SCOTTISH STATUTORY INSTRUMENTS

1999 No. 173

BUILDING AND BUILDINGS

The Building Standards and Procedure Amendment (Scotland) Regulations 1999

Made - - - -	*9th December 1999*
Laid before the Scottish Parliament - - - -	*14th December 1999*
Coming into force - -	*17th April 2000*

The Scottish Ministers, in exercise of the powers conferred on them by sections 2(4), 3, 6(1), 24(1)(b) and 29(1) of, and Schedule 4 to, the Building (Scotland) Act 1959(**1**) and of all other powers enabling them in that behalf and, as required by section 3(6) of that Act(**2**), having consulted the Building Standards Advisory Committee and such other bodies as appear to them to be representative of the interests concerned, hereby make the following Regulations:

Citation and commencement

1. These Regulations may be cited as the Building Standards and Procedure Amendment (Scotland) Regulations 1999 and shall come into force on 17th April 2000.

Amendment of Building Standards (Scotland) Regulations 1990

2.—(1) The Building Standards (Scotland) Regulations 1990(**3**) shall be amended in accordance with the following paragraphs.

(2) In paragraph (1) of regulation 2 (Interpretation)–

(a) for the definition of "chimney" there shall be substituted–

> ""chimney" means a structure enclosing one or more flues, not being a flue-pipe, but including a factory-made chimney, and including any opening for the accommodation of a combustion appliance, but does not include a chimney-can;";

(**1**) 1959 c. 24; section 2(4) was substituted by the Local Government (Scotland) Act 1973 (c. 65), Schedule 15, paragraph 3(b); section 3(2) and (3) was amended by the Health and Safety at Work etc. Act 1974 (c. 37) ("the 1974 Act"), Schedule 7, paragraph 1(a) and (b) respectively; section 3(4) was amended by the Housing (Scotland) Act 1986 (c. 65), section 19(2); section 3(7) was inserted by the 1974 Act, Schedule 7, paragraph 1(c); section 29(1) contains a definition of "prescribed" relevant to the exercise of the statutory powers under which these Regulations are made. The functions of the Secretary of State were transferred to the Scottish Ministers by virtue of section 53 of the Scotland Act 1998 (c. 46) –see also the Scotland Act 1998 (Consequential Modifications) (No. 2) Order 1999 (S.I.1999/1820), Schedule 2, paragraph 29.

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

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

(b) for the definition of "porch"(**4**) there shall be substituted–

""porch" means a building attached to and providing a covered entrance to a dwelling;";

(c) for the definition of "room-sealed appliance" there shall be substituted–

""room-sealed appliance" means a combustion appliance which, when in operation, has its combustion chamber, air inlet and its flue outlet ways isolated from the room or space in which it is installed;"; and

(d) for the definition of "Technical Standards"(**5**) there shall be substituted–

""Technical Standards" means the Technical Standards for compliance with the Building Standards (Scotland) Regulations 1990 issued by The Scottish Office in October 1990, as amended by the substitute pages issued by the Scottish Executive in and dated December 1999;".

(3) In each of paragraphs (1) and (2) of regulation 11 (structure)(**6**), after the words "shall be so", there shall be inserted the words "designed and".

(4) In regulation 13 (means of escape from fire, facilities for fire-fighting and means of warning of fire in dwellings)(**7**)–

(a) in the heading, after the word "dwellings", there shall be inserted the words "and enclosed shopping centres"; and

(b) in paragraph (1A), after the word "dwelling", there shall be inserted the words "and enclosed shopping centre".

(5) For regulation 14 (heat-producing installations), there shall be substituted–

"**Combustion appliance installations**

14. Every fixed combustion appliance installation incorporating an appliance designed to burn solid fuel (namely, fuel in solid form, including wood and peat) or gaseous or liquid fuel shall be so constructed and installed that–

(a) it operates safely;

(b) its operation does not cause damage by heat or fire to the building in which it is installed;

(c) the products of combustion do not cause a risk to health; and

(d) it receives sufficient air for its safe operation.".

(6) For regulation 15 (storage of liquid and gaseous fuels), there shall be substituted–

"**Storage of liquid and gaseous fuels**

15.—(1) Every oil storage system with a tank capacity of more than 90 litres, for the storage of fuel oil used principally to serve a combustion appliance providing space or water heating, or cooking facilities, shall be so constructed and installed as to minimise the risk of–

(a) fire spreading to the tank; and

(b) the contents of the tank contaminating any water supply, watercourse, drain or sewer.

(2) Every liquefied petroleum gas storage installation with a container capacity more than 150 litres (water equivalent), for the storage of liquefied petroleum gas used principally to

(**4**) The definition of "porch" was amended by S.I. 1996/2251, regulation 2(2)(a).
(**5**) The definition of "Technical Standards" was substituted by S.I. 1996/2251, regulation 2(2)(b).
(**6**) Regulation 11(2) was substituted by S.I. 1994/1266, regulation 2(3).
(**7**) Regulation 13(1A) was inserted (and the heading to that regulation substituted) by S.I. 1993/1457, regulation 2(3).

serve a combustion appliance providing space or water heating, or cooking facilities, shall be so constructed and installed as to minimise the risk of–

(a) fire spreading to the container; and

(b) the contents of the container forming explosive gas pockets in the vicinity of any liquefied petroleum gas storage container.".

