
STATUTORY INSTRUMENTS

1990 No. 2179

The Building Standards (Scotland) Regulations 1990

**PART I
GENERAL**

Citation and commencement

1. These Regulations may be cited as the Building Standards (Scotland) Regulations 1990 and shall come into force on 1st April 1991.

Interpretation

2.—(1) In these Regulations, unless the context otherwise requires—

“the Act” means the Building (Scotland) Act 1959;

“agriculture” has the same meaning as in the Agriculture (Scotland) Act 1948(1), and “agricultural” shall be construed accordingly;

“air supported structure” means a structure which has a space-enclosing single-skin membrane anchored to the ground and kept in tension by internal air pressure so that it can support applied loading;

“boundary” means a boundary between land on which a building is situated and land in different occupation, so however that—

- (a) in relation to any external side of a building it shall exclude any part of the boundary which makes an angle with that side of more than 80°;
- (b) in relation to any road, whether public or private, public access way or public right of way, river, stream, canal, loch, pond, common land or public open space it shall be taken to be the centre line thereof; and
- (c) the sea and its foreshore shall not be regarded as land in different occupation;

“building” means any structure or erection of what kind or nature soever, whether temporary or permanent, and every part thereof, including any fixture affixed thereto, not being a structure or erection or part thereof consisting of, or ancillary to—

- (a) any road, whether public or private, including in the case of a public road (but not in the case of a private road) any bridge on which the road is carried;
- (b) any sewer or water main which is, or is to be, vested in a public authority;
- (c) any aerodrome runway;
- (d) any railway line;
- (e) any large raised reservoir within the meaning of the Reservoirs Act 1975(2); or

(1) 1948 c. 45.

(2) 1975 c. 23.

(f) wires and cables, their supports above ground and other apparatus used for telephonic or telegraphic communication,

and includes any prospective building; and in relation to the extension, alteration or change of use of a building any reference to the building shall be construed as a reference only to so much of the building as is comprised in the extension or is the subject of alteration or change of use as the case may be;

“carport” means a roofed building for vehicle storage which is open on at least two sides except for roof supports;

“chimney” means a structure enclosing one or more flues, not being a flue-pipe, but including a factory-made insulated chimney, and including any opening for the accommodation of a heat-producing appliance, but does not include a chimney can;

“compartment”, except in the expression “watercloset compartment”, means any part of a building which is divided from all other parts by one or more compartment walls or compartment floors or by both such walls and floors; and, if any part of the top storey of a building is within a compartment, that compartment shall also include any roof space above such part of the top storey;

“compartment floor” and “compartment wall” mean respectively a floor and wall complying with the provisions of Part D of the Technical Standards relating to compartment floors and walls and dividing a compartment of a building or a lift well in a building from the remainder of the building;

“conservatory” means a building attached to and having an entrance from a dwelling and having not less than three-quarters of the area of its roof and not less than one-half of the area of its external walls made of translucent material;

“construct” includes alter, erect, extend and fit, and “construction” shall be construed accordingly;

“covered area” means a roofed building which is open on at least two sides except for roof supports;

“different occupation”, in relation to two adjoining buildings or parts of one building, means occupation or intended occupation of those buildings or parts by different persons;

“drainage system” means the system of pipes and drains used for the drainage of a building, including all other fittings, appliances and equipment so used;

“dwelling” means a unit of residential accommodation occupied (whether or not as a sole or main residence)–

(a) by a single person or by people living together as a family; or

(b) by not more than six residents living together as a single household (including a household where care is provided for residents);

“external wall” includes a part of a roof pitched at an angle of 70° or more to the horizontal;

“flat” means a dwelling on one storey, forming part of a building from some other part of which it is divided horizontally, and includes a dwelling of which the main entrance door and associated hall are on a different storey from the remainder of the dwelling;

“flue” means a passage which conveys the products of combustion to the open air;

“flue-pipe” means a pipe forming a flue, but not a pipe fitted as a lining in a chimney;

“foundation” means that part of the structure in direct contact with, and transmitting loads to, the ground;

“gallery” means a raised floor or platform, whether level or not, which is open to the room or space in which it is situated 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 case of there being more than one gallery, together occupy) not more than one-half of the area of the said room or space;

“greenhouse”, except in the expression “agricultural greenhouse”, means a building ancillary to a dwelling used mainly for growing plants which is either—

- (a) detached from the dwelling; or
- (b) attached to, but not entered from, the dwelling;

“house” means a dwelling on one or more storeys, either detached or forming part of a building from all other parts of which it is divided only vertically;

“kitchen” means any room or part of a room used primarily for the preparation or cooking of food;

“land in different occupation”, in relation to a building, means land occupied or to be occupied by a person other than the occupier of the land on which the building is or is to be situated;

“limited life building” means a building intended to have a life of the period specified in regulation 5;

“maisonette” means a dwelling on more than one storey, forming part of a building from some other part of which it is divided horizontally;

