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SCOTTISH STATUTORY INSTRUMENTS

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**2006 No. 534**

**BUILDING AND BUILDINGS**

**The Building (Scotland) Amendment Regulations 2006**

*Made* - - - - 2nd November 2006  
*Laid before the Scottish  
Parliament* - - - - 3rd November 2006  
*Coming into force* - - 1st May 2007

The Scottish Ministers, in exercise of the powers conferred by sections 1, 2, 8(8), 54, 56 of and Schedule 1 to, the Building (Scotland) Act 2003<sup>(1)</sup> and of all other powers enabling them in that behalf, and having consulted the Building Standards Advisory Committee and such other persons as appear to them to be representative of the interests concerned, in accordance with section 1(2) of that Act, hereby make the following Regulations:

**Citation and commencement**

1. These Regulations may be cited as the Building (Scotland) Amendment Regulations 2006 and shall come into force on 1st May 2007.

**Commencement Information**

II [Reg. 1](#) in force at 1.5.2007, see [reg. 1](#)

**Amendment of Regulations**

2. In the Building (Scotland) Regulations 2004<sup>(2)</sup>—
- (a) in regulation 5 (descriptions of building and work, including the provision of services, fittings and equipment, not requiring a warrant) insert “building” before “warrant”;
  - (b) after regulation 16 (relaxations) insert the following—

**“Continuing requirements**

17.—(1) Subject to paragraph (2), the owners of buildings shall ensure that—

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(1) 2003 asp 8.  
(2) S.S.I. 2004/406.

- (a) every air conditioning system within a building is inspected at regular intervals; and
  - (b) appropriate advice is given to the users of the buildings on reducing the energy consumption of such an air conditioning system.
- (2) This regulation shall not apply to—
- (a) air conditioning systems with a total effective output rating of less than 12 kW; or
  - (b) air conditioning systems solely for processes within a building.
- (3) In terms of section 2 of the Building (Scotland) Act 2003 the provisions of paragraph (1) are a designated provision in respect of which there is a continuing requirement imposed on the owners of buildings.”.
- (c) for Schedules 1 to 6 substitute Schedules 1 to 6 set out in the Schedule to these Regulations.

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**Commencement Information**

**I2** [Reg. 2](#) in force at 1.5.2007, see [reg. 1](#)

**Savings**

**3.—(1)** Subject to paragraph (2), these Regulations shall apply only in relation to work commenced on or after 1st May 2007.

(2) Where—

- (a) an application for a building warrant for the design, construction, demolition or conversion of buildings or the provision of services, fittings or equipment in or in connection with buildings was made before the 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 building warrant granted was made before the coming into force of these Regulations,

the building regulations applicable to the building in question shall be those in force at the time of making of the original application for a building warrant and any reference in the Building (Scotland) Act 2003 to building regulations shall be construed accordingly.

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**Commencement Information**

**I3** [Reg. 3](#) in force at 1.5.2007, see [reg. 1](#)

**Transitional provisions**

**4.—(1)** Notwithstanding regulation 3 and subject to paragraph (2), where a building warrant is not required but the work must still comply with building regulations the building regulations applicable to the work in question shall be those in force at the date on which the contract for the work was entered into and any reference in the Building (Scotland) Act 2003 to building regulations shall be construed accordingly.

(2) This regulation only applies where—

- (a) the contract is entered into before 1st May 2007;
- (b) the work on the contract is commenced before 1st July 2007; and

(c) the work on the contract is completed before 31st August 2007.

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**Commencement Information**

**I4** [Reg. 4](#) in force at 1.5.2007, see [reg. 1](#)

St Andrew's House,  
Edinburgh  
2nd November 2006

*JOHANN M LAMONT*  
Authorised to sign by the Scottish Ministers

## SCHEDULE

Regulation 2(c)

**Commencement Information****I5** Sch. in force at 1.5.2007, see **reg. 1**

## “SCHEDULE 1

Regulation 3

## EXEMPTED BUILDINGS AND SERVICES, FITTINGS AND EQUIPMENT

**Buildings etc. controlled by other legislation**

1. Any building in which explosives are manufactured or stored under a licence granted under the Manufacture and Storage of Explosives Regulations 2005(3).
2. A building erected on a site which is subject to licensing under the Nuclear Installations Act 1965(4). **Except**—A dwelling, residential building, office, canteen or visitor centre.
3. A building included in the schedule of monuments maintained under section 1 of the Ancient Monuments and Archaeological Areas Act 1979(5)**Except**—A dwelling or residential building.

**Protective Works**

4. Protective works subject to control by regulation 13.

**Buildings or work not frequented by people**

5. A building into which people cannot or do not normally go. **Except**—A building within 6 metres or the equivalent of its height (whichever is the less) of the boundary. A wall or fence. A tank, cable, sewer, drain or other pipe above or below ground for which there is a requirement in these Regulations.
6. Detached fixed plant or machinery or a detached 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. **Except**—A building within 1 metre of a boundary.

**Agricultural and related buildings**

7. An agricultural greenhouse or other building of mainly translucent material used mainly for commercial growing of plants. **Except**—A building used to any extent for retailing (including storage of goods for retailing) or exhibiting.
8. A single-storey detached building used for any other form of agriculture, fish farming or forestry. **Except**—A building used to any extent for retailing (including storage for retailing) or exhibiting. A building exceeding 280 square metres in area. A building within 6 metres or the equivalent of its height (whichever is the less) of a boundary. A dwelling, residential building, office, canteen or visitor centre. A dungstead or farm effluent tank.

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(3) S.I.2005/1082.

(4) 1965 c. 57.

(5) 1979 c. 16. Section 1 was amended by the [National Heritage Act 1983 \(c.47\)](#) Schedule 4, paragraph 25.

