STATUTORY INSTRUMENTS

1971 No. 2051 (S.217)

BUILDING AND BUILDINGS

The Building Standards (Relaxation by Buildings Authorities) (Scotland) No. 2 Regulations 1971

Made - - - -	13*th December* 1971
Laid before Parliament	31*st December* 1971
Coming into Operation	14*th February* 1972

In exercise of the powers conferred on me by section 4(2) of the Building (Scotland) Act 1959(a) as substituted by section 2(1) of the Building (Scotland) Act 1970(b), and of all other powers enabling me in that behalf, I hereby make the following regulations:—

PART I—GENERAL

Citation and commencement

1. These regulations may be cited as the Building Standards (Relaxation by Buildings Authorities) (Scotland) No 2 Regulations 1971 and shall come into operation on 14th February 1972.

Revocation and general savings

2.—(1) The Building Standards (Relaxation by Buildings Authorities) (Scotland) Regulations 1971(c) 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(3) of these regulations of the rules for the construction of Acts of Parliament contained in section 38 of the Interpretation Act 1889(d) (effect of repeal) with regard to the effect of revocations.

(a) 1959 c. 24. (b) 1970 c. 38.
(c) S.I. 1971/745 (1971 II, p. 2067). (d) 1889 c. 63.

Interpretation

3.—(1) In these regulations unless the context otherwise requires:—

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

"buildings authority" has the meaning assigned to it by section 1 of the Act;

"buildings standards regulations" means the regulations referred to in section 3(1) of the Act and for the time being in force;

"change of use" has the meaning assigned to it by section 29 of the Act;

"local authority" has the meaning assigned to it by section 29 of the Act.

(2) Any reference in these regulations to any enactment shall, unless the context otherwise requires, be construed as a reference to that enactment as amended applied or extended by or under any subsequent enactment.

(3) References in these regulations to any occupancy sub-group shall be construed as a reference to the occupancy sub-group within the meaning of regulation A6 of the building standards regulations.

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

PART II—DELEGATION OF POWER TO RELAX THE BUILDING STANDARDS REGULATIONS

Alteration, extension or change of use of buildings built or approved before 1964

4.—(1) This regulation shall apply to an application made under section 4(1)(*a*) of the Act for a direction dispensing with or relaxing a provision of the building standards regulations in the case of a particular building which was erected or an approval for the erection of which was granted prior to 15th June 1964.

(2) The power to dispense with or relax any provision of the building standards regulations shall be exercisable by a buildings authority instead of by the Secretary of State as regards any provision of Parts D, E, F, G, H, J, K, L, M, P, Q, R or S of the building standards regulations in relation to the alteration or extension or change of use of that particular building:

Provided that this regulation shall not apply where the alteration or extension results—

(*a*) in the case of a particular building within occupancy sub-group A1 or A2, in an increase of more than 50 cubic metres or 10 per cent of the cubic capacity of the building whichever is the greater, or

(*b*) in the case of a particular building within any occupancy sub-group other than sub-group A1 or A2, in an increase of more than 2,800 cubic metres or 20 per cent of the cubic capacity of the building whichever is the less.

(3) The reference in this regulation to cubic capacity shall be taken to be a reference to cubic capacity calculated or measured in accordance with the provisions of Schedule 1 to the building standards regulations.

Erection of buildings ancillary to houses built or approved before 1964

5.—(1) This regulation shall apply to an application made under section 4(1)(*a*) of the Act for a direction dispensing with or relaxing a provision of the building standards regulations in the case of a particular building the use of which is ancillary to the occupancy use of a building in occupancy sub-group A1 or A2 which was erected or an approval for the erection of which was granted prior to 15th June 1964.

(2) The power to dispense with or relax any provision of the building standards regulations shall be exercisable by a buildings authority instead of by the Secretary of State as regards any provision of Parts D, E, F, G, H, J, K, L, M, P, Q, R or S of the building standards regulations in relation to the erection of that particular building.

Disapplication of regulations

6. Nothing in these regulations shall apply—

(*a*) to any application made by a local authority, or

(*b*) where any application for a warrant under section 6 of the Act is referred to the Secretary of State under section 6A of the Act.

Gordon Campbell,
One of Her Majesty's Principal Secretaries of State.

St Andrew's House,
Edinburgh.
13th December 1971.

EXPLANATORY NOTE

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

These Regulations, made under the Building (Scotland) Acts 1959 and 1970, revoke and re-enact with certain amendments the Building Standards (Relaxation by Buildings Authorities) (Scotland) Regulations 1971. The principal amendment extends the power of buildings authorities to dispense with or relax provisions of the building standards regulations in relation to the alteration or extension or change of use of a particular building to include not only existing dwelling houses covered by the revoked regulations but also all other existing buildings built or approved before 15th June 1964. The regulations also empower buildings authorities to dispense with or relax provisions of the building standards regulations in relation to the erection of buildings which are ancillary to houses built or approved before 15th June 1964. The delegation extends to any provision covered by Parts D, E, F, G, H, J, K, L, M, P, Q, R or S of the building standards regulations.