

The Scottish Building Regulations

Explained and Illustrated

Third Edition

*George Bett, Frith Hoehnke
and James Robison*

Blackwell
Science

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PREFACE

The aim of this book, as in previous editions, is to provide a simplified guide to the Technical Standards of the Scottish building regulations making reference to British Standards and BS EN's where appropriate.

Building Standards are never static and since the publication of the Second Edition of this book amendments have been made to the Regulations and the Technical Standards of 1990 in 1993, 1994, 1996, 1997 and 1999. The sixth amendment was laid before the Scottish Parliament on 24 September 2001 and came into force on 4 March 2002. The sixth amendment affects the following parts of the Technical Standards:

Minor changes:

Part A – Addition and deletion of definitions and reference to published standards

Part B – EC durability requirements and new workmanship requirement

Part F – Minor inaccuracies amended, revised ventilation requirements for gas appliances

Part K, Q, and S – Minor inaccuracies corrected and some standards updated

Major changes:

Part D – complete re-write

Part E – partial updating

Part J – complete re-write (conservatories)

Part M – complete re-write

Part R – complete re-write and minor amendments

There is likely to be a major overhaul of the Building Standards in the next five years and work in progress includes:

- BSAC working party to review Part C including 'Small Buildings Guide'
- Consideration of extending disabled provision
- Review into improving Building Standards
- Impact of European Standards on the Technical Standards.

February 2003

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GENERAL INTRODUCTION

Technical Standards

For compliance with the Building Standards (Scotland) Regulations 1990, as amended by the Building Standards (Scotland) Amendment Regulations 1993, the Building Standards (Scotland) Amendment Regulations 1994, the Building Standards (Scotland) Amendment Regulations 1996, the Building (Scotland) Amendment Regulations 1997, the Building Standards and Procedure Amendment (Scotland) Regulations 1999, and the Building Standards Amendment (Scotland) Regulations 2001.

This guide presents the Technical Standards which are the ‘relevant standards’ for compliance with the Building Standards (Scotland) Regulations 1990, as amended.

The Technical Standards have full Statutory force by virtue of Regulation 9.

Although presented in separate Parts to relate to particular regulations, the Technical Standards and the Regulations must be considered and applied as a whole; more than one standard or regulation may bear on a particular building element or design decision. Where this is relevant the most onerous standard applies [see, for example Regulation 6(4) or Regulation 7(3)].

Introduction

We have tried to state the legislative position as it was at the end of 2001.¹ Bear in mind that no matter what the intention of Parliament is in making the legislation, in the final analysis it is the courts that determine what the law means in the event of a dispute. It is also our belief that the background we give on the objectives of the Act, the Regulations and the Technical Standards is that as stated therein.

While we have made every effort to explain the objectives of the Technical Standards, the views we express are our own and we take no responsibility for the consequences of decisions on design and application of the Technical Standards made by our readers.

The Explanation does not reproduce the text from the Regulations and Technical Standards referred to, and the reader should always first consider the provisions contained in the Technical Standards. If greater clarity is needed reference should be made to this document.

¹See Building Regulation Note 1/2002 of 1st March 2002 which contains corrections to minor errors and omissions in the Technical Standards.

Innovative designs can conflict with prescriptive requirements that by-and-large reflect past incidents that need to be prevented in the future. In other words these standards are on the whole based on dated building technology and design solutions and do not anticipate trends in design or technology. Should the innovations fulfil the broad objective of the standard but not specific requirements of the standard then it is possible in Scotland to seek a relaxation of the relevant parts of the standard to meet particular circumstances. In the course of the relaxation being considered problems may arise should the applicant (and/or the local authority) not know what the relevant standard intends to achieve. Indeed, the designer who prepares early sketch layouts might arrive at better design solutions were it clear to him or her what, in broad terms, individual standards or a combination of standards are trying to prevent. The same clarity would also assist local authorities in Scotland to achieve a uniform interpretation.

In the event of the local authority giving a formal refusal to relax the relevant standards there is a procedure for appealing to Scottish Ministers for a decision. The principal aim of this commentary is therefore to offer background information about some of the individual standards and to suggest what their perceived intentions are.

