STATUTORY INSTRUMENTS

1971 No. 748 (S.106)

BUILDING AND BUILDINGS

The Building Standards (Scotland) Amendment Regulations 1971

Made - - -	*29th April* 1971
Laid before Parliament	*18th May* 1971
Coming into Operation	*21st June* 1971

In exercise of the powers conferred on me by sub-sections (1) to (5) of section 3 of, section 24 of and Schedule 4 to the Building (Scotland) Act 1959(**a**) and of all other powers enabling me in that behalf, and having complied with the provisions of section 3(6) of that Act as substituted by section 1 of the Building (Scotland) Act 1970(**b**) that is to say having consulted the Building Standards Advisory Committee and such other bodies as appear to me to be representative of the interests concerned as to the contents of the proposed regulations,

I hereby make the following regulations :—

1.—(1) These regulations may be cited as the Building Standards (Scotland) Amendment Regulations 1971, and the Building Standards (Scotland) (Consolidation) Regulations 1970(**c**) and these regulations may be cited together as the Building Standards (Scotland) Regulations 1970 and 1971.

(2) These regulations shall come into operation on 21st June 1971.

2.—(1) In these regulations, unless the context otherwise requires—

(*a*) "the principal regulations" means the Building Standards (Scotland) (Consolidation) Regulations 1970, and other words and expressions have the same meanings as in the principal regulations ;

(*b*) any reference to a Part, regulation or Schedule shall be construed as a reference to a Part or regulation of, or Schedule to the principal regulations and any reference to a numbered Table shall be construed as a reference to a Table in Schedule 9 to the principal regulations.

(2) References in these regulations to any enactment shall be construed as a reference to that enactment as amended by any subsequent enactment, including any enactment in these regulations.

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

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

3. In regulation A3(1), after the definition of "storey" there shall be inserted—

'"sun porch" means any glazed structure, not being an apartment or part of an apartment or kitchen, attached to the external walls of a house, and having a roof (excluding the glazing bars) constructed entirely of glass or other translucent material ;'.

4. In regulation D5, in paragraph (1), after the words "Every element of structure of a building" there shall be inserted the words "and every part of an exit by way of a flat roof permitted in terms of the proviso to regulation E6(1)" ;

5. In regulation D6, in sub-paragraph (iii) of the proviso, for the words "covering, ceiling or lining" occurring in the third line there shall be substituted the words "covering or lining".

6. In regulation E6, after sub-paragraph (3)(*a*) there shall be inserted the following new sub-paragraphs—

"(*aa*) comply with regulation D5, and

(*ab*) be situated not less than 10 feet from any rooflight, window or other opening which does not have a fire resistance against collapse and the passage of flame of not less than one half-hour, and".

7. In regulation F32, at the end there shall be inserted the following proviso—

"Provided that nothing in this regulation shall apply to buildings in occupancy sub-groups A1 or A2 not exceeding two storeys in height.".

8. In regulation J1, in paragraph (1) after sub-paragraph (*c*) there shall be inserted—

"(*d*) the roof, external wall or floor of a sun porch."

9. In regulation J4, for paragraphs (1) to (3) there shall be substituted—

"(1) Every part of an external wall of a building of occupancy sub-group A1, A2, A3 or A4, which does not comprise a window or other glazed opening, shall be so constructed that the thermal transmittance coefficient thereof is not more than 0·30.

(2) The external walls of a building of occupancy sub-group A1 or A2, being a wholly detached house, or of occupancy sub-group A3 or A4, shall be so constructed that the average thermal transmittance coefficient over the area of all such walls is not more than 0·42.

(3) The average thermal transmittance coefficient over the area of all the external walls of a building of occupancy sub-group A1 or A2, other than a wholly detached house, shall be not more than—

(*a*) 0·42 where the area of the external walls exceeds 125 per cent of the total area of any internal separating walls ;

(*b*) 0·48 where the area of the external walls is between 75 per cent and 125 per cent of the total area of any internal separating walls ;

(*c*) 0·58 where the area of the external walls is less than 75 per cent of the total area of any internal separating walls.

(3A) For the purposes of paragraphs (2) and (3) of this regulation the area of any external wall shall include the area of any windows or other glazed openings therein."

10. In regulation K2, after paragraph (2) there shall be inserted the following paragraph—

"(2A) Any provision of this Part requiring a system of mechanical ventilation to provide a fresh air supply at a rate given in Table 13 shall be construed as a requirement that the fresh air supply shall be not less than the rate given in Table 13".