(7) For the heading to regulation 16, there shall be substituted the words "Preparation of sites".

(8) There shall be inserted as a heading to regulation 17, as follows:–

"**Resistance to moisture".**

(9) There shall be inserted as a heading to regulation 18, as follows:–

"**Resistance to condensation".**

(10) For the heading to regulation 24, there shall be substituted the word "Drainage".

(11) For regulation 25(**8**), there shall be substituted–

"**Sanitary facilities**

25.—(1) A building to which this paragraph applies shall be provided with adequate sanitary facilities.

(2) Paragraph (1) shall apply to all buildings, except a building or part of a building to which the School Premises (General Requirements and Standards) (Scotland) Regulations 1967 to 1979(**9**) apply.

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

Sanitary facilities for disabled people

25A.—(1) A building to which this paragraph applies shall be provided with adequate provision of sanitary facilities for disabled people.

(2) Paragraph (1) shall apply to all buildings where access is provided for disabled people, except a storey or part of a storey which accommodates only fixed plant or machinery and to which access is required only for maintenance purposes.

(3) In this regulation, "disabled people" means persons with a physical, hearing or sight impairment which affects their mobility or their use of a building.

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

(12) After regulation 26, there shall be inserted–

"**Aids to assist the hard of hearing**

26A. Every building, other than a building in purpose group 1, shall be provided with suitable aids to assist the hard of hearing.".

(13) In regulation 29 (facilities for dwellings)–

(**8**) Regulation 25(2) was substituted by S.I. 1996/2251, regulation 2(3).
(**9**) S.I. 1967/1199, 1973/322 and 1979/1186.

(a) for the heading, there shall be substituted the words "Access and facilities for dwellings"; and

(b) for paragraph (1), there shall be substituted–

"(1) A building of purpose group 1 shall be provided with–

(a) safe and convenient access from a suitable road;

(b) adequate access within and between its storeys;

(c) adequate sleeping accommodation;

(d) adequate kitchen facilities;

(e) adequate windows; and

(f) adequate space heating.".

(14) For regulation 32 (stairs, ramps and protective barriers), there shall be substituted–

"**Access to and movement within buildings, and protective barriers**

32.—(1) All users of a building shall be provided with adequate means of access, and adequate means of movement within the building both horizontally and vertically.

(2) A building which contains fixed seating accommodation for an audience or spectators shall be provided with adequate level spaces for wheelchairs.

(3) Except where–

(a) the provision of protective barriers would obstruct the use of such areas; or

(b) in terms of the Technical Standards, such provision is not necessary,

every stair, ramp, raised floor or other raised accessible area which forms part of a building or which is provided to meet a requirement of this regulation shall have a suitable protective barrier.

(4) Paragraphs (1) and (2) shall not be subject to specification in a notice served under section 11 of the Act.".

(15) Regulation 33 (facilities for disabled people) is revoked.

(16 For Schedule 1 (exempted classes of buildings)(**10**), there shall be substituted the Schedule set out in Schedule 1 to these Regulations.

(17) For Schedule 2 (fixtures not requiring a warrant)(**11**), there shall be substituted the Schedule set out in Schedule 2 to these Regulations.

(18) For Schedule 4 (occupancy load factors to be applied to rooms and spaces without fixed seating, other than buildings of purpose group 1), there shall be substituted the Schedule set out in Schedule 3 to these Regulations.

(19) In Schedule 5 (rules of measurement)(**12**), after paragraph 1 there shall be inserted–

"**1A.** The total floor area of an enclosed shopping centre shall be taken to be the sum of the floor area of each storey and compartment, including any galleries.".

Amendment of Building (Procedure) (Scotland) Regulations 1981

3. In paragraph (1) of regulation 3 (interpretation) of the Building (Procedure) (Scotland) Regulation 1981(**13**), for the definition of "Technical Standards"(**14**), there shall be substituted–

(**10**) Schedule 1 was substituted by S.I. 1996/2251, regulation 2(4) and amended by S.I. 1997/2157, regulation 2(5).
(**11**) Schedule 2 was substituted by S.I. 1996/2251, regulation 2(5) and amended by S.I. 1997/2157, regulation 2(6).
(**12**) Schedule 5 was amended by S.I. 1996/2251, regulation 2(6).
(**13**) S.I. 1981/1499, amended by S.I. 1987/1232, 1988/2194, 1990/1358, 1991/159 and 1528, 1995/1572 and 1997/2157.

""Technical Standards" means the Technical Standards for compliance with the Building Standards (Scotland) Regulations 1990 issued by The Scottish Office in October 1990, as amended by the substitute pages issued by the Scottish Executive in and dated December 1999;".

Transitional provisions

4. In relation to–

(a) an application for a warrant for the construction or change of use of a building which was made before the date of coming into force of these Regulations;

(b) an application for the extension of the period of validity or the amendment of the terms of such a warrant granted at any time,

the building standards regulations applicable to the building in question shall be those in force at the time the application for the warrant was made and any reference in the Building (Scotland) Act 1959 to building standards regulations shall be construed accordingly.

St. Andrew's House,Edinburgh
9th December 1999

SARAH H BOYACK
A member of the Scottish Executive

(**14**) The definition of "Technical Standards" was substituted by S.I. 1997/2157