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0.1 Application

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Application

0.1

0.1.1 Introduction

[The Building \(Scotland\) Act 2003](#) gives Scottish Ministers the power to make building regulations to:

- secure the health, safety, welfare and convenience of persons in or about *buildings* and of others who may be affected by *buildings* or matters connected with *buildings*;
- further the conservation of fuel and power; and
- further the achievement of sustainable development.

This document gives guidance on how to comply with these regulations.

This is one of two Technical Handbooks, one covering *domestic buildings* and the other non-domestic *buildings*. These Technical Handbooks have been issued by Scottish Ministers for the purpose of providing practical guidance with respect to the requirements of the provisions of the building regulations under a notice given in accordance with Section 4(2) of the Building (Scotland) Act 2003. Each Handbook has seven sections. Section 0, this section, is identical in both Handbooks. It covers general issues and sets out how and when the regulations apply to *buildings* and *works*.

Both Handbooks are published in three forms, as printed loose leaf sheets with an A4 binder, on a single CD-rom, and on the Scottish Building Standards Agency web-site. It is quite acceptable to download and print off individual parts or sections of the Handbooks and all future amendments and updates will be included on the web-site.

Sections 1 to 6 give guidance on how to achieve the standards set by the regulations, and there are different sets for *domestic buildings* and non-domestic *buildings*. The six sections each cover a number of related standards. They are:

Section 1	Structure
Section 2	Fire
Section 3	Environment
Section 4	Safety
Section 5	Noise
Section 6	Energy

Each of the six sections consists of an introduction and then guidance on the standards within the section. In the printed version the standard and some introduction information is given on a yellow page, while the guidance on how to comply with the standard is given in the succeeding white pages.

At the end of the Handbook, after section 6, there are the following:

Appendix A: Defined terms.

Appendix B: List of standards and other publications.

A full index (hard copy only as the electronic version has a search facility)

The Technical Handbooks are supported by a Procedural Handbook, published separately, which clarifies the intent of the [Building \(Scotland\) Procedures Regulations 2004](#).

0.1.2 [The Building \(Scotland\) Regulations 2004](#)

This Technical Handbook gives guidance on achieving the standards set in the Building (Scotland) Regulations. The standards themselves can be found

in schedule 5 to regulation 9, and are in the form of ‘expanded functional standards’. That is, the standards describe the functions a *building* should perform, such as ‘providing resistance to the spread of fire’, and are an expanded and more detailed form of the previous building standards regulations.

The Building (Scotland) Regulations made by the Scottish Ministers are subject to approval by the Scottish Parliament. The content of the regulations, so far as it relates to technical specifications, is also scrutinised by the European Commission (EC). The EC checks with all the other countries that have adopted the [Construction Products Directive](#) (CPD) to ensure that no barriers to trade in *construction* products are created, either directly or indirectly by the way products are described.

To meet the requirements of the CPD, materials and *construction* methods must be described by use of suitable European Standards wherever these exist. As there is a rolling programme of change to these National and European Standards, which includes conversion to, and the further provision of, ENs and harmonised ENs, the Handbooks have been designed to be readily updated. An explanation of the relevance and status of specific European and British standards referred to in the Handbooks is in the section concerned. There is also a list of the publications referred to in the Handbooks provided in Appendix B.

The arrangement of the sections within Handbooks relates directly to the Essential Requirements of the CPD (as published by the EC), which *construction works* are expected to satisfy when they have been properly designed and *built*. The arrangement is as follows:

Section 1	Structure	(EC - Mechanical resistance and stability)
Section 2	Fire	(EC - Safety in case of fire)
Section 3	Environment	(EC - Hygiene, health and the environment)
Section 4	Safety	(EC - Safety in use)
Section 5	Noise	(EC - Protection against noise)
Section 6	Energy	(EC - Energy, economy and heat retention)

0.1.3 The building standards system

The building regulations are enforced through the building standards system also established by the [Building \(Scotland\) Act 2003](#). This Act sets out the enabling powers that allow the Scottish Ministers to make, not only the building regulations, but also procedural regulations, fees regulations and the other supporting legislation needed to operate the system. The system is designed to ensure that new *buildings* and *works* achieve the objectives of *the Act* in terms of health, safety, welfare, convenience, conservation of fuel and power, and sustainable development.

The roles of those operating the building standards system are explained in detail in the guidance on the procedural regulations. Briefly, the duty to comply with the building regulations lies with the owner, or in some cases the client, for the *work*. Before *work* begins a building warrant must be obtained. For some simpler *works* a warrant is not required (see regulation 5 and schedule 3), but the regulations still apply. The owner or client again has the duty to comply. The role of issuing warrants and accepting completion certificates rests with verifiers, enforcement is by local authorities, and the system is overseen and updated by the Scottish Building Standards Agency

advised by the Building Standards Advisory Committee. This agency is an executive agency of the Scottish Executive Development Department; that is to say it is an integral part of the Scottish Executive and answers directly to the responsible Scottish Minister. These bodies are further explained in the guidance to the procedural regulations.

The building standards system is pre-emptive, ensuring so far as possible that the proposed *works* will comply with the regulations. It recognises that proposals can change during *construction*, so there are requirements for amendments to the proposals to be agreed and recorded. On completion, the owner or client must certify that the *works* have been *constructed* in accordance with the building warrant and the building regulations. The verifier will make reasonable inquiry to ensure the completion certificate is accurate before accepting the certificate. Usually an inspection of the *works* will be made, and on most projects some inspection of *work* in progress will also have been carried out. However verifiers cannot inspect all materials and *work* on every *building site*. It is the client that should put in place the contractual and practical arrangements needed to assure themselves that the desired quality of *work* has been achieved.

0.1.4 Status of Technical Handbooks

The regulations are mandatory, but the choice of how to comply lies with the *building* owner. This Technical Handbook has been issued by Scottish Ministers, through the Scottish Building Standards Agency, for the purpose of providing practical guidance with respect to the building regulations. If the guidance is followed in full then this should be accepted by the verifier as indicating that the building regulations have been complied with. However it is quite acceptable to use alternative methods of compliance provided they fully satisfy the regulations.

Failure to comply with the Technical Handbook does not render a person liable to civil or criminal procedures, but proof of compliance with the guidance may be relied on in any proceedings as tending to negative liability for an alleged contravention of the building regulations.

Following the advice in the Technical Handbooks is therefore likely to be the normal way of complying with the building regulations. However, a designer may put forward other ways of meeting the regulations, in the form of alternative solutions.

In due course other documents may be issued by Scottish Ministers to provide further guidance. Such guidance might deal with specific *building* types, or provide alternative methods of showing compliance with those provided in the Technical Handbooks.

0.1.5 Alternative solutions

The use of expanded functional standards, backed up by detailed guidance, provides a flexible system of control. Consideration of alternative solutions is assisted by the expansion of the functional standards previously used in the building standards regulations to clarify the necessary properties of each *building*. The need for a formal relaxation of standards is reduced as meeting the full details of given solutions is no longer mandatory. The professional judgment of the verifier, assisted by guidance on questions referred to Scottish Ministers, through the Scottish Building Standards Agency, decides whether a standard is met.

