

regulation

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mandatory

For the purposes of section 8(8) of *the Act*, any *work* which consists solely of a *building* or *conversion*, including the provision of services, fittings or equipment, of a kind specified in schedule 3, shall meet the standards required by regulations 8 to 12 but shall not, subject to the exceptions and conditions, require a warrant.

0.5.1 Explanation

Regulation 5 and schedule 3 specifies what *work* can be done without the need to obtain a building warrant. However such work must still comply with the regulations.

Building type 1

In particular, type 1 means much more *work* to or in *houses* does not need a warrant. This could include:

- *work* external to, but immediately adjoining, the *house* (e.g. patio, decking, wall, fence, steps or ramp);
- small penetrations of the *external walls* or roof (e.g. balanced flues, sanitary pipework, mechanical extract *ducts* or vent pipes);
- small attachments to the *external walls* (e.g. canopies or micro-renewables);
- erection, demolition or alteration of non-loadbearing partitions;
- electrical work;
- an en-suite bathroom or shower room (including associated drainage);
- a central heating system.

The exceptions are intended to safeguard against changes that might have significant effect, such as the removal of structural walls. The following list provides some examples of the various exceptions:

- increasing the floor area of the *house* (e.g. creation of a mezzanine floor or the infill of a stair well);
- demolition or alteration of the roof (e.g. forming a dormer window or *construction* of a masonry *chimney* through the roof);
- demolition or alteration of the *external walls* (e.g. slapping a new window or door, applying insulation to the *external wall* surface);
- demolition or alteration of an *element of structure* (e.g. removal of a loadbearing wall);
- *work* adversely affecting a *separating wall* (e.g. installing recessed electrical sockets);
- *work* involving a change to *wastewater* discharge (e.g. disconnection from the mains system).

The exception about increasing the floor area applies because there will be significant implications arising from such *work*. Other changes, such as the development of a *roof space* or a garage as habitable space are *conversions* in terms of regulation 4, a warrant is required and the standards also apply. Where a *roof space* has limited boarding inserted to allow access to services or to allow attic storage, or where the removal of a non-loadbearing wall creates a marginal increase in floor area these should not be considered as increasing the floor area.

- Building type 2 *Buildings*, other than *domestic buildings* or *residential buildings*, where the public are not normally admitted are granted a similar concession in type 2, allowing many *offices* and factories for example, to make the kind of small alterations necessary to accommodate changes in production or process. Again however the *building work* done should be to the standard of the building regulations. Exemptions have been added under type 2 to recognise security concerns relating to a prison, a building where a person may be legally detained or legally held in custody, the Scottish Parliament and property owned by Her Majesty in right of Her private estates.
- Thus, types 1 and 2 permit virtually any *work* to be carried out to 1 or 2 *storey houses* and to non-domestic *buildings* not more than 7.5 m high, other than the exceptions listed.
- Building types 3 - 23 However the broad types described above are followed by types 3 to 23 covering more specific *work* that can be carried out to a wider range of *buildings* without restricting the *work* allowed by types 1 and 2. Types 3 to 23 begin with small *buildings*, particularly those within the *curtilage* of *dwellings* (types 4 and 5). Note that some of these may now be in the *curtilage* of *flats* or *maisonettes* provided they are a sufficient distance from the *dwellings*. A *sanitary facility* should not be considered to be a wet-floor shower room and such *work* is not intended to be covered by type 11.
- Building types 24 - 26 Types 24 to 26 are different in that they cover work that is closer to a repair than new *work*. These replacements are therefore required to be to a standard no worse than the existing, rather than to the standard for completely new *work*.
- Doors, windows and rooflights which are a complete replacement are not considered to be a repair and have to meet the full requirements of the standards (see type 20). For historic *buildings*, where there is a specific need to match existing doors, windows or rooflights, the principle of 'like for like' may still be permitted.

