



MINISTRY OF DEFENCE

PROPERTY
DIRECTORATE

Defence
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INFORMATION NOTE

CHANGES TO THE BUILDING (SCOTLAND) REGULATIONS 2004 (AS AMENDED)

Number: IN 01/14

Strategy & Policy Directorate Sponsor: Nigel Millar

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Contact if different from Property Directorate Sponsor: Tracy Price, Principal Building Surveyor, Building Standards Team, Engineering and Construction, Operations Development and Coherence - dioodc-engconstbldgstdsah@mod.uk – 0121 311 2135

Who Should Read this: Any parties involved in the procurement of construction works which amount to a new non domestic building, an extension to a non domestic building or the conversion of a non-domestic building on the MOD Estate in Scotland, ie Top Level budget Holders, Programme and Project Delivery, Service Delivery Managers, DSTL, DE&S, RFCA, QinetiQ and Industry Partners.

When it takes effect: 4 February 2014

When it is due to expire: when rescinded

Estate Management

Equality And Diversity Impact Assessment

This policy has been Equality and Diversity Impact Assessed in accordance with the Department's Equality and Diversity Impact Assessment Tool against:

Part 1 Assessment Only (no diversity impact found)

1. Aim – This document aims to clarify the changes in the Building (Scotland) Regulations 2004 following the publication of the Building (Miscellaneous Amendments) (Scotland) Regulations 2013 that came into effect from 1 October 2013 and how they will impact on the MOD built estate.

1.0 Introduction

- 1.1 Currently the Building (Scotland) Act 2003 and any subordinate legislation made under it does not apply to a building or works to a building occupied for the purposes of the Armed Forces of the Crown as detailed in the Building (Scotland) Act 2003 (Exemptions for Defence and National Security) Order 2009.
- 1.2 To meet wider Health and Safety objectives DIO has mandated that where the Building (Scotland) Regulations would apply on the MOD estate in Scotland the standards contained in the Technical Handbooks must be followed through the publication of Policy Instruction 02/10 MOD Building Regulations Compliance System (BRCS). Link attached https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/33591/pi_0210.pdf.
- 1.3 Changes have been made to the procedural and technical aspects of the Building (Regulations) Scotland 2004 (as amended) under the Building (Miscellaneous Amendments) (Scotland) Regulations 2013 which came into effect from 1 October 2013 which will have an effect on building work carried out on the MOD estate in Scotland.

2.0 Changes to the Building Regulations Compliance Process

- 2.1 One of the changes, the introduction of a Fire Safety Design Summary (FSDS), will affect the way in which fire safety requirements are documented as part of achieving compliance with the Building Regulations as required under the MOD BRCS. This change applies to the construction of, extension to and conversion of a non-domestic building on the MOD estate in Scotland.

2.2 DIO Policy

A Fire Safety Design Summary (FSDS) will be required to be completed by the design team in conjunction with the end user of the building for the construction of, extension to and conversion of a non-domestic building on the MOD estate in Scotland. The FSDS must be completed and submitted to the Building Control Adviser (BCA) for approval at the start of the Building Regulations process to obtain Building Regulations approval and allow for the issue of the design compliance certificate. Once the FSDS is approved by the BCA it will be issued with the C3 Completion Certificate at the end of the project. The template for an FSDS has been attached at Annex A, with a completed example attached at Annex B. Both have been sourced from the Building Standards Division of the Scottish Executive.

- 2.3 An amended MOD BRCS Completion certificate has been created for works in Scotland to reflect this change. A copy of the amended certificate is attached at Annex C.
- 2.4 For simple buildings it is anticipated that the FSDS along with the information provided to the BCA for Building Regulations approval will be sufficient to satisfy the regulations. For more complex buildings it may be appropriate to have bespoke FSDS drawings marked up with key fire safety advice to allow interested parties to quickly establish fire safety measures within a building.
- 2.5 Please note that whilst the FSDS can be used to document and mitigate for non-compliances with the standards provided in the Technical Handbooks, DIO Policy Instruction 02/10 MOD BRCS mandates that a Determination must be obtained from the Building Standards Team, DIO Sutton Coldfield for approval of these variations.

3.0 Changes to the standards contained in the Technical Handbooks

- 3.1 It is anticipated that changes to the standards contained in the Technical Handbooks will be absorbed and considered within the design of each individual project, but table 1 provides a summary of the *relevant* changes, their application and the perceived impact. Should you require any further clarification please contact the Building Standards Team by telephone 0121 311 2135 or email diopsnorth-ptsbld@mod.uk.

4.0 Transitional Provisions

4.1 The new requirement came into force on 1 October 2013. Any project that has entered into a contract with an Industry Partner or equivalent before 1 October 2013 and is due to be completed on or before 31 January 2014 **will not** need to complete a FSDS. Any projects completed after 31 January 2014 **will** be required to complete a FSDS.