In considering alternative solutions, however, it is necessary to have regard to the details of this guidance. Where performance standards or policy statements are given, every part of the solution is expected to meet them. As a result, alternative solutions that appear suitable may not be acceptable in detail. For example, some of the solutions offered in relation to the English and Welsh building regulations, in the 'Approved Documents' (ADs), are not suitable because the levels of thermal insulation recommended are not the same. Similarly different approaches are taken to the control of fire size and the design of *compartmentation* which means that *constructions* meeting the AD on fire safety may not be acceptable. This will vary in time as both ADs and the Scottish Technical Handbooks are updated. Solutions based on other documents, such as British or European Standards, will have to be carefully evaluated to see if the Scottish standards are being met in an appropriate manner.

0.1.6 Domestic and non-domestic buildings

Where any *building* contains both domestic uses and non-domestic uses, the appropriate parts from each Technical Handbook will need to be used to ensure the standards are complied in full, for example a caretakers *flat* in an *office building*. However communal *rooms* or other areas in a block of *dwellings* that are exclusively associated with the *dwellings* should be considered using the domestic guidance. Examples of this might be a *room* used as an *office* for the operation of a *sheltered housing complex* or a lounge communal to a block of *dwellings*. It is also a general principle that where a *building* or part of a *building* might be seen as falling into more than one category it should be designed to meet the most stringent recommendations.

0.1.7 Latest changes

The following is a summary of the changes that have been introduced between 1 May 2006 and 30 April 2007. Very minor changes to text have not been included here.

regulations 1 & 2	unchanged, but restyling of presentation
schedule 1	rewording of type 1 to pick up new legislation
schedule 1	rewording of exceptions to type 20
clause 0.5.1	improved guidance on the interpretation of schedule 3
schedule 3	rewording of exceptions to type 1
schedule 3	rewording of type 2
schedule 3	rewording of exceptions to type 5
schedule 3	rewording of exceptions to type 6
schedule 3	omission of exception to type 7
schedule 3	rewording of type 19
schedule 4	insertion of new clauses 2 and 3 in measurement of areas
schedule 4	minor change to text in clause 4(a)
schedule 5	several standards amended (see intro to each section)
schedule 6	reworded: standards 6.1 & 6.9 do not apply to conversions
regulation 16	now included in Technical Handbook
regulation 17	new regulation to take account of EPBD

0.1.8 Updating

It is intended that this Technical Handbook will be updated annually. At that time replacement pages will be published for any guidance which has been

altered. It is not expected that the standards themselves will change each year, and as these are set in the building regulations these can only be changed with Parliamentary approval. Therefore it is anticipated that it is only the white pages in sections 1-6, rather than the yellow pages, which will be replaced regularly. It is expected that many users will wish to download the placements from the Scottish Building Standards Agency web site (www.sbsa.gov.uk) where they will be available free of charge.

To facilitate such updating, the pages in this Handbook are not numbered and reference to particular parts is provided through the system of section and clause numbers. The section and standard numbers are identical for both the domestic and non-domestic Handbooks. The clause numbers differ between the two Handbooks.

Every page is provided with a header/footer which records:

- domestic/non-domestic;
- section;
- standard;
- date of issue;
- clause number.

By providing this on each page it should be possible to copy particular pages independently and still be certain of their place in the appropriate Handbook.

0.1.9 Arrangement of section 0

Section 0 is arranged to follow the actual regulations. This sub-section provides an introduction to the building standards system. Sub-section 0.2 covers regulations 1 and 2 which are the citation, commencement and interpretation. Sub-sections 0.3 to 0.15 cover the significant technical regulations with each sub-section setting out and discussing the regulation with the same number (sub-section 0.3 covering regulation 3 etc.). Regulation 16 establishes which regulations cannot ever be relaxed by Scottish Ministers. These are the regulations on citation and commencement, interpretation, exempted buildings, work not requiring a warrant and the methods of measurement. Regulation 17 is new and has been introduced to help with the implementation of the [Energy Performance of Buildings Directive](#).

0.2 Citation, commencement and interpretation

- 0.2.1 Explanation of regulation 1
- 0.2.2 Explanation of regulation 2

regulation

2

mandatory

Regulation 2 sets out the defined terms within the regulations. It is not reproduced in section 0; instead the terms have been incorporated in the list of defined terms which form Appendix A.

0.2.1 Explanation of regulation 1

Regulation 1 is not reproduced above but contains the citation and commencement of the building regulations. They apply to *buildings* and *works* as defined in the [Building \(Scotland\) Act 2003](#), other than *works* exempted by regulation 3, schedule 1. The full text is:

Regulation 1

These regulations may be cited as the Building (Scotland) Regulations 2004 and shall come into force on 1 May 2005.

The Act defines a *building* as any structure or erection, whether temporary or permanent. This is very wide, but there are exceptions in *the Act* for:

- any *public road*; (including any bridge on which the road is carried);
- any *private road*; (bridges on *private roads* are not excluded in *the Act*);
- any sewer or water main vested in Scottish Water;
- any aerodrome runway;
- any railway line;
- any large raised reservoir within the meaning of the Reservoirs Act 1975;
- any wires and cables, their supports above ground and other apparatus used for telephonic or telegraphic communications.

The term *building* is, subject to context, taken to include a prospective *building*, a part of a *building* and, for extensions, alterations and *conversions*, it can mean the extension alone or the part subject to alteration or *conversion*. *Works* in relation to a *building* is defined in *the Act* as including *works* carried out in relation to the enclosure and preparation of the *site*. *Works* therefore includes all *construction*, demolition and *conversion work*, the provision of services fittings and equipment, and any *work* carried out in relation to the *site*.

The [Building \(Scotland\) Regulations 2004](#) apply to all *buildings* and *works* where an application for warrant is made on or after 1 May 2005. Some *buildings* and *works* do not require a warrant but are still *works* to which the regulations apply (see regulation 5 and schedule 3 which explain the kind of *works* that falls into this category). Such *works* commenced on *site* on or after 1 May 2005 must meet these regulations subject to the Building (Scotland) Act 2003 (Commencement No. 1, Transitional Provisions and Savings) Order 2004.

Buildings and *works* related to earlier warrant applications or exempt *works* commencing before 1 May 2005 are subject to previous building standards and procedures regulations, in particular the time by when these *works* must be completed. Previously exempt *works*, in particular any no longer exempt, must have been completed by 2 September 2005, otherwise the exemption falls and a warrant for any outstanding *work* may be required.

On completion of the *works*, before the period specified in the building warrant expires, a completion certificate must be submitted. If a completion certificate is submitted for *work* done without a warrant, the regulations that are applicable are those in force at the time of submission of the certificate, which may well be more onerous than those which would have applied when the *work* started. Fuller details of the arrangements for submitting warrant applications and completion certificates will be given in the guidance on the procedure regulations.

The building regulations also incorporate requirements previously set in separate Building Operations Regulations (regulations 13-15). These cover the provision of protective *works*, clearing of footpaths and securing of unoccupied *buildings*. When an application is made to a verifier other than the local authority (for example if the *building* were a military installation and the verifier was a government department), then the verifier will be required by the procedure regulations to inform the local authority of the application so that the local authority may, if they wish, consider the proposed arrangements for protective *works*.

0.2.2 Explanation of regulation 2

Regulation 2 sets out the defined terms within the regulations. It is not reproduced in section 0, instead the terms have been incorporated in the list of defined terms which form Appendix A. The Appendix also includes definitions from the [Building \(Scotland\) Act 2003](#) and those used in these Technical Handbooks.

