
STATUTORY INSTRUMENTS

1997 No. 2157 (S.150)

BUILDING AND BUILDINGS

The Building (Scotland) Amendment Regulations 1997

Made - - - - *1st September 1997*
Laid before Parliament *26th September 1997*
Coming into force - - *29th December 1997*

The Secretary of State, in exercise of the powers conferred on him by sections 2(4), 3, 6(1), 24(1) (a) and (b) and 29(1) of, and Schedules 3 and 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 (Scotland) Amendment Regulations 1997 and shall come into force on 29th December 1997.

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 “compartment” there shall be substituted:–

““compartment”, except in the expression “watercloset compartment”, means a part of a building (which may contain one or more rooms, spaces or storeys and includes, where relevant, the space above the top storey of the compartment) constructed so as to prevent the spread of fire to or from another part of the same building; and “compartmented” and “compartmentation” shall be construed accordingly;”;

(1) 1959 c. 24; section 2(4) was substituted by the Local Government (Scotland) Act 1973 (c. 65), Schedule 15, paragraph 1; 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, 1994/1266 and 1996/2251.

- (b) for the definitions of “compartment floor” and “compartment wall” there shall be substituted:–
- ““compartment floor” and “compartment wall” mean respectively a fire resistant floor and a fire resistant wall used in the separation of one compartment from another;”;
- (c) for the definition of “gallery” there shall be substituted:–
- ““gallery” means a raised floor or platform, including a raised storage floor, which is open to the room or space into which it projects 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 cases of there being more than one gallery, together occupy) not more than one-half of the floor area of the said room or space;”;
- (d) for the definition of “storey” there shall be substituted:–
- ““storey” means that part of a building which is situated between the top of any floor being the lowest floor level within the storey and the top of the floor next above it being the highest floor level within the storey 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;”;
- (e) 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), November 1996(7) and December 1997;”.
- (3) In paragraph (2) of regulation 22 (conservation of fuel and power)–
- (a) sub-paragraph (a)(iii) shall be deleted and there shall be substituted therefor–
- “(iii) are unheated or have a space heating system which is designed to give a maximum output not exceeding–
- (a) for buildings of purpose groups 2 to 5, 25 watts per square metre of floor area, and
- (b) for buildings of purpose groups 6 and 7, 50 watts per square metre of floor area;”.
- (b) in sub-paragraph (d)–
- (i) after the word “conservatories”, there shall be inserted the words “which are unheated,”; and
- (ii) the words “and which have external access” shall be deleted; and
- (c) sub-paragraph (e) shall be deleted.
- (4) In regulation 23 (ventilation of buildings) paragraphs (2) and (4) shall be deleted.
- (5) In Schedule 1 (exempted classes of buildings) in class 8, delete the exception in column (3) and substitute therefor–

(4) Substituted by [S.I. 1996/2251](#).

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

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

(7) These amendments to the Technical Standards were given effect to by [S.I. 1996/2251](#).

“A septic tank, or private sewerage treatment works, which is serving a building subject to regulation 24.”.

(6) In Schedule 2 (fixtures not requiring a warrant), in category 10, in column (2) add at the end “on a straight flight of stairs”.

Amendment of Building (Procedure) (Scotland) Regulations 1981

3.—(1) The Building (Procedure) (Scotland) Regulations 1981(**8**) shall be amended in accordance with the following paragraphs.

(2) In paragraph (1) of regulation 3(interpretation), for the definition of “Technical Standards”(9) there shall be substituted—

““Technical Standards” means the Technical Standards for compliance with the Building Standards (Scotland) Regulation 1990 issued by the Scottish Office in October 1990, as amended by the subsequent pages issued by the Scottish Office in and dated July 1993, June 1994, November 1996 and December 1997;”.

(3) At the end of the Table in paragraph 1 of Schedule 1 (Table of Particulars), there shall be added—

“ 15. Buildings in purpose group 1, where a new dwelling is created by construction or change of use	The energy rating of the dwelling calculated in accordance with Appendix C to Part J of the Technical Standards.”.
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4.—(1) The Building (Forms) (Scotland) Regulations 1991(**10**) shall be amended in accordance with the following paragraph.

(2) At the end of paragraph 7 of Form 8 in the Schedule (Prescribed Forms), there shall be added—
“[I/We also (a) confirm that the energy rating for the dwelling remains the same as that submitted with the building warrant application or (b) enclose a corrected energy rating calculation for the completed dwelling.]”.

Transitional provisions

5. 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 Building (Scotland) Act 1959 to building standards regulations shall be construed accordingly.

(8) S.I. 1981/1499, amended by 1987/1232, 1988/2194, 1990/1358, 1991/159, 1991/1528 and 1995/1572.

(9) Substituted by S.I. 1995/1572.

(10) S.I. 1991/160, amended by 1992/1911.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

St Andrew's House,
Edinburgh
1st September 1997

Malcolm Chisholm
Parliamentary Under Secretary of State, Scottish
Office

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 take account of the evolution of building practices in the areas of fire prevention and building ventilation, and give effect to some provisions of Directive [93/76/EEC](#) (to limit carbon dioxide emissions by improving energy efficiency).

Amendment of the definition of “Technical Standards” at regulation 2(2) of the 1990 Regulations gives effect, through the substitute pages mentioned therein, to these amendments and to a number of other minor changes to the Standards to remove inconsistencies and for clarification purposes. Paragraph (2) of regulation 2 makes necessary changes to some other definitions, while paragraph (3) amends regulation 22 of the 1990 Regulations to extend exemptions for certain accommodation ancillary to dwellings and to simplify requirements. Paragraph (4) of regulation 2 amends regulation 23 of the 1990 Regulations to simplify the requirements regarding ventilation of buildings.

The Building (Procedure) (Scotland) Regulations 1981 have been amended to require the submission of energy ratings for dwellings created by construction or change of use.

These Regulations come into force on 29th December 1997, 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 in accordance with Directive [83/189/EEC](#) (1983 O.J. L109/8) (as amended).

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

Compliance Cost Assessments of the effect of the revised Technical Standards have been carried out and summaries thereof have been deposited for inspection with the House Libraries.