Remember though, if the meaning of a standard is disputed with the local authority and a building warrant is refused then it is the courts of Scotland that ultimately decide what a Technical Standard means! However, in the authors' experience very rarely are disputes over the interpretation of a standard referred to the courts. They are almost always settled through negotiation with the local authority.

The Explanation therefore seeks to provide a basis for the common understanding of some of the perceived intentions of the Technical Standards, as amended in 2001, as an aid to the designer and the enforcer alike.

Few Technical standards have ever been published either by the Scottish Office or by the Scottish Executive without omissions.

It is understood that the Scottish Executive aim to explain 'soft spots' in the Technical Standards by way of Building Regulation Notes or revisions to the Standards.

Some perceived weaknesses in the Standards are discussed in this Explanation to alert readers of possible difficulties and to show how to overcome them.

This should not be regarded as any criticism, implied or otherwise of the Standards.

Weaknesses, particularly in parts D and E have been made known to the Scottish Executive who may revise the relevant standards accordingly.

Functional standards

A functional Technical Standard or some other aspect of the standard can be recognised in several ways.

There will be an asterisk after the standard numeral to show that there is a provision deemed to satisfy the standard. The term 'suitable' or 'adequate' or 'appropriate' signifies that the requirements that follow these terms can be met by a deemed-to-satisfy provision. A functional standard cannot be relaxed but a requirement of a functional standard can be dispensed with as allowed by Regulation 9. In such a case a new standard normally needs to be formulated.

Prescriptive standards

What is not a functional standard is obviously a prescriptive standard. Unlike England and Wales where building regulations are based on approved documents, Scotland still has a mandatory system of ensuring that buildings comply with the fundamental Regulations.

Scotland, however, enjoys a flexible approach to regulation. Any Technical Standard that is thought to be inappropriate to particular circumstances can in most cases be relaxed by the local building authority in consultation with any other interested authority. A refusal by the local authority to relax a Standard can be referred to Scottish Ministers by way of an Appeal. Where there is a dispute over what is meant by a Technical Standard, the dispute can be referred to the courts for a legal decision. In the majority of cases, however, proposals that fall outwith the provisions of the Technical Standards are modified at local level often by the authority relaxing a particular aspect of a standard and at the same time asking for some compensating feature to redress the balance.

Classification of buildings by purpose

The classification found in the Regulations and repeated in the Technical Standards has a bearing on all parts of the Technical Standards and in particular on the fire-safety standards where periods of resistance to fire and means of escape from fire are directly related to the purpose for which a building is being used.

The classification of a building must be established before the regulations can be applied. The best way of doing this is to refer to Regulation 6 and Schedule 3, in that order, which are reproduced in the Technical Standards. The regulation is in four parts and explains how to determine the classification of, for example, parts of a building. Regulation 6(4) is where the 'most onerous standard' requirement is stated, reference to which is often made by building control officers.

Note also that purpose groups 5, 6 and 7 in effect (and by reference to Table 1 to D2.1), are divided into high and low risk purpose sub-groups. For example, if a warehouse is in a low risk sub-group, and is subsequently used to contain materials or goods of a hazardous nature, then this would be considered a change of use (from low risk to high risk) and an application for warrant would be necessary.

Note that the Scottish classification places public houses, restaurants, etc., in purpose group 5: 'Assembly and recreational' whereas the English classification has these in purpose group 4: 'Shop and commercial'.

Occupancy capacity

The occupancy capacity of parts of a building has been the subject of much debate over the years. The information needed to determine the capacity, which will affect the size and number of escape routes in particular, is found in schedule 4 of Part A of the Technical Standards.

As in the case of the classification of buildings by purpose, not only should Schedule 4 be referred to but also Regulation 7 which contains useful information. Note that the occupancy load factor for a shop sales area of Class 1 is 2. This figure has caused much discussion and retailers have argued that the Class 2 factor of 7 would be more reasonable in particular circumstances. What needs to be borne in mind is that although an authority may agree to a less onerous figure, which in turn may mean fewer and narrower escape routes, this may have serious implications if circumstances change later on. By increasing the occupancy of a storey at a later stage from a factor of 7 to a factor of 2 a change-of-use is triggered and the number and the width of escape routes serving that storey may need to be increased, usually at a considerable extra cost, and a relaxation may be hard to obtain. Generally, an occupancy load factor of 2 in a retail unit will provide flexibility in use that may in time outweigh the extra cost of providing wider escape routes.