All of the terms defined above, including those from the regulations, are in italics throughout the Handbooks.

In the determination of the description of a *building*, any use which is ancillary to another use or which is of a minor nature should be disregarded and the *building* taken to be that of the principal description. Minor uses within the *curtilage* of a *dwelling* may also be disregarded, for example a single-room *office* for use by up to two people. Notwithstanding the above, parts of a *building* may be considered to be of a separate description where the context requires (for example a caretakers *flat* should be taken separately from any other part of the *building* in which it is located).

A *dwelling* may include any surgeries, consulting rooms, *offices* or other accommodation, of a floor area not exceeding in the aggregate 50 square metres, forming part of the *dwelling* and used by an occupant of the *dwelling* in a professional or business capacity. A *dwelling* may provide bed and breakfast facilities provided this does not exceed two double bedrooms and is not in use for more than half of the year.

Where further guidance on *building* types is needed to define the proposals for particular *buildings*, it is included in the relevant section.

0.3 Exempted buildings and services, fittings and equipment

0.3.1 Explanation

0.3.2 Schedule 1

3	<p>regulation</p> <p>(1) Regulations 8 to 12 shall not apply to any <i>building</i> or any services, fittings and equipment the whole of which falls into any one or more of the exempted types described in schedule 1.</p> <p>(2) The provision of -</p> <p>(a) services, fittings and equipment to, or the demolition or removal of, exempted <i>buildings</i> is exempt;</p> <p>(b) services, fittings and equipment to, or the demolition of, exempted services, fittings and equipment is exempt.</p> <p>(3) For the purposes of this regulation, for the avoidance of doubt, each such exempted type does not include any of the exceptions expressed in relation to that type.</p>
<p>mandatory</p>	

0.3.1 Explanation

Regulation 3 and schedule 1 set out what *buildings* and *work* are exempted from the building regulations. The general principles applied to establish exemption are that the regulations do not need to apply where:

- other legislation covers the *buildings* or *work* (types 1 - 3);
- the *buildings* or *work* are covered by another regulation (type 4);
- the *buildings* or *work* are not normally frequented by people (types 5 - 8);
- the *buildings* or *work* are so separated that the regulations are largely inappropriate, and are likely in any case to be supervised by specialists including civil engineers (types 9 - 12);
- the *buildings* or *work* are sufficiently minor that they have little or no impact on the public interest and it is not in the public interest to seek to enforce the regulations (types 13 - 15 and 17 - 21);
- the *buildings* or *work* are temporary (type 16).

Particular care is necessary where exempted *work* is in the vicinity of, or attached to, an existing *building*. The level of compliance of the existing *building* with building regulations should not be adversely affected when exempt *works* are undertaken.

Where exempt *work* requires that alteration is made to an existing *building* to maintain the level of compliance with building regulations, a building warrant may be required. For example where it is intended to *construct* a porch, which falls within type 18, over an accessible entrance and a new accessible entrance is required.

0.3.2 Schedule 1

Exempted buildings and services, fittings and equipment

Type	Description	Exception
Buildings etc. controlled by other legislation	1. Any <i>building</i> in which explosives are manufactured or stored under a licence granted under the Manufacture and Storage of Explosives Regulations 2005.	
	2. A <i>building</i> erected on a <i>site</i> which is subject to licensing under the Nuclear Installations Act 1965.	A <i>dwelling</i> , <i>residential building</i> , <i>office</i> , canteen or visitor centre.
	3. A <i>building</i> included in the schedule of monuments maintained under section 1 of the Ancient Monuments and Archaeological Areas Act 1979.	A <i>dwelling</i> or <i>residential building</i> .
Protective works	4. Protective <i>works</i> subject to control by regulation 13.	
Buildings or work not frequented by people	5. A <i>building</i> into which people cannot or do not normally go.	A <i>building</i> within 6 metres or the equivalent of its height (whichever is the less) of the <i>boundary</i> . 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 <i>building</i> housing only fixed plant or machinery, the only normal visits to which are intermittent visits to inspect or maintain the fixed plant or machinery.	A <i>building</i> within 1 metre of a <i>boundary</i> .
Agricultural and related buildings	7. An <i>agricultural greenhouse</i> or other <i>building</i> of mainly translucent material used mainly for commercial growing of plants.	A <i>building</i> used to any extent for retailing (including storage of goods for retailing) or exhibiting.
	8. A single-storey detached <i>building</i> used for any other form of <i>agriculture</i> , fish farming or forestry.	A <i>building</i> used to any extent for retailing (including storage for retailing) or exhibiting. A <i>building</i> exceeding 280 square metres in area. A <i>building</i> within 6 metres or the equivalent of its height (whichever is the less) of a <i>boundary</i> . A <i>dwelling</i> , <i>residential building</i> , <i>office</i> , canteen or visitor centre. A dungstead or farm effluent tank.

	Type	Description	Exception
Works of civil engineering construction	9.	A <i>work</i> of civil engineering <i>construction</i> , 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.	A bridge or tunnel forming part of an <i>escape route</i> 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.
	10.	A <i>building</i> essential for the operation of a railway including a locomotive or carriage shed, or for the operation of any other <i>work</i> of civil engineering contained in type 9 of this schedule and erected within the <i>curtilage</i> of such a railway or <i>work</i> .	A signalling and control centre for a railway or dock. A <i>building</i> to which the public is admitted, not being a <i>building</i> exempted by type 11 of this schedule. A <i>dwelling</i> , <i>residential building</i> , <i>office</i> , canteen, or warehouse.
Buildings of a specialist nature	11.	A single- <i>storey</i> detached <i>road</i> 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.	A <i>building</i> having a floor area exceeding 30 square metres. A <i>building</i> 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, or a tent, van or shed within the meaning of section 73 of the Public Health (Scotland) Act 1897.	Any <i>wastewater</i> disposal system serving a <i>building</i> of this type.
	13.	A detached single- <i>storey building</i> having an area not exceeding 8 square metres.	A <i>dwelling</i> or <i>residential building</i> . A <i>building</i> ancillary to and within the <i>curtilage</i> of a <i>dwelling</i> . A <i>building</i> within 1 metre of a <i>boundary</i> . A <i>building</i> containing a fixed combustion appliance installation or <i>sanitary facility</i> . A wall or fence.
Small buildings	14.	A <i>building</i> used only by people engaged in the <i>construction</i> , demolition or repair of any <i>building</i> or structure during the course of that <i>work</i> .	A <i>building</i> containing sleeping accommodation.
Construction & development buildings			