### Works of civil engineering construction

9. 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, any bridge embankment or other support to railway lines and any signalling or power lines and supports and a fire practice tower. **Except**—A bridge or tunnel forming part of an escape route or an access route provided to meet a requirement of these Regulations. A private sewage treatment works provided to meet a requirement of these Regulations.

### Buildings of a specialised nature

10. A building essential for the operation of a railway including a locomotive or carriage shed, or for the operation of any other work of civil engineering contained in type 9 of this Schedule and erected within the curtilage of such a railway or work. **Except**—A signalling and control centre for a railway or dock. A building to which the public is admitted, not being a building exempted by type 11 of this Schedule. A dwelling, residential building, office, canteen, or warehouse.

11. A single-storey detached road or rail passenger shelter or a telephone kiosk which in so far as it is glazed complies with the requirements of regulation 9 and paragraph 4.8 of Schedule 5. **Except**—A building having a floor area exceeding 30 square metres. A building containing a fixed combustion appliance installation.

12. A caravan or mobile home within the meaning of the Caravan Sites and Control of Development Act 1960(6), or a tent, van or shed within the meaning of section 73 of the Public Health (Scotland) Act 1897(7). **Except**—Any wastewater disposal system serving a building of this type.

### Small buildings

13. A detached single-storey building having an area not exceeding 8 square metres. **Except**—A dwelling or residential building. A building ancillary to and within the curtilage of a dwelling. A building within 1 metre of a boundary. A building containing a fixed combustion appliance installation or sanitary facility. A wall or fence.

### 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. **Except**—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. **Except**—A building containing sleeping accommodation.

### Temporary buildings

16. A building which, during any period of 12 months, is either erected or used on a site—  
(a) for a period not exceeding 28 consecutive days; or  
(b) for a number of days not exceeding 60,  
and any alterations to such buildings.

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(6) 1960 c. 62.

(7) 1897 c. 38. Section 73 was amended by the [National Health Service \(Scotland\) Act 1972 \(c.58\)](#) Schedule 6, paragraph 56.

**Buildings ancillary to houses**

**17.** A detached single-storey building ancillary to and within the curtilage of a house. **Except**—A building exceeding 8 square metres in area. A building within 1 metre of the house unless it is at least 1 metre from any boundary. A building containing sleeping accommodation. A building containing a flue, a fixed combustion appliance installation or sanitary facility. A wall or fence.

**18.** A single storey building attached to an existing house, which is ancillary to the house and consists of a conservatory or porch which insofar as it is glazed complies with the requirements of regulation 9 and paragraph 4.8 of Schedule 5. **Except**—A building exceeding 8 square metres in area. A building containing a flue, a fixed combustion appliance installation or sanitary facility. A building within 1 metre of a boundary.

**19.** A single storey building which is detached, or is attached to an existing house and which is ancillary to the house and consists of a greenhouse, carport or covered area. **Except**—A building exceeding 30 square metres in area. A building containing a flue, a fixed combustion appliance installation or sanitary facility.

**Buildings ancillary to flats or maisonettes**

**20.** A detached single storey building ancillary to and within the curtilage of a flat or maisonette. **Except**—A building exceeding 8 square metres in area. A building within 1 metre of the flat or maisonette or within 3 metres of any other part of the building containing the flat or maisonette. A building within 1 metre of a boundary. A building containing a flue, a fixed combustion appliance installation or sanitary facility. A wall or fence. A swimming pool deeper than 1.2 metres.

**Paved areas**

**21.** A paved area or hardstanding. **Except**—A paved area or hardstanding exceeding 200 square metres in area. A paved area forming part of an access to meet a requirement of these Regulations.

[<sup>F1</sup>SCHEDULE 2

Regulation 4

## CONVERSIONS TO WHICH THE REGULATIONS APPLY

1. Changes in the occupation or use of a building to create a dwelling or dwellings or a part thereof.
2. Changes in the occupation or use of a building ancillary to a dwelling to increase the area of human occupation.
3. Changes in the occupation or use of a building which alters the number of dwellings in the building.
4. Changes in the occupation or use of a domestic building to any other type of building.
5. Changes in the occupation or use of a residential building to any other type of building.
6. Changes in the occupation or use of a residential building which involve a significant alteration of the characteristics of the persons who occupy, or who will occupy, the building, or which significantly increase the number of people occupying, or expected to occupy, the building.
7. Changes in the occupation or use of a building so that it becomes a residential building.
8. Changes in the occupation or use of an exempt building (in terms of Schedule 1) to a building which is not so exempt.

9. Changes in the occupation or use of a building to allow access by the public where previously there was none.

10. Changes in the occupation or use of a building to accommodate parts in different occupation where previously it was not so occupied.]

### SCHEDULE 3

Regulation 5

#### DESCRIPTIONS OF BUILDING AND WORK, INCLUDING THE PROVISION OF SERVICES, FITTINGS AND EQUIPMENT, NOT REQUIRING A WARRANT

##### **A. On condition that types 1–23 in all respects and/or in the manner of their fitting meet any standards required by the Regulations**

1. Any work to or in a house. **Except**—Any work which increases the floor area of the house. Any demolition or alteration of the roof, external walls or elements of structure. Any work involving underpinning. Any work adversely affecting a separating wall. Any work involving a change in the method of wastewater discharge. Work, not being work of types 3 to 26 below, to a house having a storey, or creating a storey, at a height of more than 4.5 metres.

2. Any work to or in a non-residential building to which the public does not have access. **Except**—A non-residential building within which there is a domestic or residential building. Any work which increases the floor area of the building. Any demolition or alteration of the roof, external walls or elements of structure. Any work involving underpinning. Any work adversely affecting a separating wall. Any work involving a change in the method of wastewater discharge. Work, not being work of types 3 to 26 below, to a building having a storey, or creating a storey, at a height of more than 7.5 metres.