Table 1 – Summary of relevant changes to the Regulations (*Please note that this summary should not be taken as an exhaustive list for compliance with the 2013 Miscellaneous Amendments introduced on 1 October 2013*).

Clause	Application	Subject	Description of Change	Impact
0.8	Domestic and Non Domestic	Durability Workmanship and Fitness of Materials	Section re-written to incorporate the requirements of the Construction Products Regulations.	Many construction products and materials will be legally required to have CE marking where the product is covered by a harmonised European Product Standard or a European Technical Assessment.
0.17	Domestic and Non Domestic	Continuing requirements	Following the annual inspection of an Air Conditioning System in a building the inspection report must be issued to the building owner/occupier.	The Maintenance Management Organisation will need to provide DIO with a copy of the Air Conditioning System Annual Inspection report.
2.9.10 2.9.17 2.9.24	Domestic	Escape routes	Guidance has been amended to reflect the new classification of a parking garage as a non-domestic building.	This will be considered at design stage of a new or conversion works which result in the creation of a domestic building with a garage.
2.15. 2.15.5	Non Domestic	Automatic Fire Suppression Systems	The Limitation on the standard has been amended to remove requirement for automatic fire suppression systems in certain extensions and buildings that are part of an existing school and as a result the guidance has been expanded on this issue.	This will be considered at the design stage under a conversion, extension or construction of a school.
3.10.0 3.10.1	Domestic and Non Domestic	Precipitation	Text inserted on the new evidence for increase in rainfall and guidance revised to introduce BS EN 15927-3 2009 and the methodologies for wind driven rain.	The assessment of building elements and the potential exposure to precipitation and wind driven moisture will be required at the design stage of new and extensions of domestic buildings.
3.12.0 3.12.1	Non Domestic	Sanitary Facilities	New guidance has been provided on Changing Places Toilets, but this is not mandated.	This will be considered at the design stage under a conversion or the construction of a new building.
3.20.13	Domestic and Non Domestic	Combustion appliances – Access to flues	Additional guidance has been provided on how to provide adequate access for inspecting flues that are positioned within a void with the number and position of hatches allowing for the entire length of flue to be accessed.	This will be considered at the design stage under a conversion or the construction of a new building.

3.20.20	Domestic and Non Domestic	Combustion appliances – Carbon Monoxide detection	Carbon monoxide detectors should be installed when a new or replacement fixed combustion appliance (FCA) (excluding an appliance used solely for cooking) is installed in a dwelling or in an inter-connected space (for example an integral garage). The standard is for 1 carbon monoxide detector in every space containing a FCA (excluding an appliance used solely for cooking) and where a flue passes through high risk accommodation such as a principal habitable room and bedrooms. The detector should be sited, unless otherwise stated by the manufacturer, ceiling mounted and positioned at 300mm away from any wall; or wall mounted and positioned 150mm below the ceiling and higher than any door or window in the room.	The Maintenance Management Organisation will need to factor in an additional cost when replacing fixed combustion appliances. This could provide an issue for Single Living Accommodation where the combustion appliance is remote from the living accommodation in relation to providing an appropriate warning system and how this is maintained.
3.25	Domestic	Solid Waste Storage	The standard to provide a solid waste storage point and collection point has been clarified to apply to flats and maisonettes rather than dwellings.	This will be considered at the design stage under a conversion or the construction of a new building.
3.27 3.27.0 3.27.1 3.27.2	Domestic	Water efficiency	A new standard has been introduced to reduce the amount of potable water used within the building.	This will be considered at the design stage under a conversion, extension or the construction of a new building.
4.4.0 4.4.2	Non Domestic	Pedestrian protective barriers	Guidance has been changed to highlight that barriers must be designed to restrict the ability of young children to climb them by minimising potential hand and foot holds in the design.	This will be considered at the design stage under a conversion, extension or the construction of a new building.
4.12 4.12.1	Non Domestic	Vehicle protective barriers	Guidance and references to British Standards updated.	Only applicable where vehicles are used within a building which has different levels and the protective barrier is required to protect users from vehicles falling from different levels in the building.
7.1 7.0.1 7.1.0 7.1.9	Non Domestic	Statement of Sustainability	Standard updated to include school buildings including classrooms and appropriate amendments provided in the guidance.	This will be considered at the design stage of a new school project.