	Type	Description	Exception
Temporary buildings	15.	A <i>building</i> used in connection with the letting or sale of any <i>building</i> under <i>construction</i> until such time as the letting or sale of all related <i>buildings</i> is completed.	A <i>building</i> containing sleeping accommodation.
	16.	A <i>building</i> which, during any period of 12 months, is either erected or used on a <i>site</i> – a. for a period not exceeding 28 consecutive days; or b. for a number of days not exceeding 60, and any alterations to such <i>buildings</i> .	
Buildings ancillary to houses	17.	A detached single- <i>storey building</i> ancillary to and within the <i>curtilage</i> of a <i>house</i> .	A <i>building</i> exceeding 8 square metres in area. A <i>building</i> within 1 metre of the <i>house</i> unless it is at least 1 metre from any <i>boundary</i> . A <i>building</i> containing sleeping accommodation. A <i>building</i> containing a <i>flue</i> , a fixed combustion appliance installation or <i>sanitary facility</i> . A wall or fence.
	18.	A single- <i>storey building</i> attached to an existing <i>house</i> , which is ancillary to the <i>house</i> and consists of a <i>conservatory</i> or <i>porch</i> which insofar as it is glazed complies with the requirements of regulation 9 and paragraph 4.8 of schedule 5.	A <i>building</i> exceeding 8 square metres in area. A <i>building</i> containing a <i>flue</i> , a fixed combustion appliance installation or <i>sanitary facility</i> . A <i>building</i> within 1 metre of a <i>boundary</i> .
	19.	A single- <i>storey building</i> which is detached, or is attached to an existing <i>house</i> and which is ancillary to the <i>house</i> and consists of a <i>greenhouse</i> , <i>carport</i> or <i>covered area</i> .	A <i>building</i> exceeding 30 square metres in area. A <i>building</i> containing a <i>flue</i> , a fixed combustion appliance installation or <i>sanitary facility</i> .
Buildings ancillary to flats or maisonettes	20.	A detached single- <i>storey building</i> ancillary to and within the <i>curtilage</i> of a <i>flat</i> or <i>maisonette</i> .	A <i>building</i> exceeding 8 square metres in area. A <i>building</i> within 1 metre of the <i>flat</i> or <i>maisonette</i> or within 3 metres of any other part of the <i>building</i> containing the <i>flat</i> or <i>maisonette</i> . A <i>building</i> within 1 metre of a <i>boundary</i> . A <i>building</i> containing a <i>flue</i> , a fixed combustion appliance installation or <i>sanitary facility</i> . A wall or fence. A swimming pool deeper than 1.2 metres.

	Type	Description	Exception
Paved areas	21.	A paved area or hardstanding	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.

0.4 Changes in the occupation or use of a building that cause the regulations to apply

- 0.4.1 Explanation
- 0.4.2 Schedule 2

regulation

4

mandatory

For the purposes of section 56(1) of *the Act* and these regulations, the changes in occupation or use of *buildings* set out in schedule 2 shall be *conversions* to the extent specified by regulation 12.

0.4.1 Explanation

The building regulations always apply where *construction* occurs, unless exempted by regulation 3, and *construction* includes alterations and extensions as well as entirely new *buildings*. When there is a *conversion* it will be necessary to seek a warrant and possibly to undertake *works* to improve the standards of the *building*, or part of the *building*, concerned.

Regulation 4 and schedule 2 set out what changes of occupation or use of a *building* are defined as *conversions* and for which the owner must obtain a warrant before making the change. The warrant for a *conversion* will only be granted if the standards set out in regulation 12 are achieved and this might well require *building works*.

Those changes of use or occupation listed in schedule 2 are those which are considered critical due to the risks involved. They relate to:

- a. *domestic buildings*, for example:
 - a hotel to a *dwelling* (type 1);
 - use of an attic space as a *room* within a *dwelling* (type 1);
 - use of a garage attached to a *dwelling* as a *room* (type 2);
 - sub-division of a *house* into two *flats* (type 3);
 - use of a *house* as *shared residential accommodation* (type 4);
- b. *residential buildings*, for example:
 - use of a hotel as *office* (type 5);
 - use of a hotel as a residential care home (type 6);
 - use of *offices* as a backpackers hostel (type 7);
- c. whether a *building* falls within the exemptions of schedule 1, for example:
 - use of a railway signal box as a *house* (type 8);
- d. public access to buildings, for example:
 - development of a retail trade in a storage *building* (type 9);
- e. division of a *building* into different occupancies, for example:
 - use of a single *shop* to provide space for two different occupancies (type 10).

Type 6 in schedule 2 refers to the significant alterations in the type and the number of expected occupants. A significant alteration of type could be considered to occur when there was a significant change in the mobility, the familiarity with *building*, or the awareness of danger, of the occupants. For example, significantly different types would include:

- patients receiving care and/or treatment in a residential care home/*hospital*;
- children in a residential institution or residential school;
- guest in a hotel;
- people held in lawful detention.

A significant alteration in number could be considered to occur where it amounted to an increase greater than 25%.

Type 9 in schedule 2 refers to allowing access by the general public where previously there was none. Access by the general public refers to permitting members of the general public to enter a *building* during opening hours and allowing them to access all parts of the *building*, other than those parts restricted to staff only.

For *conversions* it is the intention that the standards achieved in the *converted building* should be broadly similar to those achieved by entirely new *buildings*. Schedule 6 to regulation 12 guides the verifier as to where discretion is expected to be necessary. It identifies those standards where it is not expected to be *reasonably practicable* to have existing *buildings* fully comply. However for these standards improvement of the existing *building* is expected where it is *reasonably practicable*. This means that matters such as thermal insulation now have to be improved even if meeting the full standard is not practically achievable. Guidance on what is normally *reasonably practicable* is given in schedule 6 and in the individual sections. Guidance is also given on the treatment of historic *buildings*.

It is also relevant that the requirements of other legislation, for example regulations made under Health and Safety at Work or licensing legislation, will apply to changes of use, so that risk assessments of changed circumstances will provide protection to the occupants of *buildings*.

0.4.2 Schedule 2

Conversions to which the regulations apply

Type	Conversion
1.	Changes in the occupation or use of a <i>building</i> to create a <i>dwelling</i> or <i>dwellings</i> or a part thereof.
2.	Changes in the occupation or use of a <i>building</i> ancillary to a <i>dwelling</i> to increase the area of human occupation.
3.	Changes in the occupation or use of a <i>building</i> which alters the number of <i>dwellings</i> in the <i>building</i> .
4.	Changes in the occupation or use of a <i>domestic building</i> to any other type of <i>building</i> .
5.	Changes in the occupation or use of a <i>residential building</i> to any other type of <i>building</i> .
6.	Changes in the occupation or use of a <i>residential building</i> which involve a significant alteration to the characteristics of the persons who occupy, or who will occupy, the <i>building</i> , or which significantly increase the number of people occupying, or expected to occupy, the <i>building</i> .
7.	Changes in the occupation or use of a <i>building</i> so that it becomes a <i>residential building</i> .
8.	Changes in the occupation or use of an exempt <i>building</i> (in terms of schedule 1) to a <i>building</i> which is not so exempt.
9.	Changes in the occupation or use of a <i>building</i> to allow access by the public where previously there was none.
10.	Changes in the occupation or use of a <i>building</i> to accommodate parts in different occupation where previously it was not so occupied.

0.5 Buildings, work, services, fittings and equipment not requiring a warrant

0.5.1 Explanation

0.5.2 Schedule 3

regulation

5

mandatory

For the purposes of section 8(8) of the Act, any work which consists solely of a *building or conversion*, including the provision of services, fittings or equipment, of a kind specified in schedule 3, shall meet the standards required by regulations 8 to 12 but shall not, subject to the exceptions and conditions, require a warrant.

0.5.1 Explanation

Regulation 5 and schedule 3 specifies what *work* can be done without the need to obtain a building warrant. The categories of work permitted without warrant are generally more extensive than under previous Scottish building regulations. However such *work* must still comply with the regulations.