Since the last edition of this guide several amendments have taken place to the Standards and these amendments together with the recent amendments (6th edition) are now included. Major changes were made to Parts D, E, J, M and R with minor amendments to parts A, B, F, K, Q and S.

INTRODUCTION

This is the sixth amendment to the Building Standards (Scotland) Regulations 1990, Previous amendments were in 1993, 1994, 1996, 1997 and 1999.

The Building Standards (Scotland) Regulations are made under the Building (Scotland) Act 1959 as amended.

Work is continuing on the Development and Improvement of the Building Standards and current work in progress includes:

- review into Improving Building Standards
- BSAC working party reviewing Part C
- consideration of extending disabled provision
- impact of European Standards on the Technical Standards.

Improving Building Standards

Work in this area includes:

- consultation exercise with a major overhaul within the next 5 years
- draft framework consultation document
- draft bill.

Major Changes Additions and Deletions to the Standards in the sixth Amendment include

Amendments to Parts D, E, H, J, and are included in their various sections.

The following items indicate some of the amendments but it is not considered a definite list, the various parts should be read to identify the areas affected.

Part A: Definitions Added

- Greywater
- Hospital Street, Hospital
- Sandwich Panel
- Sub-Compartment, Sub-Compartment wall
- Toilet
- Wastewater.

Part A: Definitions Deleted

- Accommodation stair
- Fire-Fighting Stair
- Fire Resistance
- Foul Water
- Unprotected Area
- Watercloset Compartment.

Part A References and Schedules

- Schedule 1: Exempt classes of buildings
- Class 15: Temporary buildings on sites Sales Office on site (show house) not exempt
- Class 19: Pool 'cover' to pool 'enclosure' Cover means enclosure not just fabric overlay (between 8 and 30 square metres Schedule 5)
- Class 21: Conservatories no longer exempt
- Measurement of area amended Area now includes galleries in terms of floor area for fire purposes

Part B Fitness of Materials

- Construction Products Directive and Essential Requirements (Intro para 3)
- Introductory paragraphs 5 and 6 (new)
- EC durability requirements & BS 7543: 1998 (new)
- Workmanship: BS 8000 (new)

Part F Combustion appliances and storage of liquid and gaseous fuels

- Minor inaccuracies amended
- BS 5440: 2000 published – includes revised ventilation requirements for gas appliances
- Distance of gas terminals to rooflights introduced

PART M

The Aims and Objectives of Part M have been revised and the main areas of revision include:

- A reduction of pollution
- A reduction in flooding
- Reduction in the difficulties of interpretation
- The provision of good practice guidance
- Improvement of sanitary accommodation (particularly for females)
- Harmonisation with England and Wales
- Rewording of Regulations 24 and 25
- References to European Standards
- Basement installations
- Disconnecting manholes
- Testing of drains
- SEPA consent
- Shops now split into Class 1 and Class 2
- Baby changing facilities required in unisex toilets
- Better drainage techniques
- More diagrams
- SUDS (Sustainable Urban Drainage Systems)
- Waterless toilets
- Direct reference to disabled people

PART R

Storage of Waste

- Environmental Protection Act 1990
- Existing prescriptive standards unsupportable
- R2 much simplified
- Minor text change to R3 for clarity

R2: Solid Waste Storage

- Removal of container size restrictions
- Removal of 30 m carry distance
- Removal of 45 m distance to collection point
- Removal of requirement for refuse chutes in high-rise buildings

R2: Solid Waste Storage

R2 format is now 3 functional standards

- Hard-standing storage point
- Wash-down of internal storage areas
- Secure against vermin

Parts K, Q and S

Minor inaccuracies corrected and some standards updated.

Part I Legal and Administrative Matters

1. BUILDING CONTROL

An overview

History

Building control in Scotland has been in existence since around AD 1119. The establishment of Royal Burghs gave rise to a dean of guild court in each Burgh, which had jurisdiction in matters of building control and nuisance. Many such burghs had been established by 1707 and others with these dean of guild building control functions were established in the nineteenth and early twentieth centuries. A more detailed historical account of the development of building control is provided in Appendix 1.

