STATUTORY INSTRUMENTS

1975 No. 549 (S. 74)

BUILDING AND BUILDINGS

The Building Operations (Scotland) Regulations 1975

Made - - -	*27th March* 1975
Laid before Parliament	*15th April* 1975
Coming into Operation	*16th May* 1975

In exercise of the powers conferred on me by sections 5 and 24 of the Building (Scotland) Act 1959(a), and of all other powers enabling me in that behalf, I hereby make the following regulations:—

Citation and commencement

1. These regulations, which may be cited as the Building Operations (Scotland) Regulations 1975, shall come into operation on 16th May 1975.

Revocation and general savings

2.—(1) The Building Operations (Scotland) Regulations 1963(b) are hereby revoked.

(2) Anything whatsoever done under or by virtue of any regulation revoked by these regulations shall be deemed to have been done under or by virtue of the corresponding provision of these regulations and anything whatsoever begun under any such regulation may be continued under these regulations as if begun under these regulations.

(3) So much of any document, drawing or plan as refers expressly to any regulation revoked by these regulations shall, if and so far as the context permits, be construed as referring to the corresponding provision of these regulations.

(4) Nothing in paragraphs (2) and (3) of this regulation shall be taken as affecting the general application by regulation 3(2) of these regulations of the rules for the construction of Acts of Parliament contained in section 38 of the Interpretation Act 1889(c) (effect of repeal) with regard to the effect of revocations.

Interpretation

3.—(1) In these regulations, unless the context otherwise requires, the following expressions have the meanings hereby assigned to them respectively:—

"the Act" means the Building (Scotland) Act 1959 as read with the Building (Scotland) Act 1970(d);

(a) 1959 c. 24. (b) S.I. 1963/1959 (1963 III, p. 3824). (c) 1889 c. 63. (d) 1970 c. 38.

"building operations" means any operations for the construction, repair maintenance or demolition of a building;

"certificate of completion" has the meaning assigned to it by section 9 of the Act;

"construction" includes alteration, erection, extension and fitting;

"local authority" has the meaning assigned to it by section 29 of the Act, and includes a committee, sub-committee or officer of the local authority, or any other local authority by whom the functions of the local authority under the Act are being discharged in terms of section 56 of the Local Government (Scotland) Act 1973**(a)**;

"protective works" means such hoardings, barricades, fences, platforms, handrails, coverings and others as are provided so as to comply with regulation 4 of these regulations;

"road" includes street and any pavement, footpath, drain, ditch or verge at the side of a road or street;

"site", in relation to any building operations, means any area of land on which the building operations are, or are to be, carried out;

"warrant" means a warrant under section 6 of the Act.

(2) The Interpretation Act 1889 shall apply for the interpretation of these regulations as it applies for the interpretation of an Act of Parliament.

Provision of protective works

4.—(1) No person shall carry on building operations unless the requirements of the following provisions of this regulation are complied with.

(2) Where—

(*a*) a local authority have, under section 8 of the Act, granted to any person conducting building operations permission to occupy temporarily, in connection with those operations, a portion of any road, or

(*b*) a local authority have, under that section, authorised the erection of staging or scaffolding so as to project over any portion of the road, or

(*c*) in any other case, warrant has been granted to carry out building operations on any site or building and any part of such site or building, being a part on which such operations are to be carried out, is within 3·6 metres of any portion of a road or other place to which the public have access as of right,

there shall, prior to the commencement of the building operations, be erected protective works so as to separate the site or building or that portion of the site or building on which operations are to be carried out from such road or other place:

Provided that nothing in this paragraph shall require the provision of protective works in any case where the local authority are satisfied that no danger to the public is caused, or is likely to be caused, by the building operations.

(3) The protective works referred to in the last foregoing paragraph are all or any of the following—

(*a*) hoardings, barricades or fences;

(a) 1973 c. 65.

(*b*) where necessary to prevent danger—

(i) footpaths outside such hoardings, barricades or fences, with safe and convenient platforms, handrails, steps or ramps, and

(ii) substantial overhead coverings;

(*c*) any other 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 positions as the local authority may direct:

Provided that nothing in sub-paragraph (*b*) of this paragraph shall require the provision of a platform, handrail, step or ramp—

(i) where no part of an existing footpath is occupied by the protective works or in connection with the building operations, or

(ii) where that part of an existing footpath remaining unoccupied affords a safe means of passage for foot passengers, and is of a width of not less than 1·2 metres or such other width as the local authority may direct.

(4) 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.

(5) 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 granting of the certificate of completion;

(*b*) in any other case, on completion of the building operations:

Provided that nothing in this regulation shall prohibit the removal of the protective works or any part thereof prior to the completion of the building operations where the local authority are satisfied that no danger to the public is caused or is likely to be caused as a result of their removal.

(6) Any protective works shall be sufficiently lighted from sunset to sunrise, and any such works which project on to or over that part of a road which is not the 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.

Clearing of footpaths

5. Where any building operations are being carried out on a site or building, any footpath (including any footpath provided so as to form part of the protective works) immediately in front of the site or building and on either side thereof shall be regularly swept and kept free of mud or dust or other deposits by the person carrying out the building operations to the satisfaction of the local authority.

Securing of unoccupied and partly completed buildings

6. A person carrying on building operations shall secure 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 entry at all times when building operations thereon are not in progress:

Provided that nothing in this regulation shall apply to any building operations where the local authority are satisfied that adequate supervision of the building is being or will be maintained by watchmen.

Special provision relating to demolition operations

7. Any person carrying on demolition operations shall secure that on completion thereof the site shall, unless further building operations are to proceed without delay—

(*a*) be immediately levelled and cleared, or

(*b*) be provided with such fences, barricades or hoardings as will prevent access thereto,

to the satisfaction of the local authority.

William Ross,
One of Her Majesty's
Principal Secretaries of State.

St. Andrew's House,
Edinburgh.
27th March 1975.

EXPLANATORY NOTE

(*This Note is not part of the Regulations.*)

These Regulations, which are made under section 5 of the Building (Scotland) Act 1959, revoke and re-enact the Building Operations (Scotland) Regulations 1963 with the amendments necessary to take account of the transfer of the functions of buildings authorities and masters of works to the new local authorities established by the Local Government (Scotland) Act 1973.

The Regulations provide for the safety of the public during building or demolition works. They make provision for the separation of a building or a building site from roads or other places by the erection of protective works, for the clearance of footpaths, and for securing or closing against entry to a building site when building or demolition is not in progress.

SI 1975/549
ISBN 0-11-050549-2