11. In regulation K5—

(*a*) before the words "Every apartment" there shall be inserted "(1)";

(*b*) after the words "or a kitchen" in the second line there shall be inserted the words "or a sun porch"; and

(*c*) after paragraph (1) there shall be inserted—

"(2) Every sun porch shall be ventilated direct to the external air by a window or ventilator having an opening area of one-twentieth of the floor area of the sun porch:

Provided that where a sun porch is constructed over an existing window or ventilator of an apartment or other room (not being a sun porch), the sun porch shall be ventilated direct to the external air by a window or ventilator having an opening area equal to the opening area of the existing window or ventilator over which the sun porch is constructed, in addition to the opening area required in terms of this paragraph.

(3) For the purposes of paragraph (2) of this regulation a door opening from the sun porch direct to the external air shall be regarded as if it were an opening window if—

(*a*) such door contains a ventilator having an area of not less than 15 square inches which is capable of being opened without the door being opened, or

(*b*) the sun porch contains one or more windows, rooflights or ventilators having a total opening area of not less than 15 square inches in addition to the door opening from the sun porch direct to the external air.

12. In regulation L6, in paragraph (2) after the word "wall" there shall be inserted the words "except as provided in regulations L7(3)".

13. In regulation L7—

(*a*) for the rubric there shall be substituted—

"Balconies, projections and sun porches";

(*b*) after paragraph (2) there shall be inserted the following paragraph—

"(3) Nothing in this regulation shall prohibit the existing daylighting window of any apartment or kitchen from opening into a sun porch on the same storey which has the wall opposite the daylighting window glazed above a height of 2 feet 9 inches above floor level".

14. For regulation L10 there shall be substituted the following regulation—

"Minimum distance between windows

L10—(1) Subject to paragraph (2) of this regulation, no part of any window of an apartment or of a kitchen in a house shall be sited nearer to any part of any window of an apartment or of a kitchen in another house than the horizontal distance specified in Table 15 according to each of the horizontal angles included between the shortest line joining any part of one window opening to any part of the other and the vertical plane of the opening of each window :

Provided that, where a window of the kitchen in the house is on a side of the house which contains no window of an apartment, the horizontal distance between any part of the window of the kitchen and any part of the window of an apartment in another house shall not be required to be greater than 40 feet if—

(i) the floor of the kitchen is not less than 7 feet 3 inches below the level of the floor of the apartment in the other house, and

(ii) the top of the sill of the window of the apartment is not less than 2 feet 8 inches above the floor of the apartment.

(2) Nothing in this regulation shall prevent any window of an apartment or a kitchen in a house from being sited nearer to any such window in another house than the distance required by paragraph (1) if—

(*a*) no part of either window below a level of 6 feet above floor level can be seen from any part of the other window below a level of 6 feet above floor level, or

(*b*) both the windows are windows of kitchens.".

15. In regulation Q1, at the end there shall be inserted the following paragraph—

"(3) Regulations Q7, Q10(3) and Q13 shall not apply to any house to which regulation Q21 applies.".

16. In regulation Q5—

(*a*) for sub-paragraph (2)(*e*) there shall be substituted the following sub-paragraph—

"(*e*) in the case of a stairway whose aggregate rise is more than 2 feet—

(i) comply with paragraph (11) of regulation Q3, and

(ii) be guarded on each side by a wall, or by a secure balustrade or railing extending in either case to a height of not less than 2 feet 9 inches measured vertically from the pitch line:";

(*b*) for paragraph (4) there shall be substituted the following paragraph—

"(4) Every landing or balcony to which this regulation applies shall be guarded on each side by a wall, or by a secure balustrade or railing extending in either case to a height above the floor of not less than 4 feet where the landing or balcony is open to the external air and is at first storey level or above and not less than 3 feet in all other cases :

Provided that where the coping or top rail of any part of a wall, balustrade or railing required by this paragraph to be not less than 4 feet in height is of an overall width of not less than 9 inches this paragraph shall have effect in relation to that part as if for the words "4 feet" there were substituted the words "3 feet 6 inches."; and

(*c*) at the end there shall be inserted the following paragraphs—

"(5) Where in the wall of any stairway, landing or balcony to which this regulation applies there is a glazed area any part of which is below the height of any balustrade or railing provided so as to comply with this regulation, that part shall be guarded by a secure balustrade or railing not less than the height required by this regulation for such balustrade or railing:

Provided that this paragraph shall not apply to a glazed area constructed of glass blocks or to a glazed portion of a door.

(6) Every landing or balcony to which this regulation applies shall, if open to the external air, comply with regulation Q2(8).".