**Dean of guild
courts**

The Guest Committee

By the mid 1950s public interest concerned itself with investigating all aspects of local government. In 1957 the Guest Committee Report on building legislation was published. This report made recommendations with regard to building control and the setting down of building standards to apply uniformly throughout Scotland.

Guest

The Building (Scotland) Act 1959

The outcome of the Guest Report was the passing of the above Act which, as amended, is still the governing statute on the subject of building control in Scotland.

The Act

The Act established new machinery for examining building proposals and for inspecting buildings under construction in relation to a national code of building standards to be made by the Scottish Ministers by way of regulations.

This new machinery replaced the arrangements at that time which resided within the Burgh Police (Scotland) Acts and other Acts. It required the setting up of building authorities. In many cases the existing dean of guild courts were subsumed into the building authorities. Local bye-laws were replaced by a uniform system of buildings standards regulations applying throughout Scotland. Provision was made for the relaxation of these standards for particular cases.

**Burgh Police
(Scotland) Acts**

Building operation regulations were to be made for the protection of the public while building work is going on. Warrants would be required from building authorities for the construction, demolition or change of use of buildings. Before buildings could be occupied, a certificate of completion would be required from the building authorities. The certificate would only be provided when the authorities were satisfied that the conditions of the warrant had been fulfilled.

**Operations
Regulations**

Provisions of the Act

The Act also provided powers for the local authorities to deal with construction work undertaken without warrant and with buildings whose life has expired. Further powers are provided to require buildings in certain situations to conform to the standards. There is also provision which allows building authorities to deal with dangerous buildings and which includes if necessary the demolition of the building.

There is also provision for appeals against building authority decisions or decisions of the Scottish Ministers and there are provisions for the inspection of building work.

The Act, with minor alterations throughout the years, has continued to provide the Scottish Ministers (with backup of the Scottish Executive Development Department Building Control Division and through consultation with the Building Standards Advisory Committee) with the powers to make regulations concerning building control matters. These regulations are published by The Stationery Office in Statutory Instruments.

Building Standards Regulations

These regulations provide standards which can be reasonably attained in buildings of the classes to which these regulations relate in such matters as security, health, safety, amenity, convenience and welfare of the persons who will inhabit or frequent such buildings as well as the safety of the public generally. Conservation of fuel and power is a further important consideration within these standards.

Introduction of the new arrangements**Local Government (Scotland) Act 1973**

The national system of building control provided for in the 1959 Act was introduced in 1964, giving the local authorities the powers and the responsibility for enforcement. A new structure of local government came into operation as a result of the Local Government (Scotland) Act 1973. As indicated earlier, dean of guild courts were abolished and their building control functions were transferred in most cases to the new district councils and islands councils created at that time. However in two regional councils, the Borders and Dumfries and Galloway, building control has been a regional responsibility. Highland Region was also empowered to centralise building control within its jurisdiction but chose to devolve it to its district councils. In April 1996 the new unitary authorities were in place with consequent rearrangement again of building control.

Matters of consultation**Building Standards Advisory Committee**

The Scottish Ministers in the framing of Building Standards Regulations are required to consult the Building Standards Advisory Committee which is highly representative of the whole of the building and construction industry. The Scottish Ministers may also consult with such other bodies as appear to be representative of the interests concerned.

Users of the Regulations and those affected by them can also make their views known with respect to matters such as being too wide in scope or too onerous in application. By these various consultative procedures it is intended to generate

sensible and practicable regulations and to minimise the possibility of the promulgation of unsuitable regulations.

A further development in the consultation process was the introduction in 1985 of the Building Control Forum. This consists of representatives from the Scottish Executive and the Convention of Scottish Local Authorities (COSLA) to promote common interpretation and administration of the Building Standards Regulations. Thus senior officials from the Scottish Executive meet (three or four times a year) senior local authority officials to resolve and smooth difficulties which arise in the operation of the Scottish system of building control. Changes of practice rather than changes in legislation are most often found to be the best way forward. The minutes of these meetings and occasional information papers agreed by the Forum are distributed to all building control authorities to increase dissemination of these matters.

