

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 (1) .	
2	A building erected on a site which is subject to licensing under the Nuclear Installations Act 1965 (2) .	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 (3) .	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;

(1) 1875 c. 17 and 1923 c. 17.

(2) 1965 c. 57.

(3) 1979 c. 46; section 1 was amended by the National Heritage Act 1983 (c. 47), Schedule 4, paragraph 25.

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<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.	<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> <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—	<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 equivalent of its height (whichever is the less) of a boundary of a building of</p>

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		purpose group 1 or 2; or (iv) A building 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 Class 16 of this Schedule; (c) A dungstead.
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.	(i) A signalling and control centre for a railway or dock; (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.
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.

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11	A caravan or mobile home within the meaning of the Caravan Sites and Control of Development Act 1960(4), or a tent, van or shed within the meaning of section 73 of the Public Health (Scotland) Act 1897(5).	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.		

(4) 1960 c. 62.

(5) 1897 c. 38; section 73 was amended by the National Health Service (Scotland) Act 1972 (c. 58), Schedule 6, paragraph 56.

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(1) Class	(2) Description	(3) Exceptions
16	Any tank, cable, sewer, drain or other pipe above or below ground.	<ul style="list-style-type: none"> (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.	<p>A building—</p> <ul style="list-style-type: none"> (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; <p>or</p> <ul style="list-style-type: none"> (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.	<p>A building—</p> <ul style="list-style-type: none"> (i) exceeding 30 square metres in area; (ii) containing a combustion appliance which is subject to regulation 14; <p>or</p> <ul style="list-style-type: none"> (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	<p>A building—</p> <ul style="list-style-type: none"> (i) exceeding 30 square metres in area; (ii) the excavation for which is nearer to any exposed part of another building

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	shelter or protection from the effects of weapons of war (whether nuclear, chemical or conventional).	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.
<p>PART II – BUILDINGS ATTACHED TO DWELLINGS OF PURPOSE SUB-GROUP 1B OR 1C</p>		
<p>21</p>	<p>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.</p>	<p>A building–</p> <ul style="list-style-type: none"> (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.”.