17. In regulation Q7—

(*a*) for the rubric there shall be substituted—

"*Space requirements for houses*"; and

(*b*) in paragraph (1)(*a*) the word "eating" shall be deleted.

18. In regulation Q9, in paragraph (2)—

(*a*) for sub-paragraph (*a*) there shall be substituted the following sub-paragraph—

"(*a*)(i) which is enclosed or capable of being enclosed by materials impervious to the passage of moisture, and

(ii) has a cross-sectional area of not less than 5¼ square feet above a height of 2 feet above floor level and is at no part less than 2 feet 2 inches in width, and";

(*b*) sub-paragraph (*b*)(i) shall be deleted; and

(*c*) in sub-paragraph (*b*)(iii) for the figure "5" there shall be substituted the figure "3½".

19. In regulation Q10 the proviso to paragraph (3) shall be deleted.

20. In regulation Q11—

(*a*) after paragraph (2) there shall be inserted the following proviso—

"Provided that where there are fitted in the house such piping, cables or other apparatus as may be necessary to enable a refrigerator to be used, the cubic capacity of the larder and the cubic capacity specified in column (6) of Table 18 may both be reduced by 6 cubic feet";

(*b*) for paragraph (3) there shall be substituted the following paragraph—

"(3) The larder shall be ventilated to the external air by a permanent ventilator which—

(*a*) has a cross-sectional area of not less than 5 square inches,

(*b*) is fitted with a fly-proof cover so constructed as to allow a free flow of air, and

(*c*) has a smooth internal surface which is accessible for cleaning." ; and

(*c*) paragraph (4) shall be deleted.

21. After regulation Q20 there shall be inserted the following regulation—

"**Alternative space standards for houses*

Q21.—(1) This regulation shall apply to every house which is—

(*a*) provided with such adequate and suitably located and planned accommodation as is necessary to enable it to fulfil its function satisfactorily for the number of persons which the house is designed to accommodate ; and

(*b*) constructed in accordance with the following provisions of this regulation.

(2) In this regulation—

"general storage space" excludes any dust bin store, fuel store, kitchen storage (including any ventilated larder and broom cupboard), cupboard for linen storage and pram space located in a store ;

"maisonette" means a flat on more than one storey ;

"net space" means the area of one or more floors enclosed by the external walls, and any separating walls, of the house, and includes the area of any floor taken up by any staircase, partition, chimney breast, flue and heating appliance, and any water closet provided in addition to the water closet required by regulation Q9, but excludes the area of any floor occupied by—

(i) the general storage space ;

(ii) any dust bin store, fuel store, garage or balcony ;

(iii) in a room with a sloping ceiling, such part of the floor as is covered by any part of the ceiling which does not exceed 1·5 metres in height ;

(iv) any porch, lobby or covered way, any of which is open to the external air ; and

(v) any sun porch ; and

"single access house" means a house with public access from one side only.

(3) The net space of a house of a type described in column (1) in Part A of Table 19 shall be not less than the area prescribed for net space in column (3) thereof for the number of persons that house is designed to accommodate.

(4) A house of a type described in column (1) in Part A of Table 19 shall be provided with—

(*a*) general storage space not less that the area prescribed for general storage space in column (3) thereof for the number of persons that house is designed to accommodate ;

(*b*) kitchen storage space (including a ventilated larder and a broom cupboard), which shall be enclosed and have a cubic capacity not less than that prescribed in column (2) in Part B of Table 19 in respect of the ventilated larder and a total cubic capacity not less than that prescribed in column (3) thereof for the number of persons that house is designed to accommodate ; and

(*c*) one or more cupboards for linen storage having in aggregate a cubic capacity not less than that prescribed in column (2) in Part C of Table 19 for the number of persons that house is designed to accommodate.

(5) Net space shall be measured to the finished internal faces of the external walls, and any separating walls, of the house and general storage space shall be measured to the internal faces of the enclosing walls and door.

(6) Where, in the case of a single access house, any space within the general storage space forms part of a means of passage from one side of the house to any other side of the house, the space shall be deemed to be 700 millimetres wide and shall not be taken to contribute to the area of net space or general storage space prescribed in Table 19.

(7) The general storage space shall (*a*) be enclosed and floored and (*b*) have a minimum height, measured from the floor to the ceiling, of 1·5 metres.

(8) In any house other than a flat or maisonette—

(*a*) not less than 2·5 square metres of general storage space shall be provided at ground storey level;

(*b*) any general storage space provided on an upper storey shall be enclosed separately from the space provided for linen storage; and

(*c*) where there is a garage adjoining the house, any area in the garage in excess of 12 square metres may be taken to be general storage space.