Building Control Forum

The Act and its regulations

As will be seen in section 2, which deals with the Building (Scotland) Act in some detail, there are several sets of regulations which arise from the Act. The current provision is:

- | | |
|---|-----------------------------|
| (1) the Building Standards (Scotland) Regulations 1990 and the associated Technical Standards 1991 which set the relevant standards for a wide range of aspects such as fitness of materials, means of escape, thermal and sound insulation and so on; | Standards
Regs |
| (2) the Building Standards (Scotland) (Relaxation) by Local Authority Regulations 1991 which deal with the extent of delegation of powers by Scottish Ministers to local authorities to relax the building standards regulations mentioned in (1); | Relaxations
Regs |
| (3) the Building Operations (Scotland) Regulations 1975 which make provisions for the safety of the public during construction or demolition work, in respect of matters such as erection of protective works, clearing of footpaths, securing or closing entry to sites and so on; | Operations
Regs |
| (4) the Building Procedures (Scotland) Regulations 1981 and its 1991/95 Amendments which deal with matters such as how to make application to the local authority for warrant or for direction (relaxation), how to make applications and/or appeals to the Scottish Ministers, general procedures of local authorities, and so on; | Procedures
Regs |
| (5) the Building Forms (Scotland) Regulations 1991 which prescribe the forms which should be used for applications, orders, warrants, directions, notices, and so on. | Forms Regs |

In particular the 1991 No. 2 Amendment to the Procedures Regulations deals with the table of fees to be charged by local authorities for the administration of the building control function.

Fees

The framework of this legislation is shown diagrammatically in Figure 1.1.

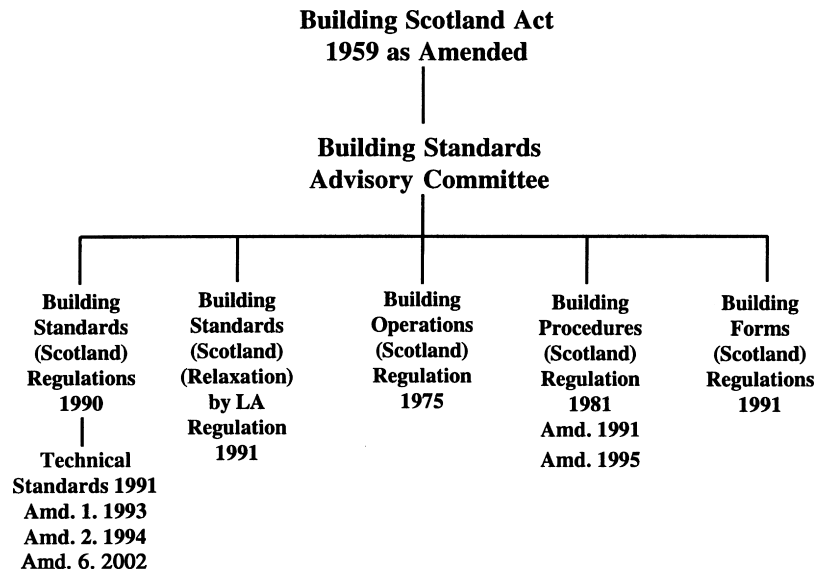


Figure 1.1 The 1959 Act and its regulations.

Associated Acts

Housing (Scotland) Act 1974

Other areas of legislation can impinge on building control matters and collectively it is useful to identify these as associated Acts. For instance the Housing (Scotland) Act 1974 deals with such matters as repair grants and grants for the provision of fire escapes and may well be administered by a building control department.

Roads (Scotland) Act 1984

The Roads (Scotland) Act 1984, (by way of further illustration), deals with the occupation of parts of roads for the deposit of building materials, which is likely to be a matter of liaison between roads departments and building control departments.

These and the other associated acts are covered in more detail along with the Building (Scotland) Act 1959 in the next section of this book.

EC Directives

European Community Construction Products Directive

An important change from outwith the Scottish system of building control lies in the implementation of the EC Directive. The purpose of the directive is to ensure that the regulations made from time to time by the Scottish Ministers do not inadvertently cause barriers to trade within the European Community.

The Department of Trade and Industry's publications on the subject of European Community Directives include information related to construction products. There is further comment on this area within the section of this book which deals with Part B of the Regulations (fitness of materials).

Reference

Guest Committee (1957) *Report of the Committee on Building Legislation in Scotland* (HMSO).

