

2001 No. 320

BUILDING AND BUILDINGS

The Building Standards (Scotland) Amendment Regulations
2001

Made 20th September 2001

Laid before the Scottish Parliament 24th September 2001

Coming into force 4th March 2002

The Scottish Ministers, in exercise of the powers conferred by sections 3, 6(1), 11(7), 24(1)(b) and 29(1) of, and Schedule 4 to, the Building (Scotland) Act 1959(a) and of all other powers enabling them in that behalf and, as required by section 3(6) of that Act(b), having consulted the Building Standards Advisory Committee and such other bodies as appear to them to be representative of the interests concerned, hereby make the following Regulations:

Citation and commencement

1. These Regulations may be cited as the Building Standards (Scotland) Amendment Regulations 2001 and shall come into force on 4th March 2002.

Amendment of Building Standards (Scotland) Regulations 1990

2.—(1) The Building Standards (Scotland) Regulations 1990(c) shall be amended in accordance with the following paragraphs:—

- (2) In paragraph (1) of regulation 2 (interpretation)—
- (a) in the definition of “compartment(d)” the words “, except in the expression “watercloset compartment,” shall be deleted;
 - (b) for the definition of ““compartment floor” and “compartment wall””(e) there shall be substituted—
““compartment floor” and “compartment wall” mean respectively a floor or a wall with the level of fire safety performance required to ensure compartmentation”;
 - (c) in the definition of “conservatory”, after “dwelling”, there shall be inserted “, the entrance having a door,”;
 - (d) in the definition of “room”, for “watercloset compartment” there shall be substituted “toilet”;

(a) 1959 c.24; section 2(4) was substituted by the Local Government (Scotland) Act 1973 (c.65), Schedule 15, paragraph 3(b); 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. The functions of the Secretary of State were transferred to the Scottish Ministers by virtue of section 53 of the Scotland Act 1998 (c.46); see also the Scotland Act 1998 (Consequential Modifications) (No. 2) Order 1999 (S.I. 1999/1820), Schedule 2, paragraph 29.

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

(c) S.I. 1990/2179, amended by S.I. 1993/1457, 1994/1266, 1996/2251, 1997/2157 and S.S.I. 1999/173.

(d) Substituted by S.I. 1997/2157.

(e) Substituted by S.I. 1997/2157.

- (e) in the definition of “sanitary facilities”, after “waterclosets”, there shall be inserted “(and waterless closets in dwellings only)”;
 - (f) after the definition of “storey” there shall be inserted the definition—
““surface water” means the run-off of rainwater from roofs and any paved ground surface within the curtilage of the building;”;
 - (g) in the definition of “Technical Standards(a)”, after the words “December 1999” there shall be inserted the words “and September 2001”;
 - (h) the definition of “watercloset compartment” shall be omitted; and
 - (i) after the definition of “Technical Standards” there shall be inserted the definitions—
““toilet” means an enclosed part of a storey which contains a watercloset, a waterless closet or a urinal, which are properly installed for use;
“wastewater” means water that is contaminated by use and normally discharged from a watercloset, shower, bath, bidet, washbasin, sink, washing machine, floor gully and similar facility and also includes rainwater when discharging in a wastewater drainage system.””.
- (3) In regulation 9 (compliance with building standards) for “33”, there shall be substituted “32”.
- (4) For regulation 10 (fitness of materials) there shall be substituted—

“Fitness of materials and workmanship

10. Construction to meet a requirement of these Regulations must be carried out in a technically proper and workmanlike manner, and the materials used must be durable, and fit for their intended purpose.”.

- (5) For regulation 13 there shall be substituted—

“Means of escape from fire, facilities for fire-fighting and means of warning of fire

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

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

(1A) Every dwelling, all residential accommodation and all enclosed shopping centres shall be provided with adequate means of warning the occupants of an outbreak of fire.

(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(b) apply.”.

- (6) For paragraph (2) of regulation 22 there shall be substituted—

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

- (a) a building which is unheated or which has a space heating system for protection against frost designed to give a maximum output not exceeding 25 watts per square metre of floor area; or
- (b) unheated parts of a building of purpose sub-group 1A that do not form part of a dwelling.”.

- (7) For regulations 24 (drainage), 25(c) (sanitary facilities) and 25A(d) (sanitary facilities for disabled people) there shall be substituted—

(a) Substituted by S.S.I. 1999/173.
 (b) S.I. 1976/2003, amended by S.I. 1985/1333 and 1987/37.
 (c) Substituted by S.S.I. 1999/173.
 (d) Substituted by S.S.I. 1999/173.

