STATUTORY INSTRUMENTS

1975 No. 547 (S. 75)

BUILDING AND BUILDINGS

The Building Standards (Relaxation by Local Authorities) (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 section 4(2) of the Building (Scotland) Act 1959**(a)** as substituted by section 2(1) of the Building (Scotland) Act 1970**(b)** and as amended by paragraph 4 of Schedule 15 to the Local Government (Scotland) Act 1973**(c)** 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 Local Authorities) (Scotland) Regulations 1975 and shall come into operation on 16th May 1975.

Revocation and general savings

2.—(1) The Building Standards (Relaxation by Buildings Authorities) (Scotland) No. 2 Regulations 1971**(d)** 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(4) of these regulations of the rules for the construction of Acts of Parliament contained in section 38 of the Interpretation Act 1889**(e)** (effect of repeal) with regard to the effect of revocations.

(a) 1959 c 24. **(b)** 1970 c. 38. **(c)** 1973 c. 65.
(d) S.I. 1971/2051 (1971 III, p. 5880). **(e)** 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;

"building standards regulations" means the Building Standards (Scotland) (Consolidation) Regulations 1971(**a**) as amended by the Building Standards (Scotland) Amendment Regulations 1973(**b**) and the Building Standards (Scotland) Amendment Regulations 1975(**c**);

"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, 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.

(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 local 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 the cubic capacity calculated or measured in accordance with the provisions of Schedule 1 to the building standards regulations.

(**a**) S.I. 1971/2052 (1971 III, p. 5883).
(**b**) S.I. 1973/794 (1973 I, p. 2514).
(**c**) S.I. 1975/404(1975 I, p. 1227).

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 local 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 by a regional, district or islands council being a local authority within the meaning of these regulations where, if this regulation did not apply, the application would by virtue of regulations 4(2) and 5(2) fall to be determined by that 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.

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 the Building (Scotland) Acts 1959 and 1970 as amended by the Local Government (Scotland) Act 1973, revoke and re-enact with certain amendments the Building Standards (Relaxation by Buildings Authorities) (Scotland) No. 2 Regulations 1971. The amendments take account of the transfer of the functions of buildings authorities to the new local authorities established by the 1973 Act.

The Regulations empower local authorities to dispense with or relax provisions of the building standards regulations in relation to the alteration, extension or change of use of particular buildings built or approved before 15th June 1964. They also give local authorities power to dispense with or relax provisions of the building standards regulations in relation to the erection of buildings 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.

Following an amendment made by the Local Government (Scotland) Act 1973 the regulations modify the present general exclusion of local authority applications from the exercise of the delegated powers by giving a local authority power to determine an application made by another authority.

SI 1975/547
ISBN 0-11-050547-6