“occupancy capacity” shall be construed in accordance with regulation 7;

“occupier”, in relation to a dwelling, means the person inhabiting the dwelling;

“passenger conveyor” means a power-driven installation containing an endless moving walkway for the conveyance of persons between different levels or between different parts of the same level of a building;

“porch” means a building attached to and having an entrance from a dwelling and having a roof of opaque material;

“public open space” includes land used as a public park or for public recreation or as a burial ground;

“public road” has the same meaning as in the Roads (Scotland) Act 1984(3);

“purpose group” and “purpose sub-group” mean respectively a group or sub-group of buildings specified in Schedule 3;

“reasonably practicable”, in relation to the carrying out of any operation, means reasonably practicable having regard to all the circumstances including the expense involved in carrying out the operation;

“relevant standard” means a standard set out in the Technical Standards which relates to the requirements of a particular provision of these Regulations;

“room” means any enclosed part of a storey intended for human occupation or, where no part of any such storey is so enclosed, the whole of that storey, but excepting in either case any part used solely as a bathroom, shower room, washroom, watercloset compartment, stair or circulation area;

“room-sealed appliance” means a heat-producing appliance which, when in operation, has its combustion air inlet and its combustion products outlet isolated from the room or space in which it is installed;

“sanitary facilities” includes washbasins, baths, showers, urinals and waterclosets;

“site”, in relation to a building, means the area of ground covered or to be covered by the building, including its foundations;

“socket outlet” means a fixed device containing contacts for the purpose of connecting to a supply of electricity the corresponding contacts of a plug attached to any current-using appliance;

“storey” means that part of a building which is situated between the top of any floor and the top of the floor next above it 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;

“Technical Standards” means the Technical Standards for compliance with the Building Standards (Scotland) Regulations 1990 issued by the Scottish Office and dated October 1990.

“watercloset compartment” means an enclosed part of a storey which contains a urinal or a watercloset pan which has provision for flushing from a piped supply of water and is connected to a drainage system.

(2) In these Regulations, unless the context otherwise requires, a reference to a numbered regulation or Schedule is a reference to the regulation in, or Schedule to, these Regulations bearing that number, and a reference in a regulation to a numbered paragraph is a reference to the paragraph in that regulation bearing that number.

(3) In these Regulations any note in a Schedule shall be treated for all purposes as a substantive provision of the Regulations.

Exempted classes of buildings

3. Subject to the exceptions in column (3) of Schedule 1, these Regulations shall not apply to any building the whole of which falls into any one or more of the exempted classes specified in Part I of that Schedule or to any extension to a building the whole of which extension falls into any one or more of the exempted classes specified in Part II thereof.

Fixtures not requiring a warrant

4. For the purposes of the proviso to section 6(1) of the Act, any operation for the alteration of a building which consists solely of the fitting of a fixture of a kind specified in Schedule 2 shall not, subject to the exceptions in column (3) of that Schedule, require a warrant.

Limited life buildings

5. For the purposes of section 3(3)(b) of the Act (which enables special provision to be made for buildings intended to have a limited life) a period of five years is specified.

Classification of buildings by purpose

6.—(1) For the purposes of these Regulations, buildings or parts thereof shall be classified according to the numbered purpose group or groups and, where applicable, lettered purpose sub-group or sub-groups set out in Schedule 3.

(2) In the determination of such classification, any use which is ancillary to another use or which is of a minor nature shall be disregarded and the classification shall be that of the principal use or uses.

(3) Where a building is divided into compartments, nothing in this regulation shall prevent these compartments being independently classified, whether or not the division is required by any provision of these Regulations.

(4) Where a building or part of a building does not fall into any purpose group or sub-group these Regulations shall have effect as if the more or most onerous standard applicable to any classification applied.

Occupancy capacity

7.—(1) For the purposes of these Regulations, the occupancy capacity of a room or space shall be—

(a) in the case of a room or space described in column (1) of Schedule 4 the number (or in the case of a fractional number the next lowest whole number) obtained by dividing the area of the room or space in square metres by the relevant occupancy load factor specified in column (2) of that Schedule; or

(b) in any other case the number of persons the room or space is likely to accommodate in use.

(2) The occupancy capacity of a building or storey which is divided into rooms or spaces shall be—

(a) in the case of a storey of a building of purpose group 2 which is not open to the public and which contains both day rooms and sleeping rooms, the sum of the occupancy capacities of either the day rooms or the sleeping rooms, whichever is the greater; or

(b) in any other case the sum of the occupancy capacities of the rooms or spaces.

(3) Where a room or space is likely to be put to more than one use, the greater or greatest relevant occupancy capacity shall apply.

(4) In this regulation “space” includes a roof or other area open to the external air to which there is access for a purpose other than the maintenance of the building.

Measurements

8. For the purposes of these Regulations, measurements shall be made or calculated in accordance with Schedule 5.