
STATUTORY INSTRUMENTS

1990 No. 2179

The Building Standards (Scotland) Regulations 1990

**PART I
GENERAL**

Citation and commencement

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

Interpretation

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

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

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

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

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

(a) in relation to any external side of a building it shall exclude any part of the boundary which makes an angle with that side of more than 80°;

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

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

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

(a) any road, whether public or private, including in the case of a public road (but not in the case of a private road) any bridge on which the road is carried;

(b) any sewer or water main which is, or is to be, vested in a public authority;

(c) any aerodrome runway;

(d) any railway line;

(e) any large raised reservoir within the meaning of the Reservoirs Act 1975(2); or

(1) 1948 c. 45.

(2) 1975 c. 23.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

“gallery” means a raised floor or platform, whether level or not, which is open to the room or space in which it is situated and which–

- (a) has every part of its upper surface not less than 1.8 metres above the surface of the main floor of the said room or space; and
- (b) occupies (or, in the case of there being more than one gallery, together occupy) not more than one-half of the area of the said room or space;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Exempted classes of buildings

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

Fixtures not requiring a warrant

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

Limited life buildings

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

Classification of buildings by purpose

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

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

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

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

Occupancy capacity

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

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

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

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

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

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

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

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

Measurements

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

PART II

BUILDING STANDARDS

Compliance with building standards

9.—(1) The requirements of regulations 10 to 33 shall be satisfied only by compliance with the relevant standards.

(2) Without prejudice to any other method of complying with a relevant standard, conformity with provisions which are stated in the Technical Standards to be deemed to satisfy that standard shall constitute such compliance.

Fitness of materials

10. Materials, fittings, components and other manufactured products used to meet a requirement of these Regulations shall be suitable for the purpose for which they are so used and shall be used so as to comply with the requirements of these Regulations.

Structure

11.—(1) Every building shall be so constructed that the combined loads to which the building may be subject are sustained and transmitted to the ground without impairing the stability of the building.

(2) Every building of five or more storeys shall be so constructed that in the event of a failure of any part of the structure the extent of any resultant collapse will not be disproportionate to the cause of the failure.

Structural fire precautions

12.—(1) Every building shall be so constructed that, for a reasonable period, in the event of fire—

- (a) its stability is maintained;
- (b) the spread of fire and smoke within the building is inhibited; and
- (c) the spread of fire to and from other buildings is inhibited.

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

Means of escape from fire and facilities for fire-fighting

13.—(1) Every building shall be provided with—

- (a) adequate means of escape in the event of fire; and
- (b) adequate fire-fighting facilities.

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

- (a) buildings of purpose sub-groups 1B and 1C; and
- (b) buildings to which the Fire Certificates (Special Premises) Regulations 1976(4) apply.

Heat-producing installations

14. Every fixed heat-producing installation incorporating an appliance designed to burn solid fuel (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 are not a hazard to health; and
- (d) it receives sufficient air for its safe operation.

Storage of liquid and gaseous fuels

15.—(1) Subject to paragraph (2), every fixed storage tank for—

- (a) the storage of fuel oil used principally to serve an appliance providing space or water heating, or cooking facilities, in any building; or
- (b) the storage of liquefied petroleum gas serving any appliance in a building of purpose group 1 or 2,

shall be so constructed and installed as to minimise the risk of fire spreading to the tank or of the contents of the tank contaminating any water supply, watercourse, drain or sewer.

(4) [S.I. 1976/2003](#), amended by [S.I. 1985/1333](#) and [1987/37](#).

- (2) This regulation shall not apply to—
- (a) a fuel oil storage tank of a capacity not exceeding 90 litres;
 - (b) a liquefied petroleum gas storage tank of a capacity not exceeding 150 litres water equivalent.

Preparation of sites and resistance to moisture

16.—(1) Subject to paragraph (3), a site and ground immediately adjoining a site shall be so prepared and treated as to protect the building and its users from harmful effects caused by—

- (a) harmful or dangerous substances;
- (b) matter in the surface soil; and
- (c) vegetable matter.

(2) Subject to paragraph (3), a site and ground immediately adjoining a site shall be so drained or otherwise treated as to protect the building and its users, so far as may be reasonably practicable, from harmful effects caused by—

- (a) ground water;
- (b) flood water; and
- (c) existing drains.