“Drainage

24. A building shall be provided with adequate drainage to ensure the safe and hygienic disposal of wastewater from the building, and of surface water from the building and paved surfaces within the curtilage of the building.

Sanitary facilities

25.—(1) Subject to paragraph (2) below, all buildings shall be provided with adequate and suitable sanitary facilities.

(2) This regulation shall not apply in relation to numbers of sanitary facilities in a building or any part of a building to which the School Premises (General Requirements and Standards) (Scotland) Regulations 1967 to 1979(a) apply.

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

- (8) In Schedule 1(b) (exempted classes of buildings)–
- (a) in classes 8, 11 and 16, in the exceptions in column 3, for the word “works” in each place where it occurs there shall be substituted the word “plant”;
 - (b) in class 15, in the exceptions in column 3, the words “(excluding unused bedrooms in a showhouse)” shall be deleted;
 - (c) in class 19–
 - (i) for the word “cover” there shall be substituted the word “enclosure”;
 - (ii) in the exceptions in column 3, after “regulation 14;”–
 - (a) the word “or” shall be deleted; and
 - (b) for “substances.” there shall be substituted the words–
“; or (iv) containing sleeping or sanitary accommodation.”; and
 - (d) in class 21, in the exceptions in column 3, after the words “in the case of” there shall be inserted the words “a conservatory or”.
- (9) In Schedule 2(c) (fixtures not requiring a warrant) in category 4, in the exceptions in column 3, for the word “wall” there shall be substituted the word “material”.
- (10) In Schedule 3 (classification of buildings by purpose)–
- (a) in column 3 of purpose sub-group 5A the words “museums and art galleries” shall be omitted; and
 - (b) at the end of column 3 in purpose sub-group 5B there shall be inserted “, museums and art galleries”.
- (11) In Schedule 5 (rules of measurement), for paragraphs 1(d) and 1A(e) there shall be substituted–
- “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 floor area of all floors within that storey, including the floor area of any gallery or openwork floor;
 - (c) a room excludes any built-in furniture extending from the floor to the ceiling and in the case of a dwelling any part of the room where the height is less than 1.5 metres;
 - (d) a compartment shall be taken to be the total floor area of all storeys within that compartment;
 - (e) an enclosed shopping centre shall be taken to be the total floor area of all storeys.”.

(a) S.I. 1967/119, S.I. 1973/322 and S.I. 1979/1186.

(b) Substituted by S.S.I. 1999/173.

(c) Substituted by S.S.I. 1999/173.

(d) Amended by S.I. 1996/2251, regulation 26.

(e) Inserted by S.S.I. 1999/173.

Transitional provisions

3. 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 the warrant was made and any reference in the Building (Scotland) Act 1959 to building standards regulations shall be construed accordingly.

St Andrew's House,
Edinburgh
20th September 2001

LEWIS MacDONALD
Authorised to sign by Scottish Ministers

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”). The amendments deal mainly with Part D (*Structural Fire Precautions*), Part E (*Means of Escape from Fire, Facilities for Fire-fighting and Means of Warning of Fire*), Part J (*Conservation of Fuel and Power*), Part M (*Drainage and Sanitary Facilities*) and with minor amendments to other Parts of the Technical Standards for compliance with the Building Standards (Scotland) Regulations 1990.

Amendment of the definition of “Technical Standards” at regulation 2(2) gives effect, through the substitute pages mentioned therein, to these amendments.

In Part E, the facilities for fire-fighting have been revised to take account of current practice in fire brigades. Part M has been amended to take account of new sustainable drainage practices. Part J has been rewritten to introduce improved standards for thermal insulation and efficiency.

Changes to other Parts are relatively minor in content, although Part B (*Fitness of Materials and Workmanship*) has been reworded to recognise the format and content of European product standards. Part R (*Storage of Waste*) has had many prescriptive requirements removed to allow current practice in waste removal to be accommodated. Part A (*General*) has amendments to definitions and schedules to match the revised requirements in other Parts. The exemptions granted to conservatories have been reduced to prevent excessive energy use.

These Regulations come into force on 4th March 2002, 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 and other Member States in accordance with Directive 98/34/EC of the European Parliament and the Council (O.J. No. L 204, 21.7.98, p.37) as amended by Directive 98/48/EC of the European Parliament and the Council (O.J. No. L 217, 5.9.98, p.18).

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

Regulatory Impact Assessments of the effect of the revised Technical Standards have been carried out and summaries thereof have been deposited for inspection with the Scottish Parliamentary Information Centre.

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