2. THE 1959 ACT AND ITS REGULATIONS

Introduction

All building control responsibilities and powers spring from the Building (Scotland) Act 1959 (as amended). The scope covers all types of buildings and deals with matters such as safety and health in and around buildings and energy conservation. As a result of the Act, building authorities, (i.e. building control departments) responsible for ensuring that minimum acceptable buildings standards would be met, were established.

Scope

Earlier, it was indicated that several sets of regulations came into place as a result of the Act. This section deals with the Act and its resulting regulations in some detail.

The 1959 Act (as amended)

The Act was amended in the Building (Scotland) Act 1970 and as a result of various provisions within the Health and Safety at Work Act 1974, the Town and Country Planning (Scotland) Act 1972, the Local Government (Scotland) Act 1973 and the Roads (Scotland) Act 1984.

The Act is in four Parts, the first dealing with Buildings Authorities, the second with Standards and Operations, the third with Dangerous Buildings and the fourth with supplementary matters including Schedules.

Structure of Act

Part I – Buildings Authorities

Within Part 1 of the Act several items have been repealed and those which remain relate to the matters which follow.

- (1) Provision of powers to make regulations to be discharged from time to time by the creation of statutory instruments, s. 2(4). The current range of regulations deal with Forms, Procedure Standards, Relaxation by Local Authorities and Operations as indicated earlier in Figure 1.1.

These regulations deal, among other matters, with warrants, directions, appeals and procedures of local authorities' building control departments in maintaining acceptable standards for buildings, and these will be looked at in more detail later.

- (2) Provisions for joint building control and planning applications are allowed to be combined within one document, as per s. 2(5 and 6). To date no such powers have been adopted.

Part II – Building standards and building operations

This Part deals with various matters including creation of standards, relaxations, appeals, powers to approve building types, operations, demolitions, occupations of roads, and certificates of completion.

**Powers of the
Scottish
Ministers**

Building standards

Section 3 deals with the powers of the Scottish Ministers Office Development Department and after consultation with the Building Standards Advisory Committee), to make building standards regulations.

Section 3(1) allows prescription of standards in terms of performance (e.g. sound tests, drain tests), types of material (e.g. thermal insulants), methods of construction (e.g. stairs), or otherwise. The concept of relating the standards to particular classes of building (e.g. sound insulation standards only relate to dwellings) is included here. The Fourth Schedule of the Act lists all the matters to be covered (which subsequently appear as Parts of the Building Standards Regulations such as say Part M Drainage and Sanitary Facilities).

The concept is also raised of different classes of building being linked to different (and appropriate for that class) standards. In the latest regulations these classes are now known as Purpose Groups.

The current provision is 1990 No 2179 (s. 187) Building Standards (Scotland) Regulations 1990. These are likely to be of most interest to lawyers whereas the blue covered ring binder entitled *Technical Standards* is for the use of designers, builders, building control officers and other persons with an interest in the design and construction of buildings.

Standards are prescribed which have a reasonable expectation of being attained, s. 3(2). Prescription is allowed, s. 3(3), of different standards in relation to buildings of different classes. Special provisions may also be made for short-life buildings (ten years or less). Provision is also set out here for the acceptance of materials or methods of construction which are deemed to satisfy the standards.

Exempted buildings are dealt with as per s. 3(4), these being buildings other than dwellings or offices belonging to the United Kingdom Atomic Energy Authority or any buildings of other classes which are specified in the regulations as being exempt.

Classification of buildings is dealt with as per s. 3(5), classification being by size, design, purpose, description, location or any other appropriate characteristic.

Consultation is covered as per s. 3(6) and requires that the Scottish Ministers shall consult with the Building Standards Advisory Committee and other relevant bodies before making regulations.

Powers to repeal any previous legislation which contains provisions now covered by the Standards Regulations are dealt with as per s. 3(7). Such powers were used, for example, to repeal the Thermal Insulation Industrial Buildings Act 1957.

Relaxation of building standards regulations

Section 4 deals with powers and procedures related to the relaxation of building standards regulations.

The Scottish Ministers have powers in s. 4(1) to dispense with or to relax the provisions relating to either an application made in relation to a particular building for a relaxation or dispensation (see Forms Regulations, later), or an application made in relation to a class of building. They may also provide of their own accord a direction to dispense with or relax provisions in relation to particular classes of buildings.