Annex A Template for Fire Safety Design Summary

FIRE SAFETY DESIGN SUMMARY		
Building Address:		Building Owner:
Proposed use of Building:		Project / 5410 ref:
Evacuation Methodology ⁽¹⁾	State number and width of stairs:	State fire resistance of the building elements ⁽²⁾ :
State occupancy capacity for each storey and the building ⁽³⁾ :		State number of final fire exits ⁽⁴⁾ :
Fire Safety Measures		Supporting Information
Do all 'travel distances' accord with technical handbooks guidance? <i>If 'No' state alternative design information</i>	Yes <input type="checkbox"/> No <input type="checkbox"/>	
Are there any inner rooms in the building? ⁽⁵⁾ <i>If 'Yes' provide information</i>	Yes <input type="checkbox"/> No <input type="checkbox"/>	
Is the building secured when occupied? ⁽⁶⁾ <i>If 'Yes' provide information</i>	Yes <input type="checkbox"/> No <input type="checkbox"/>	
Does the building contain compartmentation / separation measures? <i>If 'Yes' provide information</i>	Yes <input type="checkbox"/> No <input type="checkbox"/>	
Do any passive fire safety measure depend on activation of fire detection system? ⁽⁷⁾ <i>If 'Yes' provide information</i>	Yes <input type="checkbox"/> No <input type="checkbox"/>	
Has an automatic fire suppression system been installed? <i>If 'Yes' provide information</i>	Yes <input type="checkbox"/> No <input type="checkbox"/>	
Has a fire alarm / detection system been installed? <i>If 'Yes' provide category information</i>	Yes <input type="checkbox"/> No <input type="checkbox"/>	
Have additional fire safety measures been installed? ⁽⁸⁾ <i>If 'Yes' provide information</i>	Yes <input type="checkbox"/> No <input type="checkbox"/>	
Does the means of access, water supply and facilities for the Fire and Rescue Service accord with technical handbooks guidance?	Yes <input type="checkbox"/> No <input type="checkbox"/>	
Is there dry / wet riser installed?	Yes <input type="checkbox"/> No <input type="checkbox"/>	
Are fire fighting lifts installed?	Yes <input type="checkbox"/> No <input type="checkbox"/>	
Have any commissioning certificates and maintenance schedules been provided? ⁽⁹⁾	Yes <input type="checkbox"/> No <input type="checkbox"/>	
Have any Determinations been provided by the DIO Building Standards Team? <i>If 'Yes' provide copies</i>	Yes <input type="checkbox"/> No <input type="checkbox"/>	
Excluding normal maintenance, provide information on any fire safety measures that rely on management actions or intervention?:		
Other Relevant Fire Safety Information		

Fire Safety Design Summary Notes

1. Evacuation methodology for the building – In most buildings, the evacuation strategy will be for occupants to evacuate a building immediately on becoming aware of a fire. This is called simultaneous evacuation. In some larger buildings, however, the evacuation strategy allows those occupants most at risk to be evacuated first. This evacuation strategy relies on the building having additional fire safety measures installed in the building and may either be:

- phased, where some occupants evacuate parts of the building before others; or
- progressive horizontal evacuation, where occupants leave the compartment of fire origin to adjacent compartments leading to a storey exit.

2. Fire resistance of building elements – In order to prevent the premature collapse or failure of load-bearing structural elements or compartment /separation elements of a building in a fire, appropriate levels of fire resistance should be provided.

3. Occupancy Capacity - Is the maximum number of people expected in a space dependent on the area and use of that space, for example whether the occupants will be seated, standing, etc.

4. Number of exits – When a room or storey requires 2 or more escape routes it is assumed that in the event of a fire one of the escape routes may be compromised by fire. As a consequence, the remaining exits will still allow the occupants sufficient time to safely leave the storey without delay.

5. Inner room - Means a room from which escape is possible only bypassing through another room, known as an access room. Occupants within an inner room could become trapped where there is an outbreak of fire in the adjoining access room.

6. Securing the building – Doors used for means of escape should be kept unlocked at all times when people are in the building. Removable security fastenings such as shutters, chains, bars, padlocks, etc. should be removed from all doors, on exit routes when the building is occupied to ensure the occupants opportunity for escape is not compromised.

7. A number of passive fire safety measures depend on activation of fire detection systems – For example: Fire doors, dampers, fire shutters, magnetic hold open devices etc.

8. Additional fire safety measures – In some buildings it may not always be possible to achieve the minimum standards set in the Technical Handbook guidance. In such circumstances additional compensatory factors may have been used to achieve a satisfactory level of fire safety. For example:

Additional compartmentation provided, smoke control or pressurisation systems, smoke curtains etc.

