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SCOTTISH STATUTORY INSTRUMENTS

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**2010 No. 32**

**BUILDING AND BUILDINGS**

**The Building (Scotland) Amendment Regulations 2010**

<i>Made</i>	- - - -	<i>9th February 2010</i>
<i>Laid before the Scottish Parliament</i>	- - - -	<i>10th February 2010</i>
<i>Coming into force</i>	- -	<i>1st October 2010</i>

The Scottish Ministers make the following Regulations, in exercise of the powers conferred by sections 1, 8(8) and 54 of and Schedule 1 to the Building (Scotland) Act 2003<sup>(1)</sup> and all other powers enabling them to do so.

In accordance with section 1(2) of the Building (Scotland) Act 2003 they have consulted with the Building Standards Advisory Committee and such other persons as appear to them to be representative of the interests concerned.

**Citation and commencement**

1. These Regulations may be cited as the Building (Scotland) Amendment Regulations 2010 and come into force on 1st October 2010.

**Amendment of regulations**

2.—(1) The Building (Scotland) Regulations 2004<sup>(2)</sup> are amended in accordance with paragraphs (2) to (4).

(2) In Schedule 3 (descriptions of building and work not requiring a warrant) in paragraph 2A—

- (a) for “A building or any” substitute “Any”; and
- (b) omit “or the conversion of a building”.

(3) In Schedule 5 (building standards applicable to design and construction)—

- (a) in paragraph 2.11 (communication), omit the limitation to the standard contained in that paragraph;
- (b) for paragraph 2.12 (fire service access) substitute—

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(1) 2003 asp 8.

(2) S.S.I. 2004/406, as amended by S.S.I. 2006/534, S.S.I. 2007/166, S.S.I. 2008/310 and S.S.I. 2009/119.

**“2.12 Fire and rescue service access**

Every building must be accessible to the fire and rescue service.”;

- (c) for paragraph 2.13 (fire service water supply) substitute—

**“2.13 Fire and rescue service water supply**

Every building must be provided with a water supply for use by the fire and rescue service.”;

- (d) in the heading to paragraph 2.14 after “Fire” insert “and rescue”;  
(e) for paragraph 2.15 (automatic life safety fire suppression systems) substitute—

**“2.15 Automatic fire suppression systems**

Every building must be designed and constructed in such a way that in the event of an outbreak of fire within the building, fire growth will be inhibited by the operation of an automatic 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;  
(d) forms the whole or part of a sheltered housing complex; or  
(e) is a school building.”;  
(f) for paragraph 3.14 (ventilation) substitute—

**“3.14 Ventilation**

Every building must be designed and constructed in such a way that ventilation is provided so that the air quality inside the building is not a threat to the building or the health of the occupants.”;

- (g) in paragraph 3.15 (condensation) omit the limitation to the standard contained in that paragraph;  
(h) after paragraph 4.12 (vehicle protective barriers) insert—

**“4.13 Security**

Every building must be designed and constructed in such a way that doors and windows, vulnerable to unlawful entry, can be secured to deter housebreaking and protect the safety and welfare of occupants.

**Limitation**

This standard applies only to domestic buildings.”;

- (i) for paragraph 5.1 (resisting sound transmission to dwellings using appropriate constructions) substitute—

### **“5.1 Noise separation**

Every building, which is divided into more than one area of different occupation, must be designed and constructed in such a way to limit the transmission of source noise from normal domestic type activities, between such areas, to a level that will not threaten the health of, or cause inconvenience to the building occupants.

#### **Limitation**

This standard only applies to a building in different occupation incorporating—

- (a) attached dwellings;
- (b) attached residential buildings; or
- (c) a roof, walkway or access deck located directly above an area that is either a dwelling or a residential building.

### **5.2 Noise reduction between rooms**

**5.2** Every building must be designed and constructed in such a way to limit the transmission of source noise from normal domestic type activities, through a wall or floor, between a room and internal space where noise is likely to occur, to a level that will not cause inconvenience to the building occupants.

#### **Limitation**

This standard only applies to a wall or floor forming an apartment in a dwelling and a room in a residential building which is capable of being used for sleeping; other than—

- (a) a wall between an en-suite bathroom and the apartment or room it serves;
  - (b) a hospital; or
  - (c) a place of lawful detention.”;
- (j) in paragraph 6.1 (carbon dioxide emissions)—
- (i) for paragraph (a) substitute—
    - “(a) the energy performance is estimated in accordance with a methodology of calculation approved under regulation 7(a) of the Energy Performance of Buildings (Scotland) Regulations 2008(3);”;
  - (ii) for paragraph (a) in the limitation to the standard contained in that paragraph substitute—
    - “(a) 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;”;
- (k) in the limitation to the standard contained in paragraph 6.4 (insulation of pipes, ducts and vessels), for paragraphs (b), (c) and (d) substitute—
- “(b) buildings, or parts of a building, which will not be heated, other than heating provided solely for the purpose of frost protection; or

- (c) pipes, ducts or vessels that form part of an isolated industrial or commercial process.”;
- (l) for the limitation to the standard contained in paragraph 6.5 (artificial and display lighting) substitute—

**“Limitation**

This standard does not apply to—

- (a) process and emergency lighting components in a building; or
- (b) alterations to a dwelling or a building ancillary to a dwelling.”;
- (m) in paragraph 6.6(b) (mechanical ventilation and air conditioning) omit “in non-domestic buildings.”;
- (n) in the limitation to the standard contained in paragraph 6.8 (written information), in sub-paragraph (e), omit “, ventilation and cooling”; and
- (o) in paragraph 6.10 (metering)—
  - (i) after “that each” insert “building, or”;
  - (ii) for “consumption” substitute “and power”; and
  - (iii) in the limitation to the standard contained in that paragraph, omit sub-paragraph (b).
- (4) In Schedule 6 (building standards applicable to conversions) in paragraph 1—
  - (a) in sub-paragraph (c) after “4.12” insert “, 4.13”; and
  - (b) in sub-paragraph (d) for “the standard” substitute “standards 5.1 and 5.2”.

**Transitional provisions**

**3.—**(1) 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 are to 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 is to be construed accordingly.

(2) This regulation only applies where—

- (a) the contract is entered into before 1st October 2010;
- (b) the work on the contract is commenced before 1st December 2010; and
- (c) the work on the contract is completed before 31st January 2011.

St Andrew’s House,  
Edinburgh  
9th February 2010

*STEWART STEVENSON*  
Authorised to sign by the Scottish Ministers

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## EXPLANATORY NOTE

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

These Regulations amend the Building (Scotland) Regulations 2004 as amended (the “principal Regulations”), which set out functional standards for buildings. The amendments are in relation to Schedules 3, 5 and 6 to the principal Regulations.

Regulation 2(2) makes changes to paragraph 2A of Schedule 3 to the principal Regulations, being a description of certain works not requiring a building warrant.

Regulation 2(3) amends, replaces or inserts paragraphs 2.11, 2.12, 2.13, 2.15, 3.14, 3.15, 4.13, 5.1, 5.2, 6.1, 6.4, 6.5, 6.6(b), 6.8 and 6.10 of Schedule 5 to the principal Regulations, which sets out standards applicable to the design and construction of buildings.

Regulation 2(4) makes changes to sub-paragraphs 1(c) and (d) of Schedule 6 to the principal Regulations, which applies certain of the standards set out in Schedule 5 to the principal Regulations to conversions.

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](#).