**Scottish
Ministers and
relaxations**

The Scottish Ministers have powers in s. 4(2) to make regulations which allow local authorities to exercise power in the dispensation and relaxation of certain provisions in the standards. Current powers reside in the 1991 No 158(s. 13) Building Standards (Relaxation by Local Authorities) (Scotland) Regulations 1991.

**Powers for
local
authorities**

In the previous relaxation regulations (1985), powers of dispensation and relaxation had been limited to alterations, extensions or changes of use of buildings. Such powers have been extended to include all new buildings as well, with the exception of enclosed shopping centres (buildings which contain shops having frontages to an arcade, mall or other covered circulation area) and cases referred to the Scottish Ministers (applications for warrant under section 6A of this Act – see later).

No directions can be given, s. 4(3) for specific cases which are spelled out in the relaxation regulations. A current example of this is shopping centres.

In granting a dispensation or a relaxation, this is given as a direction by the Scottish Ministers, and may or may not include conditions, s. 4(4).

The mechanism for application for a dispensation or a relaxation is the use of Form 1 of the 1991 No 160(s. 15) Building (Forms) (Scotland) Regulations 1991. Form 2 of these regulations is the form for the Relaxation Direction decision of the local authority (or in some cases, the Scottish Ministers) provided in response to application on Form 1 (see Appendix 7).

**Forms 1 and 2,
Forms Regs**

Class dispensations or relaxations, s. 4(5), will cease to be effective at the end of any specified period, when this is indicated as part of the direction. They may also be revoked by subsequent directions by the Scottish Ministers.

**Class
relaxations**

The cut off time in applying these measures is related to the time when warrant applications are lodged with local authorities, s. 4(5A).

Directions relating to class dispensations or relaxations by the Scottish Ministers s. 4(6), are made after consultation with the Building Standards Advisory Committee.

Notification, s. 4(7), must be made to local authorities of the making of class dispensation or relaxation directions by the Scottish Ministers.

Payment (or if the Scottish Ministers so decides, remission) of fees by persons making application for class directions is covered by s. 4(7A).

Fees

**Procedure
Regs**

Powers for the Scottish Ministers to create the procedures regulations, which deal with applications for warrants, directions and appeals, are given in s. 4(8). The current provision is 1981 No 1499(s. 152): The Building (Procedure) (Scotland) Regulations 1981, along with the 1991 No 159(s. 14) and the 1995 No 1572(s. 112) Amendments. This latter amendment deals with the scale of building control fees which may be charged (see Appendix 2).

In the case of class directions the regulations shall be read in the context of and subject to directions in force, s. 4(9).

Appeals against decisions

Section 4A deals with appeals against decisions related to dispensations and relaxations.

Applicants may appeal to the Scottish Ministers, s. 4A(1) regarding refusals of dispensations or relaxations or the imposition of conditions by the local authority which are considered to be unacceptable.

**Appeals,
Form 3**

Application is made on Form 3 (see Appendix 7) and within 28 days of notification of the local authority decision (Procedures Regulations). An Appeal, s. 4A(2) can also be filed (Form 3) where the local authority has failed to provide a decision within two months, (Procedures Regulations) or such longer time as agreed in writing between the applicant and the local authority.

The Scottish Ministers have powers, s. 4A(3) to either uphold the local authority decision or to provide their own direction with regard to the application.

Approval of building types**Type approvals**

Section 4B deals with the powers of the Scottish Ministers to approve particular types of building. Its purpose is to avoid repetitive assessment of buildings of identical construction. This is most likely to relate to standard building types within Purpose Group 1 (dwellings), Part A of the Technical Standards.

Powers for dispensation by the Scottish Ministers for any particular building type to particular provisions of the standards regulations are given, s. 4B(1) either arising from an application or of his own volition.

Applications must be made in the prescribed manner, s. 4B(2).

Certification

The Scottish Ministers may, on their approval, issue a certificate, s. 4B(3), specifying the building type, standards to which the certificate relates and the class or classes of case to which the certificate refers.

The certificate may have a specified period of operation as per s. 4B(4). Buildings conforming to the type covered by the certificate shall in the appropriate context be deemed to conform with the standards, s. 4B(5), and the Scottish Ministers