(3) Paragraphs (1)(b), (1)(c) and (2)(c) shall not apply to a limited life building of purpose groups 2 to 7 inclusive.

(4) In paragraph (1)(a) “harmful or dangerous substances” includes deposits of faecal or animal matter and any substance or mixture of substances which is or could become corrosive, explosive, flammable, radioactive or toxic or which produces or could produce any gas likely to have any such characteristic.

17.—(1) Subject to paragraph (2), a building shall be so constructed as to protect the building and its users from harmful effects caused by –

- (a) moisture rising from the ground; and
- (b) precipitation.

(2) This regulation shall not apply to a building where penetration of moisture from outside will result in effects no more harmful than those likely to arise from use of the building.

18. A building of purpose group 1 shall be so constructed as to protect the building and its users, so far as may be reasonably practicable, from harmful effects caused by condensation.

Resistance to transmission of sound

19.—(1) Subject to paragraph (2), every wall which separates a dwelling from another building and, in the case of a dwelling forming part of a building, every wall and floor which separates the dwelling from another part of the building shall provide adequate resistance to transmission of airborne sound.

(2) Paragraph (1) shall not apply to a wall between a dwelling and any area which is open to the external air.

20.—(1) Every floor separating a dwelling from any other part of a building above the dwelling shall provide adequate resistance to transmission of sound caused by impact.

(2) Roofs or walkways which are situated directly above a dwelling and to which there is access other than for maintenance purposes shall provide adequate resistance to transmission of sound caused by impact.

21. Regulations 19 and 20 shall not be subject to specification in a notice served under section 11 of the Act.

Conservation of fuel and power

22.—(1) In a building to which this regulation applies, reasonable provision shall be made for the conservation of fuel and power.

(2) This regulation shall apply to all buildings other than—

- (a) buildings of purpose groups 2 to 7 inclusive which—
 - (i) are limited life buildings;
 - (ii) have a total floor area not exceeding 30 square metres; or
 - (iii) are unheated or have a space heating system which is designed to give a maximum output not exceeding 25 watts per square metre of floor area;
- (b) buildings of one storey which have a fabric covering and are supported by a frame or by air pressure;
- (c) circulation and service areas in buildings comprising more than one dwelling which are not part of an individual dwelling;
- (d) conservatories, greenhouses, garages, stores, wash-houses, watercloset compartments and other accommodation which are ancillary to and form part of a building of purpose group 1 and which have external access; and
- (e) buildings of purpose group 6 or 7 which have a space heating system which is designed to give a maximum output not exceeding 50 watts per square metre of floor area.

Ventilation of buildings

23.—(1) A building to which this regulation applies shall have means of providing an adequate supply of air for users of the building.

(2) An opening in a building which is required for the purposes of paragraph (1) shall be so located as to ensure effective operation.

(3) This regulation shall apply to all buildings except buildings or any part of a building to which the Factories Act 1961(5) applies.

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

Drainage and sanitary facilities

24.—(1) A building shall be provided with a drainage system sufficient to ensure hygienic disposal of discharges from the building.

(2) In this regulation “discharges” includes effluents, used water and the run-off of rainwater from roofs and other exposed surfaces of the building.

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

- (2) This regulation shall apply to all buildings other than—
- (a) buildings or any part of a building to which the Factories Act 1961 applies;
 - (b) buildings or any part of a building to which the School Premises (General Requirements and Standards) (Scotland) Regulations 1967 to 1979⁽⁶⁾ apply;
 - (c) buildings or any part of a building of purpose groups 3 and 4.
- (3) This regulation shall not be subject to specification in a notice served under section 11 of the Act.

Electrical installations

26.—(1) Every electrical installation to which this regulation applies and every item of stationary electrical equipment connected to such an installation shall provide adequate protection against its being a source of fire or a cause of personal injury.

- (2) This regulation shall not apply to an installation—
- (a) serving a building or any part of a building to which the Mines and Quarries Act 1954⁽⁷⁾ or the Factories Act 1961 applies;
 - (b) forming part of the works of an undertaker to which regulations for the supply and distribution of electricity made under the Electricity (Supply) Acts 1882 to 1936 or section 16 of the Energy Act 1983⁽⁸⁾ apply; or
 - (c) consisting of a circuit (including a circuit for telecommunication or for transmission of sound, vision or data, or for alarm purposes) which operates at a voltage not normally exceeding 50 volts alternating current or 120 volts direct current, measured between any two conductors or between any conductor and earth, and which is not connected directly or indirectly to an electricity supply which operates at a voltage higher than those mentioned in this sub-paragraph.