0.5.2 Schedule 3**Description of building and work, including the provision of services, fitting and equipment, not requiring a warrant**

Type	Description	Exception
A On condition that types 1 – 23 in all respects and/or in the manner of their fitting meet any standards required by the regulations.		
1.	Any work to or in a <i>house</i> .	Any work which increases the floor area of the <i>house</i> . Any demolition or alteration of the roof, <i>external walls</i> or <i>elements of structure</i> . Any work involving underpinning. Any work adversely affecting a <i>separating wall</i> . Any work involving a change in the method of <i>wastewater</i> discharge. Work, not being work of types 3 to 26 below, to a <i>house</i> having a <i>storey</i> , or creating a <i>storey</i> , at a height of more than 4.5 metres.
2.	Any work to or in a non-residential <i>building</i> to which the public does not have access.	A non-residential <i>building</i> within which there is a <i>domestic</i> or residential building. Any work which increases the floor area of the <i>building</i> . Any demolition or alteration of the roof, <i>external walls</i> or <i>elements of structure</i> . Any work involving underpinning. Any work adversely affecting a <i>separating wall</i> . Any work involving a change in the method of <i>wastewater</i> discharge. Work, not being work of types 3 to 26 below, to a <i>building</i> having a <i>storey</i> , or creating a <i>storey</i> , at a height of more than 7.5 metres.
2A.	Any works to or in a <i>building</i> that is a prison or a <i>building</i> where a person may be legally detained or otherwise legally held in custody.	Any work which increases the floor area of the <i>building</i> by more than 100 square metres. Any demolition or alteration of the roof, <i>external walls</i> or <i>elements of structure</i> . Any work involving underpinning. Any work adversely affecting a <i>separating wall</i> . Any work involving a change in the method of <i>wastewater</i> discharge. Work, not being work of types 3 to 26 below, to a prison or a <i>building</i> where a person may be legally detained or otherwise legally held in custody having a <i>storey</i> , or creating a <i>storey</i> , at a height of more than 7.5 metres.
2B.	A <i>building</i> or any work to or in a <i>building</i> or the <i>conversion</i> of a <i>building</i> that is the Scottish Parliament.	

Type	Description	Exception
2C.	<i>A building or any work to or in a building or the conversion of a building belonging to Her Majesty in right of Her private estates.</i>	
and, without prejudice to the generality of types 1 to 2C above,		
3.	A detached single-storey <i>building</i> , having an area exceeding 8 square metres but not exceeding 30 square metres.	A <i>dwelling</i> or <i>residential building</i> . A <i>building</i> ancillary to, or 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 swimming pool deeper than 1.2 metres.
4.	A detached single-storey <i>building</i> , having an area exceeding 8 square metres but not exceeding 30 square metres, ancillary to and within the <i>curtilage</i> of a <i>house</i> .	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 a fixed combustion appliance installation or <i>sanitary facility</i> . A swimming pool deeper than 1.2 metres.
5.	A detached single-storey <i>building</i> , having an area exceeding 8 square metres but not exceeding 30 square metres, ancillary to and within the <i>curtilage</i> of a <i>flat</i> or <i>maisonette</i> .	A <i>building</i> within 1 metre 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> within 1 metre of a <i>boundary</i> . A <i>building</i> containing a fixed combustion appliance installation or <i>sanitary facility</i> . A swimming pool deeper than 1.2 metres.
6.	Any <i>work</i> associated with a combustion appliance installation or other part of a heating installation, not being <i>work</i> of types 7 or 8 below.	Any <i>work</i> associated with a solid fuel appliance having an output rating more than 50 kW, an oil-firing appliance with an output rating more than 45 kW or a gas-fired appliance having a <i>net input rating</i> more than 70 kW. Any <i>work</i> associated with a <i>chimney</i> , <i>flue-pipe</i> or <i>constructional</i> hearth. Any <i>work</i> associated with an oil storage tank with a capacity of more than 90 litres, including any pipework connecting the tank to a combustion appliance providing space or water heating or cooking facilities. Any <i>work</i> adversely affecting a <i>separating wall</i> or <i>separating floor</i> .
7.	Any <i>work</i> associated with a balanced <i>flue</i> serving a <i>room-sealed appliance</i> .	