Building type 1

In particular, type 1 means considerably more *work* to or in *houses* does not need a warrant. This could include:

- *work* external to, but immediately adjoining, the *house* (e.g. patio, decking, wall, fence, steps or ramp);
- small penetrations of the *external walls* or roof (e.g. balanced flues, sanitary pipework, mechanical extract *ducts* or vent pipes);
- small attachments to the *external walls* (e.g. canopies or micro-renewables);
- erection, demolition or alteration of non-loadbearing partitions;
- electrical work;
- an en-suite bathroom or shower room (including associated drainage);
- a central heating system.

The exceptions are intended to safeguard against changes that might have significant effect, such as the removal of structural walls. The following list provides some examples of the various exceptions:

- increasing the floor area of the *house* (e.g. creation of a mezzanine floor or the infill of a stair well);
- demolition or alteration of the roof (e.g. forming a dormer window or *construction* of a masonry *chimney* through the roof);
- demolition or alteration of the *external walls* (e.g. slapping a new window or door, applying insulation to the *external wall* surface);
- demolition or alteration of an *element of structure* (e.g. removal of a loadbearing wall);
- *work* adversely affecting a *separating wall* (e.g. installing recessed electrical sockets);
- *work* involving a change to *wastewater* discharge (e.g. disconnection from the mains system).

The exception about increasing the floor area applies because there will be significant implications arising from such *work*. Other changes, such as the development of a *roof space* or a garage as habitable space are *conversions* in terms of regulation 4, a warrant is required and the standards also apply. Where a *roof space* has limited boarding inserted to allow access to services or to allow attic storage, or where the removal of a non-loadbearing wall creates a marginal increase in floor area these should not be considered as increasing the floor area.

Building type 2

Buildings, other than *domestic buildings* or *residential buildings*, where the public are not normally admitted are granted a similar concession in type 2, allowing many *offices* and factories for example, to make the kind of small

alterations necessary to accommodate changes in production or process. Again however, the *building work* done should be to the standard of the building regulations.

Thus, types 1 and 2 permit virtually any *work* to be carried out to 1 or 2 *storey houses* and to non-domestic *buildings* not more than 7.5 m high, other than the exceptions listed.

Building types 3 - 23

However the broad types described above are followed by types 3 to 23 covering more specific *work* that can be carried out to a wider range of *buildings* without restricting the *work* allowed by types 1 and 2. Types 3 to 23 begin with small *buildings*, particularly those within the *curtilage* of *dwellings* (types 4 and 5). Note that some of these may now be in the *curtilage* of *flats* or *maisonettes* provided they are a sufficient distance from the *dwellings*. A *sanitary facility* should not be considered to be a wet-floor shower room and such *work* is not intended to be covered by type 11.

Building types 24 - 26

Types 24 to 26 are different in that they cover work that is closer to a repair than new *work*. These replacements are therefore required to be to a standard no worse than the existing, rather than to the standard for completely new *work*.

Doors, windows and rooflights which are a complete replacement are not considered to be a repair and now have to meet the full requirements of the standards (see type 20). For historic *buildings*, where there is a specific need to match existing doors, windows or rooflights, the principle of 'like for like' may still be permitted.

0.5.2 Schedule 3

Description of building and work, including the provision of services, fitting and equipment, not requiring a warrant

Type	Description	Exception
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 <i>work</i> to or in a <i>house</i> .	Any <i>work</i> which increases the floor area of the <i>house</i> . Any demolition or alteration of the roof, <i>external walls</i> or <i>elements of structure</i> . Any <i>work</i> involving underpinning. Any <i>work</i> adversely affecting a <i>separating wall</i> . Any <i>work</i> involving a change in the method of <i>wastewater</i> discharge. <i>Work</i> , not being <i>work</i> of types 3 to 26 below, to a <i>house</i> having a <i>storey</i> , or creating a <i>storey</i> , at a height of more than 4.5 metres.
2.	Any <i>work</i> to or in a non-residential <i>building</i> to which the public does not have access.	A non-residential <i>building</i> within which there is a <i>domestic</i> or <i>residential building</i> . Any <i>work</i> which increases the floor area of the <i>building</i> . Any demolition or alteration of the roof, <i>external walls</i> or <i>elements of structure</i> . Any <i>work</i> involving underpinning. Any <i>work</i> adversely affecting a <i>separating wall</i> . Any <i>work</i> involving a change in the method of <i>wastewater</i> discharge. <i>Work</i> , not being <i>work</i> of types 3 to 26 below, to a <i>building</i> having a <i>storey</i> , or creating a <i>storey</i> , at a height of more than 7.5 metres.

Type	Description	Exception
and, without prejudice to the generality of types 1 and 2 above,		
3.	A detached single-storey <i>building</i> , having an area exceeding 8 square metres but not exceeding 30 square metres.	A <i>dwelling</i> or <i>residential building</i> . A <i>building</i> ancillary to, or within the <i>curtilage</i> of, a <i>dwelling</i> . A <i>building</i> within 1 metre of a <i>boundary</i> . A <i>building</i> containing a fixed combustion appliance installation or <i>sanitary facility</i> . A swimming pool deeper than 1.2 metres
4.	A detached single-storey <i>building</i> , having an area exceeding 8 square metres but not exceeding 30 square metres, ancillary to and within the <i>curtilage</i> of a <i>house</i> .	A <i>building</i> within 1 metre of the <i>house</i> unless it is at least 1 metre from any <i>boundary</i> . A <i>building</i> containing a fixed combustion appliance installation or <i>sanitary facility</i> . A swimming pool deeper than 1.2 metres.
5.	A detached single-storey <i>building</i> , having an area exceeding 8 square metres but not exceeding 30 square metres, ancillary to and within the <i>curtilage</i> of a <i>flat</i> or <i>maisonette</i> .	A <i>building</i> within 1 metre of the <i>flat</i> or <i>maisonette</i> or within 3 metres of any other part of the <i>building</i> containing the <i>flat</i> or <i>maisonette</i> . A <i>building</i> within 1 metre of a <i>boundary</i> . A <i>building</i> containing a fixed combustion appliance installation or <i>sanitary facility</i> . A swimming pool deeper than 1.2 metres.
6.	Any <i>work</i> associated with a combustion appliance installation or other part of a heating installation, not being <i>work</i> of types 7 or 8 below.	Any <i>work</i> 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 <i>net input rating</i> more than 70 kW. Any <i>work</i> associated with a <i>chimney</i> , <i>flue-pipe</i> or <i>constructional</i> hearth. Any <i>work</i> 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 <i>work</i> adversely affecting a <i>separating wall</i> or <i>separating floor</i> .
7.	Any <i>work</i> associated with a balanced <i>flue</i> serving a <i>room-sealed appliance</i> .	

Type	Description	Exception
8.	Any <i>work</i> associated with pipework, radiators, convector heaters and thermostatic controls for, or associated with, type 6 above.	
9.	Any <i>work</i> associated with installing a <i>flue liner</i> .	
10.	Any <i>work</i> 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 <i>work</i> associated with the provision of a single <i>sanitary facility</i> , together with any relevant branch soil or waste pipe.	Any <i>work</i> associated with a water closet, waterless closet or urinal.
12.	Any <i>work</i> associated with the relocation within the same <i>room</i> or space of any <i>sanitary facility</i> , together with any relevant branch soil or waste pipe.	
13.	Any <i>work</i> associated with the provision of an extractor fan.	
14.	Any <i>work</i> associated with a stairlift within a <i>dwelling</i> .	
15.	Any <i>work</i> associated with the provision of a notice or other fixture for which there is no requirement provided in these regulations.	
16.	Any <i>work</i> associated with an outdoor sign that is the subject to the Town and Country Planning (Control of Advertisements)(Scotland) Regulations 1984.	
17.	Any <i>work</i> associated with thermal insulating material to or within a wall, ceiling, roof or floor.	Any <i>work</i> associated with the application of thermal insulating material to the outer surface of an <i>external wall</i> .
18.	A wall not exceeding 1.2 metres in height, or a fence not exceeding 2 metres in height.	