(9) In the case of a flat or maisonette—

(*a*) not more than 1·5 square metres of the general storage space may be provided outside the house; and

(*b*) where there is a garage adjoining the flat or maisonette, any area in the garage in excess of 12 square metres may be treated as general storage space permitted under sub-paragraph (*a*) of this paragraph to be outside the house.".

22. In Schedule 3, Class 12, Limitation (i) for "Class 9" there shall be substituted "Class 11".

23. In Schedule 4 in paragraph (1) in sub-paragraph (*j*) the words "heating appliance" shall be deleted from the proviso.

24. In Schedule 9, in Table 13 in the heading "Rate of supply in cubic feet of fresh air per hour per person" and the heading "Rate of supply in no. of air changes per hour" for the word "Rate" where it twice appears there shall be substituted the words "Minimum rate".

25. In Schedule 9 after Table 18 there shall be inserted the following Table—

Regulation Q21

TABLE 19—SPACE STANDARDS FOR HOUSES

PART A—NET SPACE AND GENERAL STORAGE SPACE

House type (1)		Net space (N) General storage space (S) (2)	Minimum area in square metres for a house designed to accommodate the following numbers of persons— (3)						
			1	2	3	4	5	6	7
Occupancy Sub-group A1	Single storey	N	30	44·5	57	67	75·5	84	—
		S	3	4	4	4·5	4·5	4·5	—
	Two storey (detached, semi-detached or end terrace)	N	—	—	—	72	82	92·5	108
		S	—	—	—	4·5	4·5	4·5	6·5
	Two storey (intermediate terrace)	N	—	—	—	74·5	85	92·5	108
		S	—	—	—	4·5	4·5	4·5	6·5
Occupancy Sub-group A2	3 storey	N	—	—	—	—	94	98	112
		S	—	—	—	—	4·5	4·5	6·5
	Flat	N	30	44·5	57	70*	79	86·5	—
		S	2·5	3	3	3·5	3·5	3·5	—
	Maisonette	N	—	—	—	72	82	92·5	108
		S	—	—	—	3·5	3·5	3·5	3·5

*(67 square metres if access to the flat is by means of a balcony).

Tolerance: Where any house is designed on a planning grid a negative tolerance not exceeding 1½ per cent is permitted on the net space.

PART B.—KITCHEN STORAGE SPACE

(1)	Minimum capacity in cubic metres of the ventilated larder (2)	Total minimum capacity in cubic metres of kitchen storage space for a house designed to accommodate the following numbers of persons— (3)						
		1	2	3	4	5	6	7
Where provision is made for a refrigerator	0·17	1·7	1·7	2·3	2·3	2·3	2·3	2·3
Where no provision is made for a refrigerator	0·34	1·87	1·87	2·47	2·47	2·47	2·47	2·47

PART C—CUPBOARDS FOR LINEN STORAGE

(1)	Total minimum capacity in cubic metres for a house designed to accommodate the following numbers of persons— (2)						
	1	2	3	4	5	6	7
Aggregate capacity of cupboard or cupboards for linen storage	0·40	0·40	0·40	0·60	0·60	0·60	0·60

26. In Schedule 10, Part B—

(*a*) in the column headed "Provision of regulation deemed to be satisfied", for "H2(2)—as to sound insulation of floors" there shall be substituted "H2(1) and H2(2)—as to sound insulation of floors";

(*b*) in Specification (1) to regulation H2(1) and H2(2), after the words "6 inches thick" there shall be inserted the words "inclusive of any levelling screed"; and

(*c*) after the Specification for regulation Q20 there shall be inserted—

Provision of regulation deemed to be satisfied	Element of structure or fitting	Case dealt with or relevant conditions	Specification
"Regulation Q21(1) (*a*)— as to the adequacy of the accommodation and suitability of its location and planning	Space standards	Houses of occupancy subgroups A1 and A2	The design of the houses is based on the standards and commentary set out in paragraphs 7 and 8 of the New Scottish Housing Handbook: Bulletin 1: Metric Space Standards, 1968.".

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 in addition to making minor amendments to the Building Standards (Scotland) (Consolidation) Regulations 1970 introduce, inter alia, new alternative space standards for houses, provide protection for users of exit routes over roofs, and modify the requirements as to distance between windows. The Regulations also make it easier to erect sun porches, reduce the heights of balustrades guarding stairways, landings and balconies within houses, and disapply the requirement for roof access to two-storey houses.

NOTE:— Copies of the New Scottish Housing Handbook: Bulletin 1: Metric Space Standards, 1968, referred to in these regulations, may be purchased from Her Majesty's Stationery Office.