##### **And, without prejudice to the generality of types 1 and 2 above**

3. A detached single-storey building, having an area exceeding 8 square metres but not exceeding 30 square metres. **Except**—A dwelling or residential building. A building ancillary to, or within the curtilage of, a dwelling. A building within 1 metre of a boundary. A building containing a fixed combustion appliance installation or sanitary facility. A swimming pool deeper than 1.2 metres.

4. A detached single-storey building, having an area exceeding 8 square metres but not exceeding 30 square metres, ancillary to and within the curtilage of a house. **Except**—A building within 1 metre of the house unless it is at least 1 metre from any boundary. A building containing a fixed combustion appliance installation or sanitary facility. A swimming pool deeper than 1.2 metres.

5. A detached single-storey building, having an area exceeding 8 square metres but not exceeding 30 square metres, ancillary to and within the curtilage of a flat or maisonette. **Except**—A building within 1 metre of the flat or maisonette or within 3 metres of any other part of the building containing the flat or maisonette. A building within 1 metre of a boundary. A building containing a fixed combustion appliance installation or sanitary facility. A swimming pool deeper than 1.2 metres.

6. Any work associated with a fixed combustion appliance installation or other part of a heating installation not being work of types 7 or 8 below. **Except**—Any work associated with a solid fuel appliance having an output rating more than 50 kW, an oil-firing appliance with an output rating more than 45 kW or a gas-fired appliance having a net input rating more than 70 kW. Any work associated with a chimney, flue pipe or constructional hearth. Any work associated with an oil storage tank with a capacity of more than 90 litres, including any pipework connecting the tank to a combustion appliance providing space or water heating or cooking facilities. Any work adversely affecting a separating wall or separating floor.

7. Any work associated with a balanced flue serving a room-sealed appliance.
8. Any work associated with pipework, radiators, convector heaters and thermostatic controls for, or associated with, type 6 above.
9. Any work associated with installing a flue liner.
10. Any work associated with refillable liquefied petroleum gas storage cylinders supplying, via a fixed pipework installation, combustion appliances used principally for providing space heating, water heating, or cooking facilities.
11. Any work associated with the provision of a single sanitary facility, together with any relevant branch soil or waste pipe. **Except**—Any work associated with a water closet, waterless closet or urinal.
12. Any work associated with the relocation within the same room or space of any sanitary facility, together with any relevant branch soil or waste pipe.
13. Any work associated with the provision of an extractor fan.
14. Any work associated with a stairlift within a dwelling.
15. Any work associated with the provision of a notice or other fixture for which there is no requirement provided in these regulations.
16. Any work associated with an outdoor sign that is subject to the Town and Country Planning (Control of Advertisements) (Scotland) Regulations 1984<sup>(8)</sup>.
17. Any work associated with thermal insulating material to or within a wall, ceiling, roof or floor. **Except**—Any work associated with the application of thermal insulating material to the outer surface of an external wall.
18. A wall not exceeding 1.2 metres in height, or a fence not exceeding 2 metres in height.
19. Any work associated with open raised external decking. **Except**—Any decking at a height of more than 1.2 metres. Decking that forms part of any access provided to comply with the requirements in regulation 9 and paragraph 4.1 of Schedule 5. Decking that forms any escape route, other than from a flat or maisonette, provided to comply with the requirements in regulation 9 and paragraph 2.9 of Schedule 5.
20. A door, window, or rooflight when the work includes replacing the frame.
21. A paved area or hardstanding exceeding 200 square metres in area. A paved area forming part of an access to meet a requirement of these Regulations.
22. An electrical installation, including a circuit for telecommunication, alarm purposes or for the transmission of sound, vision or data, which operates at extra-low voltage (not exceeding 50 volts alternating current or 120 volts direct current, measured between conductors or to earth) and which is not connected directly or indirectly to an electricity supply which operates at a voltage higher than either of those specified above.
23. The construction of a ramp not exceeding 5 metres in length.

**B. On condition that this work, service, fitting or equipment is to a standard no worse than at present**

24. Any work associated with the replacement of a fitting or equipment, in whole or in part, by another of the same general type, including a sanitary facility (together with any relevant branch soil or waste pipe), rainwater gutter or downpipe, solid fuel combustion appliance, electrical fixture, ventilation fan, chimney or flue outlet fitting or terminal, fire hydrant or main, lift or escalator, solid

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(8) S.I. 1984/467.



waste chute or container, kitchen fitments or other fitted furniture and ironmongery. **Except**—Any door, window or rooflight. Any oil firing or gas fired boiler.

**25.** Any work associated with the replacement in whole or in part, by material of the same general type, of flooring, lining, cladding, covering or rendering either internally or externally.

**26.** Any work to a door, window or rooflight, including glazing which is not a complete replacement falling within type 20 above.

## SCHEDULE 4

Regulation 7

### MEASUREMENTS

#### Area

1. Measurement of area shall be taken to the innermost surfaces of enclosing walls or, on any side where there is no enclosing wall, to the outermost edge of the floor on that side.
2. A room excludes any built-in fixture extending from the floor to the ceiling.
3. In the case of a dwelling, a room excludes any part where the height is less than 1.5 metres.

#### Height and depth

4. 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; and
  - (b) 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.
5. In the measurement of height or depth from ground which is not level the height or depth shall be taken to be the mean height or depth, except that—
  - (a) for the purpose of types 1, 2, 3, 4, 5, 18 or 19 of Schedule 3; and
  - (b) for any other purpose where the difference in level is more than 2.5 metres,the height or depth shall be taken to be the greatest height or depth.

#### General

6. Except where the context otherwise requires, measurements shall be horizontal and vertical.

## SCHEDULE 5

Regulation 9

### BUILDING STANDARDS APPLICABLE TO DESIGN AND CONSTRUCTION

#### **SECTION 1: STRUCTURE**

##### **Structure**

**1.1** Every building must be designed and constructed in such a way that the loadings that are liable to act on it, taking into account the nature of the ground, will not lead to:

- (a) the collapse of the whole or part of the building;
- (b) deformations which would make the building unfit for its intended use, unsafe, or cause damage to other parts of the building or to fittings or to installed equipment; or
- (c) impairment of the stability of any part of another building.

