

SCHEDULE 1

REMOVAL OR ALTERATION OF PHYSICAL FEATURES: DESIGN STANDARDS

Buildings in Scotland

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

- (a) “Technical Standards” means the Technical Standards as defined by regulation 2(1) of the Building Standards (Scotland) Regulations 1990⁽¹⁾ in effect at the time when the physical feature was provided in or in connection with the building;
- (b) “Technical Handbook” means the Scottish Building Standards Agency Technical Handbook for non-domestic buildings approved by the Scottish Ministers as guidance meeting the requirements of the Building (Scotland) Regulations 2004⁽²⁾, published by Astron for the Scottish Building Standards Agency on 1st November 2004 (ISBN 09546292 3 X).

(2) For the purposes of paragraph 1(2) and sub-paragraph (1)(a), 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 or Technical Handbook 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.

(1) S.I. 1990/2179 (s.187) (as amended by S.S.I. 1999/173 and S.S.I. 2001/320).

(2) S.S.I. 2004/406.