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STATUTORY INSTRUMENTS

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**1996 No. 2251 (S.183)**

**BUILDING AND BUILDINGS**

**The Building Standards (Scotland)  
Amendment Regulations 1996**

<i>Made</i>	- - - -	<i>22nd August 1996</i>
<i>Laid before Parliament</i>		<i>14th October 1996</i>
<i>Coming into force</i>	- -	<i>5th November 1996</i>

The Secretary of State, in exercise of the powers conferred on him by sections 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 him 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 him to be representative of the interests concerned, hereby makes the following Regulations:

**Citation and commencement**

1. These Regulations may be cited as the Building Standards (Scotland) Amendment Regulations 1996 and shall come into force on 5th November 1996.

**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) in the definition of “porch”, the words “and having a roof of opaque material” shall be deleted; and

(b) for the definition of “Technical Standards”(4) 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 Office in and dated July 1993(5), June 1994(6) and November 1996;”.

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(1) 1959 c. 24; 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.

(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 and 1994/1266.

(4) Substituted by S.I. 1994/1266.

(5) These amendments to the Technical Standards were given effect to by S.I. 1993/1457.

(3) For paragraph (2) of regulation 25 (sanitary facilities) there shall be substituted:–

“(2) This regulation shall apply to all buildings except buildings or any part of a building to which the School Premises (General Requirements and Standards) (Scotland) Regulations 1967 to 1979(7) apply.”

(4) For Schedule 1 there shall be substituted the Schedule set out in Schedule 1 to these Regulations.

(5) For Schedule 2 there shall be substituted the Schedule set out in Schedule 2 to these Regulations.

(6) In Schedule 5 (rules of measurement)–

(a) there shall be inserted at the end of paragraph 1(c)–

“, and in the case of a dwelling any part of the room where the height is less than 1.5 metres”;

(b) paragraph 3(c) shall be deleted;

(c) after paragraph 3 there shall be inserted–

“**3A.** The height of a storey above the ground or the depth of a storey below the ground shall be taken to be the vertical height or depth as the case may be from the ground to the upper surface of the floor of the storey, and the expressions “a storey at a height” and “a storey at a depth” shall be construed accordingly.”; and

(d) in paragraph 4, after the word “height” in each place where it occurs there shall be inserted the words “or depth”.

### **Application of the Regulations**

**3.** Regulation 2 above shall not have effect 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, or

(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 in pursuance of an application made as aforesaid.

St Andrew’s House, Edinburgh  
22nd August 1996

*James Douglas-Hamilton*  
Minister of State, Scottish Office

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(6) These amendments to the Technical Standards were given effect by S.I. 1994/1266.

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

## SCHEDULE 1

Regulation 2(4)

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

## “SCHEDULE 1

Regulation 3

## EXEMPTED CLASSES OF BUILDINGS

(1) Class	(2) Description	(3) Exceptions
<b>PART 1 — DETACHED BUILDINGS</b>		
Buildings controlled by other legislation		
1	A building the construction of which is subject to the Explosives Acts 1875 and 1923(8)	
2	A building erected on a site which is subject to licensing under the Nuclear Installations Act 1965(9)	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(10)	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

## 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.

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(8) 1875 c. 17 and 1923 c. 17.

(9) 1965 c. 57.

(10) 1979 c. 46; section 1 was amended by the National Heritage Act 1983 (c. 47), Schedule 4, paragraph 25.

**Status:** This is the original version (as it was originally made). UK  
Statutory Instruments are not carried in their revised form on this site.

(1) Class	(2) Description	(3) Exceptions
		<p>nearest edge thereof to the relevant land</p> <p>(ii) A wall or fence within the exceptions in Class 13 of this Schedule</p> <p>(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>
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 agriculture buildings		
6	An agricultural greenhouse or other building of mainly translucent material used mainly for commercial growing of plants	<p>A building–</p> <p>(i) used to any extent for retailing (including storage of goods for retailing) or exhibiting; or</p> <p>(ii) situated on land within the boundaries of which there are harmful or dangerous substances</p>
7	A building used for any other form of agriculture	<p>(a) A building–</p> <p>(i) used to any extent for retailing (including storage of goods for retailing) or exhibiting;</p> <p>(ii) exceeding 2000 cubic metres in capacity;</p> <p>(iii) within 10 metres or the</p>

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(1) Class	(2) Description	(3) Exceptions
Works of civil engineering	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, pipeline, sewage treatment works, gas holder or main, electricity supply line and supports	equivalent of its height (whichever is less) of a boundary of a building of purpose group 1 or 2; or (iv) situated on land within the boundaries of which there are harmful or dangerous substances (b) 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 (c) A dungstead
8		A septic tank, or private sewage treatment works, which is subject to regulation 24
Buildings of a specialised nature	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	A signalling and control centre for a railway or dock
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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.
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(1) Class	(2) Description	(3) Exceptions
	curtilage of such a railway or work	
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 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(11) or a tent, van or shed within the meaning of section 73 of the Public Health (Scotland) Act 1897(12)	
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 Classes 10, 13, 18, 19 and 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 heat-producing appliance which is subject to regulation 14; or (v) 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	A building containing sleeping accommodation

## NOTES

- 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.
- 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.