##### **Disproportionate collapse**

**1.2** Every building must be designed and constructed in such a way that in the event of damage occurring to any part of the structure of the building the extent of any resultant collapse will not be disproportionate to the original cause.

#### **SECTION 2: FIRE**

##### **Compartmentation**

**2.1** Every building must be designed and constructed in such a way that in the event of an outbreak of fire within the building, fire and smoke are inhibited from spreading beyond the compartment of origin until any occupants have had the time to leave that compartment and any fire containment measures have been initiated.

##### **Limitation**

This standard does not apply to domestic buildings.

##### **Separation**

**2.2** Every building, which is divided into more than one area of different occupation, must be designed and constructed in such a way that in the event of an outbreak of fire within the building, fire and smoke are inhibited from spreading beyond the area of occupation where the fire originated.

##### **Structural protection**

**2.3** Every building must be designed and constructed in such a way that in the event of an outbreak of fire within the building, the load-bearing capacity of the building will continue to function until all occupants have escaped, or been assisted to escape, from the building and any fire containment measures have been initiated.

## **Cavities**

**2.4** Every building must be designed and constructed in such a way that in the event of an outbreak of fire within the building, the unseen spread of fire and smoke within concealed spaces in its structure and fabric is inhibited.

## **Internal linings**

**2.5** Every building must be designed and constructed in such a way that in the event of an outbreak of fire within the building, the development of fire and smoke from the surfaces of walls and ceilings within the area of origin is inhibited.

## **Spread to neighbouring buildings**

**2.6** Every building must be designed and constructed in such a way that in the event of an outbreak of fire within the building, the spread of fire to neighbouring buildings is inhibited.

## **Spread on external walls**

**2.7** Every building must be designed and constructed in such a way that in the event of an outbreak of fire within the building, or from an external source, the spread of fire on the external walls of the building is inhibited.

## **Spread from neighbouring buildings**

**2.8** Every building must be designed and constructed in such a way that in the event of an outbreak of fire in a neighbouring building, the spread of fire to the building is inhibited.

## **Escape**

**2.9** Every building must be designed and constructed in such a way that in the event of an outbreak of fire within the building, the occupants, once alerted to the outbreak of the fire, are provided with the opportunity to escape from the building, before being affected by fire or smoke.

## **Escape lighting**

**2.10** Every building must be designed and constructed in such a way that in the event of an outbreak of fire within the building, illumination is provided to assist in escape.

## **Communication**

**2.11** Every building must be designed and constructed in such a way that in the event of an outbreak of fire within the building, the occupants are alerted to the outbreak of fire.

## **Limitation**

This standard applies only to a building which—

- (a) is a dwelling;
- (b) is a residential building; or
- (c) is an enclosed shopping centre.

## **Fire service access**

**2.12** Every building must be accessible to fire appliances and fire service personnel.

*Changes to legislation: There are currently no known outstanding effects for the The Building (Scotland) Amendment Regulations 2006. (See end of Document for details)*

### **Fire service water supply**

**2.13** Every building must be provided with a water supply for use by the fire service.

#### **Limitation**

This standard does not apply to domestic buildings.

### **Fire service facilities**

**2.14** Every building must be designed and constructed in such a way that facilities are provided to assist fire-fighting or rescue operations.

### **Automatic life safety fire suppression systems**

**2.15** Every building must be designed and constructed in such a way that, in the event of an outbreak of fire within the building, fire and smoke will be inhibited from spreading through the building by the operation of an automatic life safety fire suppression system.

#### **Limitation**

This standard applies only to a building which–

- (a) is an enclosed shopping centre;
- (b) is a residential care building;
- (c) is a high rise domestic building; or
- (d) forms the whole or part of a sheltered housing complex.

## ***SECTION 3:***

### ***ENVIRONMENT***

#### **Site preparation – harmful and dangerous substances**

**3.1** Every building must be designed and constructed in such a way that there will not be a threat to the building or the health of people in or around the building due to the presence of harmful or dangerous substances.

#### **Limitation**

This standard does not apply to the removal of unsuitable material, including turf, vegetable matter, wood, roots and topsoil on the site of a building (other than a dwelling) intended to have a life not exceeding the period specified in regulation 6.

#### **Site preparation – protection from radon gas**

**3.2** Every building must be designed and constructed in such a way that there will not be a threat to the health of people in or around the building due to the emission and containment of radon gas.

#### **Flooding and ground water**

**3.3** Every building must be designed and constructed in such a way that there will not be a threat to the building or the health of the occupants as a result of flooding and the accumulation of ground water.

### **Moisture from the ground**

**3.4** Every building must be designed and constructed in such a way that there will not be a threat to the building or the health of the occupants as a result of moisture penetration from the ground.

### **Existing drains**

**3.5** Every building must not be constructed over an existing drain (including a field drain) that is to remain active.

### **Limitation**

This standard does not apply where it is not reasonably practicable to re-route an existing drain.

### **Surface water drainage**

**3.6** Every building, and hard surface within the curtilage of a building, must be designed and constructed with a surface water drainage system that will–

- (a) ensure the disposal of surface water without threatening the building and the health and safety of the people in and around the building; and
- (b) have facilities for the separation and removal of silt, grit and pollutants.

### **Wastewater drainage**

**3.7** Every wastewater drainage system serving a building must be designed and constructed in such a way as to ensure the removal of wastewater from the building without threatening the health and safety of the people in and around the building, and–

- (a) that facilities for the separation and removal of oil, fat, grease and volatile substances from the system are provided;
- (b) that discharge is to a public sewer or public wastewater treatment plant, where it is reasonably practicable to do so; and
- (c) where discharge to a public sewer or public wastewater treatment plant is not reasonably practicable that discharge is to a private wastewater treatment plant or septic tank.

