

1991 No. 158 (S. 13)

**BUILDING AND BUILDINGS**

**The Building Standards (Relaxation by Local Authorities) (Scotland) Regulations 1991**

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No. AG-SI 1991 No 158(S.13)

*Made* - - - - - 28th January 1991  
*Laid before Parliament* 18th February 1991  
*Coming into force* 1st April 1991

The Secretary of State, in exercise of the powers conferred on him by section 4(2) of the Building (Scotland) Act 1959(a) and of all other powers enabling him in that behalf, hereby makes the following Regulations:

**Citation, commencement and interpretation**

- 1.—(1) These Regulations may be cited as the Building Standards (Relaxation by Local Authorities) (Scotland) Regulations 1991 and shall come into force on 1st April 1991.
- (2) In these Regulations—
  - “the Act” means the Building (Scotland) Act 1959;
  - “the building standards regulations” means the Building Standards (Scotland) Regulations 1990(b);
  - “enclosed shopping centre” means a building containing shops having frontages to an arcade, mall or other covered circulation area.

**Construction or change of use of particular buildings**

- 2.—(1) This regulation shall apply to an application made under section 4(1)(a) of the Act(c) for a direction dispensing with or relaxing any provision of the building standards regulations in the case of the construction or change of use of a particular building.
- (2) The power to dispense with or relax such a provision shall be exercisable by the local authority instead of by the Secretary of State except where—
  - (a) the building consists of or contains an enclosed shopping centre, or
  - (b) an application for a warrant under section 6 of the Act in respect of the building is referred to the Secretary of State under section 6A of the Act(d).

**Revocation and transitional provision**

- 3.—(1) Subject to paragraph (2), the Building Standards (Relaxation by Local Authorities) (Scotland) Regulations 1985(e) are hereby revoked.

(a) 1959 c.24; section 4(2) was substituted by the Building (Scotland) Act 1970 (c.38), section 2(1) and amended by the Local Government (Scotland) Act 1973 (c.65), Schedule 15, paragraphs 1 and 4.  
(b) S.I. 1990/2179.  
(c) Section 4(1) was substituted by the Building (Scotland) Act 1970, section 2(1).  
(d) Section 6 was amended and section 6A inserted by the Building (Scotland) Act 1970, sections 3 and 4 respectively. Both provisions were also amended by the Local Government (Scotland) Act 1973, Schedule 15, paragraph 1.  
(e) S.I. 1985/1272.

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(2) Notwithstanding the revocation in paragraph (1), the Building Standards (Relaxation by Local Authorities) (Scotland) Regulations 1985 shall continue to apply to an application made under section 4(1)(a) of the Act where an application for a warrant for the construction or change of use of the building is made before 1st April 1991.

St Andrew's House, Edinburgh  
28th January 1991

*James Douglas-Hamilton*  
Parliamentary Under Secretary of State,  
Scottish Office

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### EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations revoke and re-enact with amendments the Building Standards (Relaxation by Local Authorities) (Scotland) Regulations 1985. The Regulations come into force on 1st April 1991, to coincide with the coming into force of the Building Standards (Scotland) Regulations 1990.

The Regulations extend the powers of local authorities to dispense with or relax provisions of the building standards regulations in relation to particular buildings. Previously their powers were limited to dispensation and relaxation for alteration, extension or change of use of a building (subject to some qualifications and exceptions). Under regulation 2, however, applications for dispensation and relaxation for all new buildings, alterations, extensions and change of use, with the exception of enclosed shopping centres and cases where an application for a warrant in respect of the building has been referred to the Secretary of State, will be determined by local authorities. The excepted cases will continue to be dealt with by the Secretary of State.

The Regulations also make transitional provision to deal with cases where application for warrant has been made before 1st April 1991.

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