

## SCHEDULE

(regulation 3(4))

### REMOVAL OR ALTERATION OF PHYSICAL FEATURES: DESIGN STANDARDS

#### *Definition of “relevant design standard”*

1.—(1) Subject to sub-paragraph (3), a physical feature, in relation to a building situated in England or Wales, satisfies the relevant design standard for the purposes of regulation 3(3) where it accords with the relevant objectives, design considerations and provisions in Approved Document M.

(2) Subject to sub-paragraph (3), a physical feature, in relation to a building situated in Scotland, satisfies the relevant design standard for the purposes of regulation 3(3) where the feature accords with the Technical Standards relevant in relation to that feature; but the feature does not satisfy the relevant design standard where the relevant Technical Standards are those which were in effect before 30th June 1994 or those which are brought into effect after 31st March 2002(1).

(3) However a physical feature does not satisfy the relevant design standard where more than 10 years have elapsed since—

- (a) the day on which the construction or installation of the feature was completed; or
- (b) in the case of a physical feature provided as part of a larger building project, the day on which the works in relation to that project were completed.

#### *Buildings in England and Wales*

2.—(1) For the purposes of this paragraph—

(a) “Approved Document M” means—

- (i) the 1992 edition of the document of that title approved by the Secretary of State as practical guidance on meeting the requirements of Part M of Schedule 1 to the Building Regulations 1991(2), first published for the Department of the Environment by Her Majesty’s Stationery Office in 1991 (ISBN 011 752447 6); or
- (ii) the 1999 edition of the document of that title approved by the Secretary of State as practical guidance on meeting the requirements of Part M of Schedule 1 to the Building Regulations 1991, first published for the Department of the Environment, Transport and the Regions by The Stationery Office under licence from the Comptroller of Her Majesty’s Stationery Office in 1998 (ISBN 011 753469 2);

(b) “the Building Regulations” means the Building Regulations 1991 or the Building Regulations 2000(3).

(2) In the case of a physical feature provided as part of building works to which the Building Regulations applied, for the purposes of paragraph 1(1) Approved Document M is whichever edition is the practical guidance which was relevant in relation to meeting the requirements of the Building Regulations which applied to those building works.

(3) In any other case, for the purposes of paragraph 1(1) Approved Document M is whichever edition was the last edition published at the time when the physical feature was provided in or in connection with the building.

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(1) Effect is given to the Technical Standards by S.I. 1994/1266, S.I. 1996/2251, S.I. 1997/2157, S.S.I. 1999/173, S.S.I. 2001/320.  
(2) S.I. 1991/2768. Part M was originally introduced by the Building (Disabled People) Regulations 1987 (S.I. 1987/1445) which was amended by the Building Regulations (Amendment) Regulations 1998 (S.I. 1998/2561). S.I. 1991/2768 and S.I. 1998/2561 have been revoked by S.I. 2000/2531.  
(3) S.I. 2000/2531.

*Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.*

(4) For the purpose of sub-paragraph (3), a physical feature is deemed to be provided in or in connection with the building on—

- (a) the day upon which the works to install or construct the feature were commenced; or
- (b) in the case of a physical feature provided as a part of a larger building project, the day upon which the works in relation to that project were commenced.

(5) Where in relation to the physical feature in question any provision of Approved Document M refers to a standard or specification (in whole or in part), that standard or specification shall be construed as referring to any equivalent standard or specification recognised for use in any member state of the European Community or European Economic Area.

### *Buildings in Scotland*

**3.—**(1) For the purposes of paragraph 1(2), “Technical Standards” means the Technical Standards as defined by regulation 2(1) of the Building Standards (Scotland) Regulations 1990<sup>(4)</sup> in effect at the time when the physical feature was provided in or in connection with the building.

(2) For the purpose of sub-paragraph (1), and subject to sub-paragraph (3), a physical feature is deemed to be provided in or in connection with the building on—

- (a) the day upon which the works to install or construct the feature were commenced; or
- (b) in the case of a physical feature provided as part of a larger building project, the day upon which the works in relation to that project were commenced.

(3) In a case where the physical feature is provided as part of building works in relation to which an application for a warrant for the construction or change of use of the building has been made and granted, the works are deemed to have commenced on the day upon which the application for the warrant was made.

(4) Where in relation to the physical feature in question any provision of the Technical Standards refers to a standard or specification (in whole or in part), that standard or specification shall be construed as referring to any equivalent standard or specification recognised for use in any member state of the European Community or European Economic Area.

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(4) S.I. 1990/2179 as amended by S.I. 1993/1457 and the statutory instruments cited in footnote (a) on page 5.