### **Limitation**

Standard 3.7(a) does not apply to a dwelling.

### **Private wastewater treatment systems – treatment plants**

**3.8** Every private wastewater treatment plant or septic tank serving a building must be designed and constructed in such a way that it will ensure the safe temporary storage and treatment of wastewater prior to discharge.

### **Private wastewater treatment systems – infiltration systems**

**3.9** Every private wastewater treatment system serving a building must be designed and constructed in such a way that the disposal of the wastewater to ground is safe and is not a threat to the health of the people in or around the building.

**Changes to legislation:** There are currently no known outstanding effects for the The Building (Scotland) Amendment Regulations 2006. (See end of Document for details)

### **Precipitation**

**3.10** Every building must be designed and constructed in such a way that there will not be a threat to the building or the health of the occupants as a result of moisture from precipitation penetrating to the inner face of the building.

### **Limitation**

This standard does not apply to a building where penetration of moisture from the outside will result in effects no more harmful than those likely to arise from use of the building.

### **Facilities in a dwelling**

- 3.11** Every building must be designed and constructed in such a way that—
- (a) the size of any apartment or kitchen will ensure the welfare and convenience of all occupants and visitors; and
  - (b) an accessible space is provided to allow for the safe, convenient and sustainable drying of washing.

### **Limitation**

This standard applies only to a dwelling.

### **Sanitary facilities**

**3.12** Every building must be designed and constructed in such a way that sanitary facilities are provided for all occupants of, and visitors to, the building in a form that allows convenience of use and that there is no threat to the health and safety of occupants or visitors.

### **Heating**

**3.13** Every building must be designed and constructed in such a way that it can be heated and maintain heat at temperature levels that will not be a threat to the health of the occupants.

### **Limitation**

This standard applies only to a dwelling.

### **Ventilation**

**3.14** Every building must be designed and constructed in such a way that the air quality inside the building is not a threat to the health of the occupants or to the capability of the building to resist moisture, decay or infestation.

### **Condensation**

**3.15** Every building must be designed and constructed in such a way that there will not be a threat to the building or the health of the occupants as a result of moisture caused by surface or interstitial condensation.

### **Limitation**

This standard applies only to a dwelling.

### **Natural lighting**

**3.16** Every building must be designed and constructed in such a way that natural lighting is provided to ensure that the health of the occupants is not threatened.

### **Limitation**

This standard applies only to a dwelling.

### **Combustion appliances – safe operation**

**3.17** Every building must be designed and constructed in such a way that each fixed combustion appliance installation operates safely.

### **Combustion appliances – protection from products of combustion**

**3.18** Every building must be designed and constructed in such a way that any component part of each fixed combustion appliance installation used for the removal of combustion gases will withstand heat generated as a result of its operation without any structural change that would impair the stability or performance of the installation.

### **Combustion appliances – relationship to combustible materials**

**3.19** Every building must be designed and constructed in such a way that any component part of each fixed combustion appliance installation will not cause damage to the building in which it is installed by radiated, convected or conducted heat or from hot embers expelled from the appliance.

### **Combustion appliances – removal of products of combustion**

**3.20** Every building must be designed and constructed in such a way that the products of combustion are carried safely to the external air without harm to the health of any person through leakage, spillage, or exhaust nor permit the re-entry of dangerous gases from the combustion process of fuels into the building.

### **Combustion appliances – air for combustion**

**3.21** Every building must be designed and constructed in such a way that each fixed combustion appliance installation receives air for combustion and operation of the chimney so that the health of persons within the building is not threatened by the build-up of dangerous gases as a result of incomplete combustion.

### **Combustion appliances – air for cooling**

**3.22** Every building must be designed and constructed in such a way that each fixed combustion appliance installation receives air for cooling so that the fixed combustion appliance installation will operate safely without threatening the health and safety of persons within the building.

### **Fuel storage – protection from fire**

**3.23** Every building must be designed and constructed in such a way that–

- (a) an oil storage installation, incorporating oil storage tanks used solely to serve a fixed combustion appliance installation providing space heating or cooking facilities in a building, will inhibit fire from spreading to the tank and its contents from within, or beyond, the boundary; or

**Changes to legislation:** There are currently no known outstanding effects for the The Building (Scotland) Amendment Regulations 2006. (See end of Document for details)

- (b) a container for the storage of woody biomass fuel will inhibit fire from spreading to its contents from within or beyond the boundary.

**Limitation**

This standard does not apply to portable containers.

**Fuel storage – containment**

**3.24** Every building must be designed and constructed in such a way that–

- (a) an oil storage installation, incorporating oil storage tanks used solely to serve a fixed combustion appliance installation providing space heating or cooking facilities in a building, will–
  - (i) reduce the risk of oil escaping from the installation;
  - (ii) contain any oil spillage likely to contaminate any water supply, groundwater, watercourse, drain or sewer; and
  - (iii) permit any spill to be disposed of safely.
- (b) it allows the number of journeys by delivery vehicles to be minimised due to the volume of woody biomass fuel storage.

**Limitation**

This standard does not apply to portable containers.

**Solid waste storage**

**3.25** Every building must be designed and constructed in such a way that accommodation for solid waste storage is provided which–

- (a) permits access for storage and for the removal of its contents;
- (b) does not threaten the health of people in and around the building; and
- (c) does not contaminate any water supply, ground water or surface water.

**Limitation**

This standard applies only to a dwelling.

**Dungsteads and farm effluent tanks**

**3.26** Every building must be designed and constructed in such a way that there will not be a threat to the health and safety of people from a dungstead and farm effluent tank.

**SECTION 4:**

**SAFETY**

**Access to buildings**

**4.1** Every building must be designed and constructed in such a way that all occupants and visitors are provided with safe, convenient and unassisted means of access to the building.