(11) 1960 c. 62.

(12) 1897 c. 38; section 73 was amended by the National Health Service (Scotland) Act 1972 (c. 58), Schedule 6, paragraph 56.

(1) Class	(2) Description	(3) Exceptions
	building or structure during the course of that work	
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	
	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 heat-producing 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,	A building— (i) exceeding 30 square metres in area;

## NOTES

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- 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.

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(1) Class	(2) Description	(3) Exceptions
	including a carport, covered area, greenhouse, summer house or swimming pool cover	(ii) containing a heat-producing 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 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; (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; 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 heat-producing appliance which is subject to regulation 14; (iii) (except in the case of a greenhouse, carport or covered area) within one metre of a boundary; or (iv) situated on land within the boundaries of which there are harmful or dangerous substances”
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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.

(8) 1875 c. 17 and 1923 c. 17.

(9) 1965 c. 57.

(10) 1979 c. 46; section 1 was amended by the National Heritage Act 1983 (c. 47), Schedule 4, paragraph 25.

(11) 1960 c. 62.

## SCHEDULE 2

Regulation 2(5)

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

## “SCHEDULE 2

Regulation 4

## FIXTURES NOT REQUIRING A WARRANT

(1) Category	(2) Description	(3) Exceptions
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(13)	
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 or sink (together with any relevant branch soil or waste pipe), rainwater gutter or downpipe, heat-producing appliance, electrical fixture,	

## NOTE

Notwithstanding the fact that the fixtures listed in Categories 1 to 6, 8 and 10 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 (see section 6(1) of the Act). Fixtures in Categories 7, 7A and 9 shall also meet any relevant requirements of these Regulations, and it should be noted that section 6(8) of the Act(14) applies to these categories.

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(12) 1897 c. 38; section 73 was amended by the National Health Service (Scotland) Act 1972 (c. 58), Schedule 6, paragraph 56.  
(13) S.I. 1984/467.

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(1) Category	(2) Description	(3) Exceptions
	ventilation fan, chimney or flue outlet fitting or terminal, fire hydrant or main, lift, escalator, solid waste chute or container, door, or window	
7A	Replacement, in whole or in 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 sanitary appliance or sink (together with any relevant branch soil or waste pipe)	
10	Provision of a stair lift within a dwelling”	

**NOTE**

Notwithstanding the fact that the fixtures listed in Categories 1 to 6, 8 and 10 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 (see section 6(1) of the Act). Fixtures in Categories 7, 7A and 9 shall also meet any relevant requirements of these Regulations, and it should be noted that section 6(8) of the Act(14) applies to these categories.

**EXPLANATORY NOTE**

*(This note is not part of the Regulation)*

These Regulations make further amendments to the Building Standards (Scotland) Regulations 1990. Regulation 25 is amended to apply the requirement to provide adequate sanitary facilities to all buildings except school premises, for which provision is made elsewhere. A new Schedule 1 is substituted to clarify the descriptions of some classes of exempted buildings and to expand on the exceptions to certain classes of exempted buildings, principally to ensure that buildings on land which has harmful or dangerous substances within its boundaries remain subject to the Regulations. A new Schedule 2 is substituted to include 2 further categories of fixtures not requiring a warrant,

(14) Section 6(8) was amended by the Building (Scotland) Act 1970 (c. 38), section 3 and Schedule 1, Part I, paragraph 1(c), the Local Government (Scotland) Act 1973 (c. 65), Schedule 15, paragraph 1 and Schedule 29, and the Statute Law (Repeals) Act 1989 (c. 43), Schedule 1, Part VII.

(13) S.I. 1984/467.

and to clarify the description of some fixtures which may be replaced. Schedule 5 is amended to clarify the rules of measurement of (a) the area of a room and of (b) height and depth (i) of a storey of a building and (ii) in circumstances where the ground is not level. The Regulations amend the definition of “Technical Standards” to allow the substitution of pages dated November 1996 in parts A, B, G, M and P of the Technical Standards. These substitutions reflect the changes made by these Regulations, update the British Standards references in parts B and P and make other minor drafting and updating changes.

The Regulations come into force on 5th November 1996 but do not apply to any construction or change of use of a building where application for warrant was made before that date.

Copies of the Technical Standards supporting the 1990 Regulations as amended are available from Her Majesty’s Stationery Office.