Type	Description	Exception
19.	Any <i>work</i> associated with open raised external decking	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 <i>escape route</i> other than from a flat or <i>maisonette</i> , provided to comply with the requirements in regulation 9 and paragraph 2.9 of schedule 5.
20.	A door, window or rooflight when the <i>work</i> 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 <i>work</i> associated with the replacement of a fitting or equipment, in whole or in part, by another of the same general type, including a <i>sanitary facility</i> (together with any relevant branch soil or waste pipe), rainwater gutter or downpipe, solid fuel combustion appliance, electrical fixture, ventilation fan, <i>chimney</i> or <i>flue</i> outlet fitting or terminal, fire hydrant or main, lift or escalator, solid waste chute or container, <i>kitchen</i> fitments or other fitted furniture and ironmongery.	Any door, window or rooflight. Any oil firing or gas boiler

Type	Description	Exception
25.	Any <i>work</i> 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 <i>work</i> to a door, window or rooflight, including <i>glazing</i> which is not a complete replacement falling within type 20 above.	

0.6 Limited life buildings

0.6.1 Explanation

regulation

6

mandatory

For the purposes of paragraph 3 of schedule 1 of *the Act* (which enables special provision to be made for *buildings* intended to have a limited life) a period of five years is hereby specified.

0.6.1 Explanation

Regulation 6 deals with *constructions* that are intended to have only a short life span on *site* and in view of this the mandatory standards and associated guidance give some concessions to such *buildings*. These concessions only apply to *buildings* which are not *dwellings*.

Standard 3.1 in schedule 5 allows a lesser standard for the treatment of the *site* of a *limited life building*, other than a *dwelling*.

Section 6: Energy, indicates that less demanding *U-values* can be adopted for the *insulation envelope* of certain types of *limited life buildings*, other than *dwellings* and *residential buildings*.

0.7 Measurements

- 0.7.1 Explanation
- 0.7.2 Schedule 4

regulation

7

mandatory

For the purpose of these regulations, measurements shall be made or calculated in accordance with schedule 4.

0.7.1 Explanation

Schedule 4 to regulation 7 specifies those methods of measurement that are necessary for the regulations themselves. In the Technical Handbooks certain additional measurements are also used, and references to additional methods of measurement specific to particular sections are included in the introductions to those sections.

0.7.2 Schedule 4

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.

In the case of a *dwelling*, a *room* excludes any part where the height is
3. 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.
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0.8 Durability, workmanship and fitness of materials

- 0.8.1 Explanation
- 0.8.2 Durability
- 0.8.3 Workmanship
- 0.8.4 Fitness of materials

<p>regulation</p> <p>8</p> <p>mandatory</p>	<p>(1) Work to every <i>building</i> designed, <i>constructed</i> and provided with services, fittings and equipment to meet a requirement of regulation 9 to 12 must be carried out in a technically proper and workmanlike manner, and the materials used must be durable, and fit for their intended purpose.</p> <p>(2) All materials, services, fittings and equipment used to comply with a requirement of regulations 9 to 12 must, so far as <i>reasonably practicable</i>, be sufficiently accessible to enable any necessary maintenance or repair <i>work</i> to be carried out.</p>
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0.8.1 Explanation

Regulation 8 requires that materials, fittings and components used in the *construction* of *buildings* should be suitable for their purpose, correctly used or applied, and sufficiently durable, taking account of normal maintenance practices, to meet the requirements of these regulations. For example, external timber cladding for low-rise *buildings* that is readily accessible and replaceable need not be as durable as that which is to be used at a higher level on medium-rise *buildings*.

It also implements the intention of the [Construction Products Directive](#), that specification of *construction* products should not be used to effectively bar the use of *construction* products or processes from other European countries. The relevant countries are those in the European Union, and those who in the European Economic Area Act of 1993 agreed to adopt the same standards

The guidance below details a variety of published standards and specifications recognised by the States within the European Economic Area which provide an acceptable standard of suitability and fitness. Traditional *constructions*, when supported by adequate technical descriptions, may also be appropriate.

The intention is to provide adequate flexibility to accommodate new techniques as well as proven traditional practices. This guidance ensures proper acceptance of products which satisfy the essential requirements of the [Construction Products Directive](#) and the [Fixing and Use of CE Marks Directive](#), to avoid barriers to trade. For example, products bearing a CE mark (European Mark of Conformity) must be accepted as meeting regulation requirements where the declared performance satisfies the requirement and the product is being correctly used. A verifier may only reject CE marked products if the declared performance on the accompanying declaration does not meet the regulation requirement or if the documentation is incomplete. If the verifier rejects a product the relevant trading standards officer must be notified (this is a requirement of the Construction Product Regulations). This will enable the UK government, where necessary, to notify the European Commission. A fuller explanation of CE marking is given in the booklet '[CE Marking under the Construction Products Directive](#)', published by the Department of the Environment Transport and the Regions (DETR) in 2001.

The Technical Handbooks are arranged to equate with the six Essential Requirements of the [Construction Products Directive](#). This should aid assessment of products against the regulation requirements. There may, however be other Directives applicable to certain products or *constructions*.

Marks showing compliance with these are for the purpose of that Directive, not to indicate compliance with the Essential Requirements, or our regulations. For example, a self contained *smoke alarm*, manufactured in accordance with the Electro Magnetic Compatibility Directive should be accepted as satisfying requirements only insofar as they relate to prevention of electromagnetic disturbances by, and prevention against disturbances to, such *smoke alarms*.

0.8.2 Durability

The EC is introducing durability requirements into European Standards (ENs) for *construction* products. Durability is not a term defined in this guidance, but it has been defined by the EC: the ability of a *building* material, fitting, component, or part thereof to perform its required function over a period of time and under influence of agents. 'Agents' are factors that may affect the durability of a product and include: exposure conditions, temperature, humidity, water, UV radiation, abrasion, chemical attack, biological attack, corrosion, weathering, frost, freeze-thaw, and fatigue.

Subject to normal maintenance, a product should enable properly designed and executed *works* to fulfill the Essential Requirements for an economically reasonable period of time (i.e. the working life of the product).

Durability is thus dependent on the intended use of the product and its service conditions. The assessment of durability can relate to the product as a whole or to its performance characteristics, insofar as these play a significant part with respect to the fulfillment of the Essential Requirements. In either case, the underlying assumption is that the performance will meet or exceed minimum acceptable values (thresholds) throughout its working life. The assessment of durability of *construction* products may use performance based methods, descriptive solutions, or a combination of both.

Levels of durability can in theory be set only by reference to criteria laid down in the harmonised test procedures. At present most harmonised ENs are prescriptive, giving for example a minimum thickness of material rather than a level of performance, e.g. that the product must last at least x number of years. The EC have the issue under consideration and it is likely that there will be a move towards performance standards. Until the EC have issued definitive guidance, reference can be made to BS 7543, which covers the durability of *building* elements, products, and components.