### **Limitation**

There is no requirement to provide access for a wheelchair user to—

- (a) a house, between either the point of access to or from any car parking within the curtilage of a building and an entrance to the house where it is not reasonably practicable to do so; or
- (b) a common entrance of a domestic building not served by a lift, where there are no dwellings entered from a common area on the entrance storey.

### **Access within buildings**

**4.2** Every building must be designed and constructed in such a way that—

- (a) in non-domestic buildings, safe, unassisted and convenient means of access is provided throughout the building;
- (b) in residential buildings, a proportion of the rooms intended to be used as bedrooms must be accessible to a wheelchair user;
- (c) in domestic buildings, safe and convenient means of access is provided within common areas and to each dwelling;
- (d) in dwellings, safe and convenient means of access is provided throughout the dwelling; and
- (e) in dwellings, unassisted means of access is provided to, and throughout, at least one level.

### **Limitation**

There is no requirement to provide access suitable for a wheelchair user—

- (a) in a non-domestic building not served by a lift, to a room, intended to be used as a bedroom, that is not on an entrance storey; or
- (b) in a domestic building not served by a lift, within common areas and to each dwelling, other than on an entrance storey.

### **Stairs and ramps**

**4.3** Every building must be designed and constructed in such a way that every level can be reached safely by stairs or ramps.

### **Pedestrian protective barriers**

**4.4** Every building must be designed and constructed in such a way that every sudden change of level that is accessible in, or around, the building is guarded by the provision of pedestrian protective barriers.

### **Limitation**

This standard does not apply where the provision of pedestrian protective barriers would obstruct the use of areas so guarded.

### **Electrical safety**

**4.5** Every building must be designed and constructed in such a way that the electrical installation does not—

- (a) threaten the health and safety of the people in, and around, the building; and
- (b) become a source of fire.

**Changes to legislation:** There are currently no known outstanding effects for the The Building (Scotland) Amendment Regulations 2006. (See end of Document for details)

### **Limitation**

This standard does not apply to an electrical installation–

- (a) serving a building or any part of a building to which the Mines and Quarries Act 1954<sup>(9)</sup> or the Factories Act 1961<sup>(10)</sup> applies; or
- (b) forming part of the works of an undertaker to which regulations for the supply and distribution of electricity made under the Electricity Act 1989<sup>(11)</sup> apply.

### **Electrical fixtures**

**4.6** Every building must be designed and constructed in such a way that electric lighting points and socket outlets are provided to ensure the health, safety and convenience of occupants and visitors.

### **Limitation**

This standard applies only to domestic buildings where a supply of electricity is available.

### **Aids to communication**

**4.7** Every building must be designed and constructed in such a way that it is provided with aids to assist those with a hearing impairment.

### **Limitation**

This standard does not apply to domestic buildings.

### **Danger from accidents**

**4.8** Every building must be designed and constructed in such a way that–

- (a) people in and around the building are protected from injury that could result from fixed glazing, projections or moving elements on the building;
- (b) fixed glazing in the building is not vulnerable to breakage where there is the possibility of impact by people in and around the building;
- (c) both faces of a window and rooflight in a building are capable of being cleaned such that there will not be a threat to the cleaner from a fall resulting in severe injury;
- (d) a safe and secure means of access is provided to a roof; and
- (e) manual controls for ventilation and for electrical fixtures can be operated safely.

### **Limitation**

Standard 4.8(d) does not apply to domestic buildings.

### **Danger from heat**

**4.9** Every building must be designed and constructed in such a way that protection is provided for people in, and around, the building from the danger of severe burns or scalds from the discharge of steam or hot water.

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(9) 1954 c. 70, as extended by the Mines and Quarries (Tips) Act 1969 (c. 10) and the Mines Management Act 1971 (c. 20) and as amended by the Constitutional Reform Act 2005 (c. 4).

(10) 1961 c. 34.

(11) 1989 c. 29.

### **Fixed seating**

**4.10** Every building, which contains fixed seating accommodation for an audience or spectators, must be designed and constructed in such a way that a number of level spaces for wheelchairs are provided proportionate to the potential audience or spectators.

### **Limitation**

This standard does not apply to domestic buildings.

### **Liquefied petroleum gas storage**

**4.11** Every building must be designed and constructed in such a way that each liquefied petroleum gas storage installation, used solely to serve a combustion appliance providing space heating, water heating, or cooking facilities, will—

- (a) be protected from fire spreading to any liquefied petroleum gas container; and
- (b) not permit the contents of any such container to form explosive gas pockets in the vicinity of any container.

### **Limitation**

This standard does not apply to a liquefied petroleum gas storage container, or containers, for use with portable appliances.

### **Vehicle protective barriers**

**4.12** Every building accessible to vehicular traffic must be designed and constructed in such a way that every change in level is guarded.

## **SECTION 5:**

### **NOISE**

### **Resisting sound transmission to dwellings using appropriate constructions**

**5.1** Every building must be designed and constructed in such a way that each wall and floor separating one dwelling from another, or one dwelling from another part of the building, or one dwelling from a building other than a dwelling, will limit the transmission of noise to the dwelling to a level that will not threaten the health of the occupants of the dwelling or inconvenience them in the course of normal domestic activities provided the source noise is not in excess of that from normal domestic activities.

### **Limitation**

This standard does not apply to—

- (a) fully detached houses; or
- (b) roofs or walkways with access solely for maintenance, or solely for the use, of the residents of the dwelling below.

## **SECTION 6: ENERGY**

### **Carbon dioxide emissions**

- 6.1** Every building must be designed and constructed in such a way that—
- (a) the energy performance is calculated in accordance with a methodology which is asset based, conforms with the European Directive on the Energy Performance of Buildings 2002/91/EC(12) and uses UK climate data; and
  - (b) the energy performance of the building is capable of reducing carbon dioxide emissions.

