

**BUILDING (SCOTLAND) ACT 2003**  
**BUILDING STANDARDS (SCOTLAND) REGULATIONS 2004**

**EXEMPT BUILDINGS**

- Regulation 3**  
**Mandatory**
1. Regulations 8 to 12 shall not apply to any *building* or any services, fittings and equipment the whole of which falls into any one or more of the exempted types described in Schedule 1.
  2. The provision of – (a) services, fittings and equipment to, or the demolition or removal of, exempted *buildings* is exempt;  
(a) services, fittings and equipment to, or the demolition of,  
(b) exempted services, fittings and equipment is exempt.
  3. For the purposes of this regulation, for the avoidance of doubt, each such exempted type does not include any of the exceptions expressed in relation to that type.

**Explanation**

Regulation 3 and schedule 1 set out what *buildings* and *work* is exempted from the building regulations. The general principles applied to establish are that the regulations do not need to apply where:

- other legislation covers the *buildings* or *work* (Types 1 – 4)
- the *buildings* or *work* are not normally frequented by people (Types 5 – 8)
- the *buildings* or *work* are so specialised that the regulations are largely inappropriate, and are likely in any case to be supervised by specialists including civil engineers (Types 9 – 12)
- the *buildings* or *work* are sufficiently minor that they have little or no impact on the public interest and it is not in the public interest to seek to enforce the regulations (Types 13 – 15 and 17 – 21)
- the *buildings* or *work* are temporary (Type 16)

Particular care is necessary where exempted work is in the vicinity of, or attached to, an existing *building*. The level of compliance of the existing *building* with Building Regulations should not be adversely affected when exempt *works* are undertaken.

Where exempt *work* requires that alteration is made to an existing *building* to maintain the level of compliance with Building Regulations, a building warrant may be required. For example where it is intended to *construct* a *porch*, which falls within Type 18, over an accessible entrance.

## Schedule 1

### Exempted *buildings* and services, fittings and equipment

<i>Buildings or work controlled by other legislation</i>	1. A detached <i>building</i> the <i>construction</i> of which is subject to regulations made under the Explosives Act 1875.	
	2. A <i>building</i> erected on a <i>site</i> which is subject to licensing under the Nuclear Inspections Act 1965.	A <i>dwelling, residential building, office, canteen</i> or visitor centre.
	3. A <i>building</i> included in the schedule of monuments maintained under section 1 of the Ancient Monuments and Archaeological Areas Act 1979.	A <i>dwelling or residential building</i> .
Protective <i>works</i>	4. Protective <i>works</i> subject to control by Regulation 13.	
<i>Buildings or work not frequented by people</i>	5. A <i>building</i> into which people cannot or do not normally go.	A <i>building</i> within 6 metres or the equivalent of its height (whichever is the less) of the <i>boundary</i> . A wall or fence. A tank, cable, sewer, drain or other pipe above or below ground for which there is a requirement in these regulations.
	6. Detached fixed plant or machinery or a detached <i>building</i> housing only fixed plant or machinery, the only normal visits to which are intermittent visits to inspect or maintain the fixed plant or machinery.	A <i>building</i> within 1 metre of a <i>boundary</i> .
Agricultural and related <i>buildings</i>	7. An <i>agricultural greenhouse</i> or other <i>building</i> of mainly translucent material used mainly for commercial growing of plants.	A <i>building</i> used to any extent for retailing (including storage of goods for retailing) or exhibiting.

