



## COVID-19: advice to building operators - assessing the application of building regulations when carrying out adaptation work.

### Background

The response to COVID-19 in operational premises has been to manage the numbers of people using facilities to support physical distancing and reduce the risk of transmission from proximity and/or contact. In the majority of situations within a building, this is addressed through operational practice and the use of simple changes such as management of access, supervision, signage, floor marking, and a proactive cleaning regime. Published guidance also recognises that there are situations in which it may not be practical to mitigate risk to the same extent as in others, mostly from the issue of proximity.

As part of action to manage the risk to building occupants, some building operators may seek to implement adaptations that do involve construction work or which may change the use of a building. This short note is produced by the [Building Standards Division](#) of the Scottish Government, in collaboration with [Local Authority Building Standards Scotland](#), to assist in the development of any adaption work that will be subject to The Building (Scotland) Regulations 2004. Please note that this document does not include:

- Advice on actions to take in preparing for occupation of buildings in response to COVID-19. For such matters, those responsible for buildings should refer to the advice to business and sector specific guidance available on the Scottish Government website at <https://www.gov.scot/coronavirus-covid-19/>.
- Advice on special measures to enable the erection of temporary care assistance buildings. Guidance on this topic is published separately [here](#).

### The importance of advice from competent professionals

In addition to the detailed knowledge of operations that building operator will generally have, construction or facilities management professionals are well placed to consider operational changes proposed by building owners. Both in the context of the statutory duties a building owner has on assuring the health and safety of those within a building and, specifically, meeting current building regulations. Many changes that can be introduced may be relevant to more than one legislative duty.

Where work is in the form of 'construction' - to fixed elements of building fabric or services - and building regulations are applied to it, those considering work should, first and foremost, ensure they have appropriate advice from someone who is familiar with the application of building regulations to construction work.

Certification is an option for certain design and construction activities and the benefits of using certifiers at this time have been set out in previous COVID-19 guidance notes.



## Application of building regulations

Information on the application of building regulations is set out in both [Section 0 of the current Non-domestic Technical Handbook](#) and, on process more generally, the recently updated [Procedural Handbook](#).

[Section 0.1](#) of the Technical Handbook and [Section 2](#) of the Procedural Handbook introduce the application of the building regulations and make reference to work that is exempt and to work that is subject to the regulations but does not require a building warrant to be obtained before starting work.

It is not the intent of this note to repeat, further summarise or interpret guidance already published in the [Technical Handbook](#) but key points to note are:

- **Exempt buildings and work.**

[Schedule 1 to regulation 3](#) of the regulations sets out what buildings and construction work are exempt from building regulations. Other than the erection of temporary buildings, it is unlikely that these exemptions will apply to the vast majority of adaptation situations where the safety of employees or visitors is being considered.

- **Work subject to building regulations but which does not require a building warrant.**

[Schedule 3 to regulation 5](#) sets out those works which are subject to building regulations but where verification by the local authority is not deemed necessary. The person responsible for the building must still ensure works comply with the regulations but does not first have to apply for and receive a building warrant.

For non-domestic buildings, the greatest flexibility is available via Type 2: low-rise buildings (no storey above 7.5 m), other than residential buildings, where the public are not normally admitted. This enables buildings such as offices and factories to make a wide range of alterations subject to avoiding specific further excepted works. Specific building sub-types are covered in a similar way by Types 2A, 2B & 2C. For all other buildings, a warrant is not needed if the scope of the building works falls wholly within the categories of work listed under types 3 to 23.

Work that is more akin to repair is also exempt from the need for a building warrant under Types 24 to 26.

- **Changes to the use of a building (conversion).**

As part of the response to COVID-19, some organisations may seek to repurpose buildings from one use to another. Specific types of changes to the use of a building do attract the application of current building regulations, even if no building work is proposed.

These defined 'conversions' are described in [Regulation 4 and schedule 2](#) and, where relevant to proposed work, should be first assessed and can then be discussed with your local authority building standards department, particularly where change to the use is intended to be short term rather than permanent.

- **Potential impact of non-building work on occupant safety.**

Items within buildings that are not fixed and which can be easily moved or removed are outwith the scope of building regulations. However, it remains important for those operating a building to consider how changes to the layout of moveable but generally semi-permanent elements such as workstations/cubicles in offices, seating in

restaurants and fixed shelving in shops might, affect compliance with building regulations or other duties. This is primarily in respect of the safety of occupants (e.g. maintain means of escape in the event of a fire).

## Communication

Again, we would stress the importance of advice from a competent construction professional when considering physical alterations to a building, its fabric or its installed systems. Where the party preparing adaptation proposals is unsure of the application of regulations to specific activities or whether an application for a building warrant is needed, advice can be sought from your local authority building standards department.

Where your assessment determines a building warrant is required, dialogue with your local authority building standard department on the need for alterations as part of your response to COVID-19 to provide a safe building environment, can assist in expediting this process.

Contact details for your local authority building standards department can be found at: <https://www.gov.scot/publications/building-standards-contact-information/>.

## Further reading

The Building Standards Division have written to all 32 Scottish local authorities to make them aware of this advice note and the ongoing work of building standards departments to support building owners in their response to COVID-19.

To support COVID-19 related adaptations, the Building Standards Division and Local Authority Building Standards Scotland intend to publish and update a short 'frequently asked questions' document in response to common issues arising from adaptation work which are raised by building operators.

Noting that this will cover the application of published processes, to support consistency of approach and manage the need for multiple responses on the same issue. It cannot offer advice on suitable adaptation measures nor whether a particular solution meets the regulations.

Both of the letter and FAQ are available within the 'COVID-19 Specific information' section at <https://www.gov.scot/policies/building-standards/monitoring-performance/>.

Any queries arising from this document may be sent to [buildingstandards@gov.scot](mailto:buildingstandards@gov.scot)

Building Standards Division  
30 June 2020 - v1.0