STATUTORY INSTRUMENTS

1971 No. 745 (S. 103)

BUILDING AND BUILDINGS

The Building Standards (Relaxation by Buildings Authorities) (Scotland) Regulations 1971

Made - - -	*29th April* 1971
Laid before Parliament	*17th May* 1971
Coming into Operation	*15th June* 1971

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:—

1.—(1) These regulations may be cited as the Building Standards (Relaxation by Buildings Authorities) (Scotland) Regulations 1971 and shall come into operation on 15th June 1971.

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

2.—(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;

"building standards regulations" means the Building Standards (Scotland) (Consolidation) Regulations 1970(d);

"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) References in these regulations to any enactment shall be construed as a reference to that enactment as amended by any subsequent enactment.

3.—(1) This regulation shall apply to an application made under section 4(1)(*a*) of the Act in the case of a particular building for a direction dispensing with or relaxing a provision of the building standards regulations in relation to that building.

(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 and R of the building standards regulations in relation to the alteration or extension or change of use of that particular building where—

(a) 1959 c. 24.
(b) 1970 c. 38.
(c) 1889 c. 63.
(d) S.I. 1970/1137 (1970 II, p. 3635).

(*a*) the building is, or will be after alteration or extension or change of use, within occupancy sub-groups A1 and A2 set forth in Schedule 2 to the building standards regulations, and

(*b*) the building was erected, or an approval for the erection of the building was granted, prior to 15th June 1964, and

(*c*) the alteration or extension of the building does not result in an increase of more than 50 cubic metres or one-tenth of the cubic capacity of the building whichever is the greater:

Provided that nothing in this regulation shall apply—

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

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

(3) The reference in the preceding paragraph of 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.

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

St. Andrew's House,
Edinburgh.
29th April 1971.

EXPLANATORY NOTE

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

These Regulations, made under the Building (Scotland) Acts 1959 and 1970, prescribe the provisions of the Building Standards (Scotland) (Consolidation) Regulations 1970 which shall be dispensed with or relaxed by buildings authorities rather than by the Secretary of State on an application made in the case of a particular building of a type and for a purpose specified in these regulations.