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SCOTTISH STATUTORY INSTRUMENTS

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**2004 No. 406**

**The Building (Scotland) Regulations 2004**

**Interpretation**

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

“the Act” means the Building (Scotland) Act 2003;

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

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

(a) in relation to any road, whether public or private, public access way or public right of way, river, stream, canal, loch, pond, common land or a public open space it should be taken to mean the centre line thereof; and

(b) the sea and its foreshore should not be regarded as land in different occupation;

“building site” means any area of land on which work is, or is to be, carried out;

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

“domestic building” means a dwelling or dwellings and any common areas associated with the dwelling;

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

(a) by an individual or by individuals living together as a family; or

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

and includes any surgeries, consulting rooms, offices or other accommodation, of a floor area not exceeding in the aggregate 50 square metres, forming part of a dwelling and used by an occupant of the dwelling in a professional or business capacity;

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

“high rise domestic building” means a domestic building with any storey at a height of more than 18 metres above the ground;

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

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

“residential building” means a building, other than a domestic building, having sleeping accommodation;

“residential care building” means a building used, or to be used, for the provision of–

- (a) a care home service; or
- (b) a school care accommodation service,

and for these purposes the expressions mentioned in sub-paragraphs (a) and (b) above have the same meaning as in the Regulation of Care (Scotland) Act 2001(2);

“sanitary facility” includes washbasin, sink, bath, shower, urinal, or watercloset, and in dwellings only, includes a waterless closet;

“sheltered housing complex” means–

- (a) two or more dwellings in the same building; or
- (b) two or more dwellings on adjacent sites,

where those dwellings are, in each case, designed and constructed for the purpose of providing residential accommodation for people who receive, or who are to receive, a support service; and, for these purposes, “support service” has the same meaning as in the Regulation of Care (Scotland) Act 2001;

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

“storey” means that part of a building which is situated between the top of any floor being the lowest floor level within the storey and the top of the floor next above it being the highest floor level within the storey or, if there is no floor above it, between the top of the floor and the ceiling above it or, if there is no ceiling above it, the internal surface of the roof; and for this purpose a gallery or catwalk, or an open walk floor or storage racking, shall be considered to be part of the storey in which it is situated.

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

(3) In determining what is reasonably practicable for the purposes of these Regulations regard may be had to all the circumstances including the expense involved in carrying out the work.