#### **Limitation**

This standard does not apply to—

- (a) alterations and extensions to buildings;
- (b) conversions of buildings;
- (c) non-domestic buildings and buildings that are ancillary to a dwelling that are stand-alone having an area less than 50 square metres;
- (d) buildings, which will not be heated or cooled other than by heating provided solely for the purpose of frost protection; or
- (e) limited life buildings which have an intended life of less than 2 years.

### **Building insulation envelope**

**6.2** Every building must be designed and constructed in such a way that an insulation envelope is provided which reduces heat loss.

#### **Limitation**

This standard does not apply to—

- (a) non-domestic buildings which will not be heated, other than heating provided solely for the purposes of frost protection;
- (b) communal parts of domestic buildings which will not be heated, other than heating provided solely for the purposes of frost protection; or
- (c) buildings which are ancillary to dwellings, other than conservatories, which are either unheated or provided with heating which is solely for the purpose of frost protection.

### **Heating system**

**6.3** Every building must be designed and constructed in such a way that the heating and hot water service systems installed are energy efficient and are capable of being controlled to achieve optimum energy efficiency.

#### **Limitation**

This standard does not apply to—

- (a) buildings which do not use fuel or power for controlling the temperature of the internal environment;

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(12) O.J. L 001, 4.1.2003, p.65–71.

- (b) heating provided solely for the purpose of frost protection; or
- (c) individual solid-fuel or oil-firing stoves or open-fires, gas or electric fires or room heaters (excluding electric storage and panel heaters) provided as secondary heating in domestic buildings.

#### **Insulation of pipes, ducts and vessels**

**6.4** Every building must be designed and constructed in such a way that temperature loss from heated pipes, ducts and vessels, and temperature gain to cooled pipes and ducts, is resisted.

##### **Limitation**

This standard does not apply to—

- (a) buildings which do not use fuel or power for heating or cooling either the internal environment or water services;
- (b) buildings, or parts of a building, which will not be heated, other than heating provided solely for the purpose of frost protection;
- (c) pipes, ducts or vessels that form part of an isolated industrial or commercial process; or
- (d) cooled pipes or ducts in domestic buildings.

#### **Artificial and display lighting**

**6.5** Every building must be designed and constructed in such a way that the artificial or display lighting installed is energy efficient and is capable of being controlled to achieve optimum energy efficiency.

##### **Limitation**

This standard does not apply to—

- (a) process and emergency lighting components in a building;
- (b) communal areas of domestic buildings; or
- (c) alterations in dwellings.

#### **Mechanical ventilation and air conditioning**

**6.6** Every building must be designed and constructed in such a way that—

- (a) the form and fabric of the building minimises the use of mechanical ventilating or cooling systems for cooling purposes; and
- (b) in non-domestic buildings, the ventilating and cooling systems installed are energy efficient and are capable of being controlled to achieve optimum energy efficiency.

##### **Limitation**

This standard does not apply to buildings which do not use fuel or power for ventilating or cooling the internal environment.

#### **Commissioning building services**

**6.7** Every building must be designed and constructed in such a way that energy supply systems and building services which use fuel or power for heating, lighting, ventilating and cooling the internal environment and heating the water, are commissioned to achieve optimum energy efficiency.

**Changes to legislation:** There are currently no known outstanding effects for the The Building (Scotland) Amendment Regulations 2006. (See end of Document for details)

### **Limitation**

This standard does not apply to–

- (a) major power plants serving the National Grid;
- (b) the process and emergency lighting components of a building;
- (c) heating provided solely for the purpose of frost protection; or
- (d) energy supply systems used solely for industrial and commercial processes, leisure use and emergency use within a building.

### **Written information**

**6.8** The occupiers of a building must be provided with written information by the owner–

- (a) on the operation and maintenance of the building services and energy supply systems; and
- (b) where any air conditioning system in the building is subject to regulation 17, stating a time based interval for inspection of the system.

### **Limitation**

This standard does not apply to–

- (a) major power plants serving the National Grid;
  - (b) buildings which do not use fuel or power for heating, lighting, ventilating and cooling the internal environment and heating the water supply services;
- (c) the process and emergency lighting components of a building;
- (d) heating provided solely for the purpose of frost protection;
- (e) lighting, ventilation and cooling systems in a domestic building; or
- (f) energy supply systems used solely for industrial and commercial processes, leisure use and emergency use within a building.

### **Energy Performance Certificates**

**6.9** Every building must be designed and constructed in such a way that–

- (a) an energy performance certificate for the building is affixed to the building, indicating the approximate annual carbon dioxide emissions and energy usage of the building based on a standardised use of the building;
- (b) the energy performance for the certificate is calculated in accordance with a methodology which is asset-based, conforms with the European Directive [2002/91/EC](#) and uses UK climate data; and
- (c) the energy performance certificate is displayed in a prominent place within the building.

### **Limitation**

- (a) This standard does not apply to–
  - (i) buildings which do not use fuel or power for controlling the temperature of the internal environment;
  - (ii) non-domestic buildings and buildings that are ancillary to a dwelling that are stand-alone having an area less than 50 square metres;
  - [F2](iii) conversions, alterations and extensions to buildings other than alterations and extensions to stand-alone buildings having an area less than 50 square metres that

would increase the area to 50 square metres or more, or alterations to buildings involving the fit-out of the building shell which is the subject of a continuing requirement;]

- (iv) limited life buildings which have an intended life of less than 2 years.
- (b) Standard 6.9(c) only applies to buildings with a floor area of more than 1000 square metres, which are occupied by public authorities and institutions providing public services, which can be visited by the public.

### **Metering**

**6.10** Every building must be designed and constructed in such a way that each part of a building designed for different occupation is fitted with fuel consumption meters.

### **[<sup>F3</sup>Limitation**

This standard does not apply to—

- (a) domestic buildings;
- (b) communal areas of buildings in different occupation;
- (c) district or block heating systems where each part of the building designed for different occupation is fitted with heat meters; or
- (d) heating fired by solid fuel or biomass.]

