards set out in the supporting Technical Standards. The relevant standards may in turn be met:

- (a) by conforming with provisions which are stated in the Technical Standards to be deemed to satisfy the relevant standards; or
- (a) by any other means which can be shown to satisfy the relevant standards.

The provisions referred to in (a) above make extensive use of British Standards and British Standard Codes of Practice and make clear that any technical specification of a Member State of the European Community which gives an equivalent standard of protection or performance to such Standards or Codes of Practice will be deemed to satisfy the relevant requirements. These provisions also implement Article 4.2 of Council Directive 89/106/EEC (OJ No. L40, 11.2.89, p. 12) relating to construction products insofar as materials, fittings, components and other manufactured products which comply with and are used in accordance with a European technical approval delivered in accordance with Chapter III of the Directive are deemed to satisfy the requirements of the relevant standard (see Part B of the Technical Standards, paragraph (B2.1)).

The Regulations also provide that no warrant is required for alterations to a building which consist solely of the fitting of certain fixtures (regulation 4 and Schedule 2) and specify a period of five years as the life of a limited life building for which special provision may be made (regulation 5).

Copies of the Technical Standards supporting these Regulations are available from Her Majesty's Stationery Office.

Note: Copies of British Standards and British Standard Codes of Practice, Drafts for Development and International Standards referred to in the Technical Standards may be purchased from the British Standards Institution, Linford Wood, Milton Keynes, MK14 6LE (Tel: 0908 221166).