	<p>8. A single-storey detached <i>building</i> used for any other form of <i>agriculture</i>, fish farming or forestry.</p>	<p>A <i>building</i> used to any extent for retailing (including storage for retailing) or exhibiting. A <i>building</i> exceeding 280 square metres in area. A <i>building</i> within 6 metres or the equivalent of its height (whichever is the less) of a <i>boundary</i>. A <i>dwelling</i>, <i>residential building</i>, <i>office</i>, canteen or visitor centre. A dungstead or farm effluent tank.</p>
<p><i>Works of civil engineering construction</i></p>	<p>9. A <i>work</i> of civil engineering <i>construction</i>, including a dock, wharf, harbour, pier, quay, sea defence work, lighthouse, embankment, river work, dam, bridge, tunnel, filter station or bed, inland navigation, reservoir, water works, pipe line, sewage treatment works, gas holder or main, electricity supply line and supports, any bridge embankment or other support to railway lines and any signalling or power lines and supports, and a fire practice tower.</p>	<p>A bridge or tunnel forming part of an <i>escape route</i> or an access route provided to meet a requirement of these regulations. A private sewage treatment works provided to meet a requirement of these regulations.</p>
<p><i>Buildings of a specialised nature</i></p>	<p>10. A <i>building</i> essential for the operation of a railway including a locomotive or carriage shed, or for the operation of any other <i>work</i> of civil engineering contained in type 9 and erected within the <i>cartilage</i> of such a railway or <i>work</i>.</p>	<p>A signalling and control centre for a railway or dock. A <i>building</i> to which the public is admitted, not being a <i>building</i> exempted by type 11 of this schedule. A <i>dwelling</i>, <i>residential building</i>, <i>office</i>, canteen, or warehouse.</p>
	<p>11. A single-storey detached <i>road</i> or rail passenger shelter or a telephone kiosk which in so far as it is glazed complies with the requirements of regulation 9 and paragraph 4.8 of Schedule 5.</p>	<p>A <i>building</i> having a floor area exceeding 30 square metres. A <i>building</i> containing a fixed combustion appliance installation.</p>
	<p>12. A caravan or mobile home within the meaning of the Caravan Sites and Control of Development Act 1960, or a tent, van or shed within the meaning of section 73 of the Public Health (Scotland) Act 1897.</p>	<p>Any wastewater disposal system serving a <i>building</i> of this type.</p>

Small <i>buildings</i>	13. A detached single-storey <i>building</i> having an area not exceeding 8 square metres.	A <i>dwelling</i> or <i>residential building</i> . A <i>building</i> ancillary to and within the <i>curtilage</i> of a <i>dwelling</i> . A <i>building</i> within 1 metre of a <i>boundary</i> . A <i>building</i> containing a fixed combustion appliance installation or <i>sanitary facility</i> . A wall or fence.
Construction and development <i>buildings</i>	14. A <i>building</i> used only by people engaged in the <i>construction</i> , demolition or repair of any <i>building</i> or structure during the course of that <i>work</i> .	A <i>building</i> containing sleeping accommodation.
	15. A <i>building</i> used in connection with the letting or sale of any <i>building</i> under <i>construction</i> until such time as the letting or sale of all related <i>buildings</i> is completed.	A <i>building</i> containing sleeping accommodation.
Temporary <i>buildings</i>	16. A <i>building</i> which, during any period of 12 months, is either erected or used on a <i>site</i> –  (a) for a period not exceeding 28 consecutive days; or (b) for a number of days not exceeding 60, and any alterations to such <i>buildings</i> .	
<i>Buildings</i> ancillary to <i>houses</i>	17. A detached single-storey <i>building</i> ancillary to and within the <i>curtilage</i> of a <i>house</i> .	A <i>building</i> exceeding 8 square metres in area. A <i>building</i> within 1 metre of the <i>house</i> unless it is at least 1 metre from any <i>boundary</i> . A <i>building</i> containing sleeping accommodation. A <i>building</i> containing a <i>flue</i> , a fixed combustion appliance installation or <i>sanitary facility</i> . A wall or fence.

	18.	A single-storey <i>building</i> attached to an existing <i>house</i> , which is ancillary to the <i>house</i> and consists of a <i>conservatory</i> or <i>porch</i> which insofar as it is glazed complies with the requirements of regulation 9 and paragraph 4.8 of Schedule 5.	A <i>building</i> exceeding 8 square metres in area. A <i>building</i> containing a <i>flue</i> , a fixed combustion appliance installation or <i>sanitary facility</i> . A <i>building</i> within 1 metre of a <i>boundary</i> .
	19.	Any single-storey <i>building</i> which is detached, or is attached to an existing <i>house</i> and which is ancillary to the <i>house</i> and consists of a <i>greenhouse</i> , <i>carport</i> or <i>covered area</i> .	A <i>building</i> exceeding 30 square metres in area. A <i>building</i> containing a <i>flue</i> , a fixed combustion appliance installation or <i>sanitary facility</i> .
Buildings ancillary to flats or maisonettes	20.	A detached single-storey <i>building</i> ancillary to and within the <i>cartilage</i> of a <i>flat</i> or <i>maisonette</i> .	A <i>building</i> exceeding 8 square metres in area. A <i>building</i> within 3 metres of the <i>flat</i> or <i>maisonette</i> or within 3 metres of any other part of the <i>building</i> containing the <i>flat</i> or <i>maisonette</i> . A <i>building</i> containing a <i>flue</i> , a fixed combustion appliance installation or <i>sanitary facility</i> . A wall or fence.
Paved areas	21.	A paved area or hardstanding.	A paved area or hardstanding exceeding 200 square metres in area. A paved area forming part of an access to meet a requirement of these regulations.