0.8.3 Workmanship

The term workmanship has been included so that references to methods of establishing workmanship can be included in the Technical Handbooks. For example, where performance depends on the *construction* being carried out with a crucial standard of workmanship, say in the *construction* of *dwelling separating walls*, it will prove useful to consider the information provided in the British Standard. It is not the intention that verifiers check workmanship generally, (certainly not of aesthetic matters such as finishes), but that where proper workmanship is essential to meeting the building standards verifiers have criteria against which it may be assessed.

Some methods of establishing workmanship are:

- compliance with BS 8000: Workmanship on building sites;
- compliance with an equivalent technical specification which may include a national technical specification of other Member States, which are contracting parties to the European Economic Area;

- the workmanship is specified for a material, fitting, or component covered by a national or European Certificate issued by a European Technical Approvals issuing body, and the conditions of use are in accordance with certificate;
- the workmanship may be covered by an equivalent technical approval (including a technical approval of another Member State of the Organisation for Technical Approval, EOTA), that provides an equivalent level or performance and the conditions of use are in accordance with terms of the technical approval;
- the workmanship is covered by a scheme, which complies with relevant recommendations of BS EN ISO 9000: Quality Management and quality assurance standards (there are also independent schemes of accreditation and registration of installers of materials and products that provide a means of ensuring that the *work* has been carried out by knowledgeable contractors to an appropriate standard);
- by use of past experience (where it can be shown by experience, such as a *building* in use, that the method of workmanship is capable of performing the function for which it is intended);
- by use of recognised test methods.

0.8.4 Fitness of materials

Subject to the paragraph below, it is recommended that the requirement of regulation 8 is met by using materials, fittings, and components, or parts thereof which comply with any of the following standards:

- a. the standard (whether British Standard or otherwise) specified in the Technical Handbooks;
- b. a relevant code of practice of a national standards institution or equivalent body of any Member State within the European Economic Area;
- c. a relevant international standard recognised in any Member State within the European Economic Area;
- d. a relevant specification acknowledged for use as a standard by a public authority of any Member State within the European Economic Area;
- e. traditional procedures of manufacture of a Member State within the European Economic Area where these are the subject of written technical description sufficiently detailed to permit assessment of materials, fittings, and components, or parts thereof for the use specified; or
- f. for materials, fittings, and components or parts thereof, of an innovative nature subject to an innovative process of manufacture and which fulfil the purpose provided for by the specified standard, a European Technical Approval or specification sufficiently detailed to permit assessment.

The standard code of practice, specification, technical description of European Technical Approval referred to in b to f above must provide in use levels of safety, suitability and fitness for purpose equivalent to those recommended in the Technical Handbooks, referred to in paragraph a, in so far as such levels are not inconsistent with the Essential Requirements set out in the CPD.

Where materials, fittings, and components are used on the basis of a standard, code of practice, specification, technical description or European Technical Approval, testing and sampling may be carried out as specified in or applicable to such standard, code of practice, specification, technical description or European Technical Approval.

Where testing is carried out within a Member State within the European Economic Area, such test shall be carried out by an appropriate organisation offering suitable and satisfactory evidence of technical and professional competence and independence. The requirements shall be satisfied if the organisation is accredited in a State within the European Economic Area in accordance with BS 7501 and BS 7502, and/or BS ENs: 17025, 45002, 45003, 45004, 45011, 45012, 45013, and 45014.

www.wrap.org.uk

The Waste and Resources Action Programme offers guidance on the use of recycled materials and products containing recyclate. It is acceptable to use such materials as a measure to further sustainable development provided that they are durable and fit for their intended purpose.

0.9 Building standards applicable to construction

0.9.1 Explanation

0.9.2 Schedule 5

regulation

9

mandatory

Construction shall be carried out so that the work complies with the applicable requirements of schedule 5.

0.9.1 Explanation

Regulation 9 and schedule 5 are the heart of the building standards system as they set out what must be achieved in *building work*. The standards are given in full along with the associated guidance on compliance in sections 1 – 6 of the Technical Handbooks. The sections relate directly to the Essential Requirements, as published by the EC, which *buildings* and *works* are expected to satisfy when they have been properly designed and *built*.

The six sections are:

Section 1	Structure	(EC - Mechanical resistance and stability)
Section 2	Fire	(EC - Safety in case of fire)
Section 3	Environment	(EC - Hygiene, health and the environment)
Section 4	Safety	(EC - Safety in use)
Section 5	Noise	(EC - Protection against noise)
Section 6	Energy	(EC - Energy, economy and heat retention)

The Essential Requirements are also subject to overall requirements related to durability, which are covered in regulation 8.

The guidance on suitable provision to meet the building regulation standards is given without assurance that any other legislative or administrative requirement might apply more onerous standards.

In considering which standards apply, where more than one is relevant to any *building work* all the standards should be met.

0.9.2 Schedule 5

The mandatory standards in schedule 5 are given in the six sections of this Handbook (structure, fire safety, environment, safety, noise and energy) and are therefore not repeated here.

0.10 Building standards applicable to demolition

0.10.1 Explanation

regulation

10

mandatory

- (1) **Every *building* to be demolished must be demolished in such a way that all service connections to the *building* are properly closed off and any neighbouring *building* is left stable and watertight.**
- (2) **When demolition *work* has been completed and, where no further *work* is to commence immediately, the person who carried out that *work* shall ensure that the *site* is –**
- (a) **immediately graded and cleared; or**
 - (b) **provided with such fences, protective barriers or hoardings as will prevent access thereto.**

0.10.1 Explanation

Regulation 10 sets out the mandatory requirements when undertaking demolition *work*.

The building regulations do not control the method or process of demolition. This is the responsibility of the [Health and Safety Executive](#) and is covered under other legislation.

What the building regulations do seek to control is the area which is left after demolition has been completed, and the state of any surrounding *buildings* affected by the demolition. Any adjacent *buildings* must be left safe and watertight and all service connections must be properly sealed. Unless it is intended to *build* on the cleared *site* without delay, it must be left in a safe condition. This might be achieved by *site* clearance and grading, or by ensuring adequate perimeter enclosures.

**0.11 Building standards applicable to the provision of services,
fittings and equipment**

0.11.1 Explanation

regulation

11

mandatory

Every service, fitting or piece of equipment provided so as to serve a purpose of these regulations shall be so provided in such a way as to further those purposes.

0.11.1 Explanation

Regulation 11 requires that every service, fitting or piece of equipment provided so as to serve a purpose of the regulations should be designed, installed, and commissioned in such a way as to fulfill those purposes.

0.12 Building standards applicable to conversions

0.12.1 Explanation

0.12.2 Schedule 6

regulation

12

mandatory

Conversion shall be carried out so that the building as converted complies with the applicable requirements of schedule 6.

0.12.1 Explanation

Certain changes of use or occupation were defined as *conversions* in schedule 2 and are therefore subject to the building regulations. Regulation 12 requires that in these cases the *building* shall meet the requirements of schedule 6. However it is recognised that this is not *reasonably practical* in many existing *buildings*. Therefore the schedule also lists those standards where a lower level of provision may well be sufficient. It is essential to establish with the verifier where meeting the standards in full is not *reasonably practicable*, and early discussion will be necessary. The individual sections of the Handbooks give further details.