## SCHEDULE 6

Regulation 12

### BUILDING STANDARDS APPLICABLE TO CONVERSIONS

**1.** Every conversion, to which these regulations apply, shall meet the requirements of the following standards in Schedule 5:

- (a) standards 2.1, 2.3, 2.5, 2.9, 2.10, 2.11, 2.13, 2.14, 2.15 in section 2, fire;
- (b) standards 3.5, 3.6, 3.7, 3.8, 3.9, 3.11, 3.12, 3.13, 3.14, 3.17, 3.18, 3.20, 3.21, 3.22, 3.23, 3.24, 3.25, 3.26 in section 3, environment;
- (c) standards 4.5, 4.6, 4.7, 4.9, 4.11, 4.12 in section 4, safety
- (d) the standard in section 5, noise; and
- (e) standards 6.7, 6.8, 6.10 in section 6, energy.

**2.** Every conversion, to which these regulations apply, shall meet the requirements of the following standards in schedule 5 in so far as is reasonably practicable, and in no case be worse than before the conversion:

- (a) the standards in section 1, structure;
- (b) standards 2.2, 2.4, 2.6, 2.7, 2.8, 2.12 in section 2, fire;
- (c) standards 3.1, 3.2, 3.3, 3.4, 3.10, 3.15, 3.16, 3.19 in section 3, environment;
- (d) standards 4.1, 4.2, 4.3, 4.4, 4.8, 4.10 in section 4, safety; and
- (e) standards 6.2, 6.3, 6.4, 6.5, 6.6 in section 6 energy.”

**F1** Words in Sch. substituted (28.3.2007) by The Building (Scotland) Amendment Regulations 2007 (S.S.I. 2007/166), regs. 1(1), 2(a), Sch.

**Changes to legislation:** There are currently no known outstanding effects for the The Building (Scotland) Amendment Regulations 2006. (See end of Document for details)

- F2** Words in Sch. substituted (28.3.2007) by The Building (Scotland) Amendment Regulations 2007 (S.S.I. 2007/166), regs. 1(1), **2(b)(i)**
- F3** Words in Sch. substituted (28.3.2007) by The Building (Scotland) Amendment Regulations 2007 (S.S.I. 2007/166), regs. 1(1), **2(b)(ii)**

## EXPLANATORY NOTE

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

These Regulations amend the Building (Scotland) Regulations 2004 which set out functional standards for buildings. The principal amendments are in relation to the six Schedules to the 2004 regulations which are replaced in their entirety. These amendments arise due to a number of factors being the result of practical experience of the new system, changes to some of the technical requirements and the implementation of certain requirements in terms of the EC Directive on Energy Performance of Buildings (O.J. L 001, 4.1.2003, p.65–71 (the EPBD) (Regulation 2 and new Section 6 of Schedule 5 to the regulations).

New regulation 17 is inserted into the 2004 Regulations and is required in order to implement the terms of Article 9 of the EPBD regarding the inspection of air conditioning systems. (regulation 2).

The Regulations come into force on 1st May 2007 but do not apply to any application for a building warrant for work made before that date (regulation 3). There are transitional arrangements for work which must comply with the regulations but which does not require a warrant and where a contract has been entered into for the work before 1st May 2007 (regulation 4).

The Schedules have been amended as follows:

**1. Schedule 1:**

- (a) the subordinate legislation reference in building type 1 has been amended to take account of new legislation.
- (b) building type 20 has been amended to cover a small detached building that is located within 1 metre from the flat or maisonette to which it relates, similar to a house. A swimming pool deeper than 1.2 metres has been added to the exceptions.

**2. Schedule 3:**

- (a) the exceptions to building types 1 and 2 have been amended to include underpinning and to clarify the extent of drainage work that may be constructed without a warrant.
- (b) the first exception to building type 5 has been amended to permit a small detached building to be located up to 1 metre from the flat or maisonette to which it relates so that this is the same exception as in building type 4 which deals with a house.
- (c) the exceptions to building type 6 have been amended to cover constructional hearths only.
- (d) building type 19 has been amended by extending the exception to ensure escape routes are not compromised with the installation of external decked areas.

**3. Schedule 4:**

- (a) paragraph 2 has been added to provide additional information on the measurement of rooms.



(b) paragraph 4 (a) has been amended to include types 1 and 2 of schedule 3.

**4. Schedule 5:**

- (a) paragraph 1.1 has been amended to ensure that ground conditions and the stability of adjacent buildings are taken into account in the design of a building.
- (b) the scope of paragraph 3.11 has been amended to cover the convenience of occupants and visitors and to the provision of facilities for the sustainable drying of washing.
- (c) the scope of paragraph 3.12 has been amended to cover more convenient use of sanitary facilities.
- (d) the scope of paragraph 3.13 has been extended to permit improved guidance on compliance.
- (e) paragraph 3.23 has been amended to cover the fire protection of woody biomass storage and the title of the standard has been changed to suit.
- (f) paragraph 3.24 has been amended to cover the sustainable storage of woody biomass and the title of the paragraph has been changed to suit.
- (g) the limitations to paragraph 4.1 have been amended to ensure improved accessibility to certain types of dwellings.
- (h) paragraph 4.2 has been amended to ensure improved accessibility within domestic buildings.
- (i) paragraph 4.8 has been amended to better explain the scope of the guidance provided.
- (j) all the paragraphs in section 6 have been amended to take account of improved energy efficiency measures. In particular, paragraph 6.9 is a new paragraph which has been inserted to take into account the requirement for implementation of Article 7.1 and 7.3 of the EPBD in relation to the provision of an Energy Performance Certificate when certain buildings are being constructed.

These Regulations were notified in draft to the European Commission and other Member States in accordance with Directive [98/34/EC](#), as amended by Directive [98/48/EC](#).

**Changes to legislation:**

There are currently no known outstanding effects for the The Building (Scotland) Amendment Regulations 2006.