(3) In paragraph (1) “stationary electrical equipment” means electrical equipment which is fixed, or which has a mass exceeding 18 kg and is not provided with a carrying handle.

Miscellaneous hazards

27.—(1) Subject to paragraph (2), every building shall be so constructed as to provide adequate protection for users of the building and persons in its vicinity from danger from accidents arising from—

- (a) collision with projections on the exterior of the building and in circulation areas within the building;
 - (b) collision with glazing;
 - (c) cleaning of windows;
 - (d) use of escalators or passenger conveyors;
 - (e) discharge of steam or hot water.
- (2) Paragraph (1)(a) shall not apply to buildings or any part of a building to which the Factories Act 1961 applies.
- (3) In paragraph (1)(b) “glazing” means any permanently secured sheet of glass or plastics.

⁽⁶⁾ S.I. 1967/1199, S.I. 1973/322 and S.I. 1979/1186.

⁽⁷⁾ 1954 c. 70.

⁽⁸⁾ 1983 c. 25.

28.—(1) Subject to paragraph (2), every system in which heated water is stored in a building (irrespective of whether the water is heated in the system) and which does not incorporate a ventilating pipe open to the atmosphere shall be so constructed as to provide adequate protection from malfunctions of the system.

(2) This regulation shall not apply to—

- (a) any system in which the storage capacity for heated water does not exceed 15 litres;
- (b) any parts of a system which are used solely for space heating;
- (c) any system used for an industrial or commercial process.

Facilities for dwellings

29.—(1) A building of purpose group 1 shall be provided with—

- (a) adequate sleeping accommodation;
- (b) adequate kitchen facilities;
- (c) adequate windows;
- (d) adequate space heating;
- (e) adequate access between its storeys; and
- (f) safe and convenient access from a suitable road.

(2) Every building of purpose group 1 to which it is reasonably practicable to make available a public supply of electricity shall be provided with sufficient electricity lighting points and socket outlets.

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

Storage of waste

30.—(1) A building of purpose group 1 shall be provided with adequate accommodation for solid waste storage.

(2) Such accommodation shall be so constructed as to—

- (a) facilitate access for storage and for removal of its contents;
- (b) minimise risks to health and safety; and
- (c) prevent contamination of any water supply or watercourse.

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

31. A dungstead or farm effluent tank shall be so constructed, positioned and protected as to minimise risks to health and safety and prevent contamination of any water supply or watercourse.

Stairs, ramps and protective barriers

32.—(1) A stair or ramp which forms part of a building or which is provided to meet a requirement of these Regulations shall provide a safe means of passage for users of the building.

(2) Except where the provision of protective barriers would obstruct the use of such areas, 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 these Regulations shall have a suitable protective barrier where necessary.

(3) Paragraph (1) shall not be subject to specification in a notice served under section 11 of the Act.

Facilities for disabled people

33.—(1) Subject to paragraph (4), a storey of a building to which this regulation applies and to which storey there is direct access at ground level shall be provided with adequate access for disabled people.

(2) In every such storey in which sanitary facilities are provided, these facilities shall include adequate provision for disabled people.

(3) Every such storey which contains fixed seating accommodation for an audience or spectators shall be provided with adequate level spaces for wheelchairs.

(4) This regulation shall apply to—

(a) buildings of purpose groups 2 to 6 inclusive; and

(b) surgeries which form part of a building of purpose group 1,

but shall not apply to a storey or part of a storey which houses only fixed plant or machinery and to which access is required only for maintenance purposes.

(5) In this regulation “disabled people” means persons with a physical, hearing or sight impairment which affects their mobility or their use of buildings.

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

PART III

REVOCATIONS ETC

Revocations and transitional provisions

34.—(1) Subject to paragraph (2), the Regulations specified in Schedule 6 are revoked.

(2) Notwithstanding the revocations in paragraph (1), 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 warrant was made and any reference in the Act to building standards regulations shall be construed accordingly.

St Andrew’s House,
Edinburgh
1st November 1990

James Douglas-Hamilton
Parliamentary Under Secretary of State, Scottish
Office