For historic *buildings*, the classification of the *building* should influence the extent to which improvement is required, depending on whether the classification is for the outside, the inside, all parts, etc.

0.12.2 Schedule 6

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 and
- d. the standards in section 5, noise; and
- e. standards 6.7, 6.8, 6.10 in section 6, energy.

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.

0.13 Provision of protective works

0.13.1 Explanation

regulation

13

mandatory

- (1) No person shall carry out *work* unless the following provisions of this regulation are complied with.
- (2) Subject to paragraph (3), where *work* is to be carried out on any *building site* or *building* which is within 3.6 metres of any part of a road or other place to which members of the public have access (whether or not on payment of a fee or charge) there shall, prior to commencement of the *work*, be erected protective works so as to separate the *building site* or *building* or that part of the *building site* or *building* on which *work* is to be carried out from that road or other place.
- (3) Nothing in paragraph (2) shall require the provision of protective *works* in any case where the local authority is satisfied that no danger to the public is caused, or is likely to be caused, by the *work*.
- (4) The protective *works* referred to in the preceding paragraphs are all or any of –
 - (a) providing hoardings, barriers or fences;
 - (b) subject to paragraph (5), where necessary to prevent danger, providing footpaths outside such hoardings, barriers or fences with safe and convenient platforms, handrails, steps or ramps, and substantial overhead coverings;
 - (c) any other protective *works* which in the opinion of the local authority are necessary to ensure the safety of the public, all of such description, material and dimensions and in such position as the local authority may direct.
- (5) Nothing in paragraph(4)(b) shall require the provision of a platform, handrail, step or ramp –
 - (a) where no part of the existing footpath is occupied by the protective *works* or in connection with the *work*;
or
 - (b) where that part of an existing footpath remaining unoccupied affords a safe means of passage for people, and is of a width of not less than 1.2 metres or such greater width as the local authority may direct.
- (6) Any protective *works* shall be so erected as to cause no danger to the public and shall be maintained to the satisfaction of the local authority.
- (7) Subject to paragraph (8), any protective *works* shall be removed –
 - (a) in the case of a *building* which has been *constructed* by virtue of a warrant, not more than 14 days or such longer period as the local authority may direct from the date of acceptance of the certificate of

- completion; and**
- (b) in any other case, on completion of the *work*.**
- (8) Nothing in paragraphs (1) to (7) of this regulation shall prohibit the removal of the protective *works* or any part thereof prior to the completion of the *work* where the local authority is satisfied that no danger to the public is caused or is likely to be caused as a result of their removal.**
- (9) Any protective *works* shall be illuminated, and any such *works* which project on to or over that part of a road which is not a pavement or footpath shall be provided with such markings, as in the opinion of the local authority are necessary to secure the safety of the public.**
- (10) Where *work* has been carried out without the provision of protective *works*, or where *work* on a *building site* has stopped or a *building site* has been abandoned, a local authority may require the *site owner* to carry out protective *works*.**

0.13.1 Explanation

Regulation 13 requires that *building sites* are fenced off in such a way as to protect the public. It also provides powers to deal with *building sites* where *work* has for any reason ceased and the Health and Safety at Work etc. Act provisions are no longer applicable.

0.14 Clearing of footpaths

0.14.1 Explanation

regulation

14

mandatory

Where any *work* is being carried out on a *building site* or *building*, any neighbouring footpath (including any footpath provided so as to form part of the protective *works*) shall be regularly cleaned and kept free of *building* debris and related materials by the person carrying out the *work*, to the satisfaction of the local authority.

0.14.1 Explanation

Regulation 14 requires the keeping free from mud or dust footpaths adjacent to *building sites*.

0.15 Securing of unoccupied and partially completed buildings

0.15.1 Explanation

regulation

15

mandatory

- (1) Subject to paragraph (2) a person carrying on *work* shall ensure that any *building* which is partly *constructed* or partly demolished or which has been completed but not yet occupied is, so far as *reasonably practicable*, properly secured or closed against unauthorised entry at all times when *work* thereon is not in progress.
- (2) Nothing in paragraph (1) shall apply to any *work* where the local authority is satisfied that adequate supervision of the *building* is being or will be maintained for the purpose of securing the *building*.

0.15.1 Explanation

Regulation 15 requires that all *building sites* where there are unfinished or partially complete *works* are kept safe and secure.

0.16 Relaxations

0.16.1 Explanation

regulation

16

mandatory

No direction may be given under section 3(2) of *the Act* in relation to regulations 1 to 3, 5 and 7.

0.16.1 Explanation

Regulation 16 sets out the regulations that cannot be relaxed.

0.17 **Continuing requirements**

0.17.1 Explanation

0.17.2 Implementation

<p>regulation</p> <h1 style="font-size: 2em; margin: 0;">17</h1> <p>mandatory</p>	<p>(1) Subject to paragraph (2), the owners of <i>buildings</i> shall ensure that –</p> <p>(a) every air-conditioning system within a <i>building</i> is inspected at regular intervals; and</p> <p>(b) appropriate advice is given to the users of the <i>buildings</i> on reducing the energy consumption of such an air-conditioning system.</p> <p>(2) This regulation shall not apply to –</p> <p>(a) air-conditioning systems with a total effective output rating of less than 12 kW; or</p> <p>(b) air-conditioning systems solely for processes within a <i>building</i>.</p> <p>(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 <i>buildings</i>.</p>
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0.17.1 Explanation

Regulation 17 requires the owners of an air-conditioned *building* to have such plant regularly inspected and to provide advice to the users of the *building* on related energy efficiency improvement *work* and how to operate the system efficiently. This regulation implements the terms of Article 9 of [Directive 2002/91/EC](#) on the energy performance of buildings (EPBD).

Scope

The regulation relates only to larger, fixed air-conditioning systems and does not cover portable systems. It also relates to comfort cooling of people in a *building* but does not cover any other system, such as cooling solely used in a manufacturing, trade or mechanical process. For example, a system only cooling computer equipment would be exempt. A number of individual systems each 12 kW or less, but taken together totalling more than 12 kW, within one *building* or fire-separated part of a *building*, would only qualify for inspection if they are linked by way of a central control.

0.17.2 Implementation

Continuing requirement Relaxation direction

The regulation imposes a continuing requirement that means inspections are required not only throughout the life of a new *building*, but also for the life of an existing *building*, for as long as it has an air-conditioning system. In the early stages of implementation, it is proposed that relaxation directions will be used to manage phased introduction of inspections. The first of these directions will commence on the 1 May 2007. Such directions will be displayed on the SBSA website and referred to as the Building (Scotland) Act 2003 (Air-conditioning Systems) Relaxation Direction(s).

Inspection frequency

For completely new air-conditioning systems, the first inspection should be no later than 5 years after the acceptance of the completion certificate for the *building work*. For existing systems, inspection will normally be carried out at 3 yearly intervals. However, the accredited expert doing the inspection does have the discretion to extend that frequency up to 5 years, for existing systems that demonstrate excellent levels of efficiency.

Guidance on inspection Prior to the initial air-conditioning inspections being undertaken, in line with the frequency given in the paragraph above, the SBSA will provide guidance on the scope of the inspection and how the inspection-findings should be presented to the user of the *building*.