Type	Description	Exception
8.	Any <i>work</i> associated with pipework, radiators, convector heaters and thermostatic controls for, or associated with, type 6 above.	
9.	Any <i>work</i> associated with installing a <i>flue liner</i> .	
10.	Any <i>work</i> associated with refillable liquefied petroleum gas storage cylinders supplying, via a fixed pipework installation, combustion appliances used principally for providing space heating, water heating, or cooking facilities.	
11.	Any <i>work</i> associated with the provision of a single <i>sanitary facility</i> , together with any relevant branch soil or waste pipe.	Any <i>work</i> associated with a water closet, waterless closet or urinal.
12.	Any <i>work</i> associated with the relocation within the same <i>room</i> or space of any <i>sanitary facility</i> , together with any relevant branch soil or waste pipe.	
13.	Any <i>work</i> associated with the provision of an extractor fan.	
14.	Any <i>work</i> associated with a stairlift within a <i>dwelling</i> .	
15.	Any <i>work</i> associated with the provision of a notice or other fixture for which there is no requirement provided in these regulations.	
15A.	Any work associated with affixing of an <i>energy performance certificate</i> to a building.	
15B.	Any work associated with affixing a statement of sustainability to a building.	
16.	Any <i>work</i> associated with an outdoor sign that is the subject to the Town and Country Planning (Control of Advertisements)(Scotland) Regulations 1984.	

Type	Description	Exception
17.	Any <i>work</i> associated with thermal insulating material to or within a wall, ceiling, roof or floor.	Any <i>work</i> associated with the application of thermal insulating material to the outer surface of an <i>external wall</i> .
18.	A wall not exceeding 1.2 metres in height, or a fence not exceeding 2 metres in height.	
19.	Any <i>work</i> associated with open raised external decking.	Any decking at a height of more than 1.2 metres. Decking that forms part of any access provided to comply with the requirements in regulation 9 and paragraph 4.1 of schedule 5. Decking that forms any <i>escape route</i> other than from a flat or <i>maisonette</i> , provided to comply with the requirements in regulation 9 and paragraph 2.9 of schedule 5.
20.	A door, window or rooflight when the <i>work</i> includes replacing the frame.	
21.	A paved area or hardstanding exceeding 50 square metres in area but not exceeding 200 square metres in area. A paved area forming part of an access to meet a requirement of these regulations.	
22.	An electrical installation, including a circuit for telecommunication, alarm purposes or for the transmission of sound, vision or data, which operates at extra-low voltage (not exceeding 50 volts alternating current or 120 volts direct current, measured between conductors or to earth) and which is not connected directly or indirectly to an electricity supply which operates at a voltage higher than either of those specified above.	
23.	The construction of a ramp not exceeding 5 metres in length.	

Type	Description	Exception
B	On condition that this work, service, fitting or equipment is to a standard no worse than at present.	
24.	Any <i>work</i> associated with the replacement of a fitting or equipment, in whole or in part, by another of the same general type, including a <i>sanitary facility</i> (together with any relevant branch soil or waste pipe), rainwater gutter or downpipe, solid fuel combustion appliance, electrical fixture, ventilation fan, <i>chimney</i> or <i>flue</i> outlet fitting or terminal, fire hydrant or main, lift or escalator, solid waste chute or container, <i>kitchen</i> fittings or other fitted furniture and ironmongery.	Any door, window or rooflight. Any oil firing or gas fired boiler.
25.	Any <i>work</i> associated with the replacement in whole or in part, by material of the same general type, of flooring, lining, cladding, covering or rendering either internally or externally.	
26.	Any <i>work</i> to a door, window or rooflight, including <i>glazing</i> which is not a complete replacement falling within type 20 above.	