9. Crown Fire Standards – Consideration must be given to the additional requirements of Crown Fire Standards.

EXAMPLE ONE

FIRE SAFETY DESIGN SUMMARY		
Building Address: 64 Green Street Bigtown		Building Owner: A, N. Another 64 Green Street Bigtown
Proposed use of Building: Corner shop		Building Warrant ref: 120829/BW/LV Building Warrant application date: August 29, 2012.
Evacuation Methodology ⁽¹⁾ Simultaneous <input checked="" type="checkbox"/> Phased <input type="checkbox"/> Progressive Horizontal <input type="checkbox"/>	State number and width of any escape stairs: None	State fire resistance of building elements ⁽²⁾ : Separating wall and floor have 1 hour fire resistance duration.
State occupancy capacity for each storey and the building ⁽³⁾ : Up to 2 people working in shop with potential for 10 members of the public.		State number and capacity of final fire exits ⁽⁴⁾ : Exit to front of shop
Fire Safety Measures		Supporting Information
Do all 'travel distances' accord with building standards guidance? <i>If 'No' state alternative design information</i>	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	9 m from counter to final exit door
Are there any 'inner rooms' in the building? ⁽⁵⁾ <i>If 'Yes' provide information</i>	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	There is a small store to the right of counter but no inner room.
Is the building secured when occupied? ⁽⁶⁾ <i>If 'Yes' provide information</i>	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Metal shutter opened then locked in place when building occupied
Does the building contain compartmentation / separation measures? <i>If 'Yes' provide information</i>	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Shop separated by separating wall and floor from immediate neighbours.
Do any passive fire safety measures depend on activation of fire detection system? ⁽⁷⁾ <i>If 'Yes' provide information</i>	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	N/A
Has an automatic fire suppression system been installed? ⁽⁸⁾ <i>If 'Yes' provide information.</i>	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	N/A
Has a fire alarm / detection system been installed? <i>If 'Yes' provide category information</i>	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Occupants will be alerted to outbreak of fire by a shouted warning "FIRE" by the person
Have additional fire safety measures been installed? <i>If 'Yes' provide information.</i>	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	No
Does the means of access, water supply and facilities for the Fire and Rescue Service accord with building standards guidance?	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Parking available at front, rear and side of shop.

EXAMPLE ONE

Is there dry / wet riser installed?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	No riser installed
Are fire -fighting lifts installed?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	No fire-fighting lift installed
Have any commissioning certificates and maintenance schedules been provided?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	None
Excluding normal maintenance, provide information on any fire safety measures that rely on management actions or intervention? : None		
Other Relevant Fire Safety Information – None		

**MOD BUILDING REGULATIONS COMPLIANCE SYSTEM
CONSTRUCTION COMPLIANCE CERTIFICATE (SCOTLAND)
C3**

EXPLANATORY NOTE

This is the declaration that the building work carried out on site and as described in the C1 and C2 (where appropriate) complies with the standards contained within the Technical Handbooks which support the Building Regulations. The certificate is to be submitted to Principal Building Surveyor - Building Standards Team, Engineering and Construction, Operations Development and Coherence, Defence Infrastructure Organisation, by the Compliance Certifier on completion of the works on site.

Where the works consist of the construction of, extension to or conversion of a non-domestic building on the MOD estate in Scotland a copy of the Fire Safety Design Summary should be attached to this certificate.

As defined in DIO Policy Instruction 02/10 the Compliance Certifier completes and signs the MOD BRCS certificates to confirm the building work complies, in this case, with the standards contained within the Technical Handbooks that support the Building (Scotland) Regulations. This individual is a nominated role within the Contractors team and is usually performed by the contractors' Project Manager.



**Defence
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BUILDING REGULATIONS COMPLIANCE SYSTEM
CONSTRUCTION COMPLIANCE CERTIFICATE (SCOTLAND)
C3

To be submitted to the:	Copied to:
Principal Building Surveyor Building Standards Team Defence Infrastructure Organisation Kingston Road, Sutton Coldfield West Midlands, B75 7RL Or dioopsnorth-ptsbld@mod.uk	MOD Project Manager Project Fire Officer Building Control Adviser

by the **Compliance Certifier** upon completion of the Construction Works.

Description of Work	
Location	
Contract / MOD Reference No	

Notwithstanding anything to the contrary contained in this certificate, this firm is obliged to exercise all reasonable skill, care and diligence in the performance of the services required by this contract and this firm shall not be liable except to the extent that it has failed to exercise all reasonable skill, care and diligence and this certificate shall be construed accordingly.

We confirm that all works on site have been completed in accordance with the standards contained within the Technical Handbooks support the Building (Scotland) Regulations.

Variations from the design solutions contained within the Approved Documents or equivalent have been approved by Principal Building Surveyor - Building Standards.

Where appropriate a Fire Safety Design Summary (FSDS) has been completed by the end user and the design team. The FSDS has been submitted to and approved by the Building Control Adviser and a copy is attached to this certificate.

BUILDING CONTROL ADVISERS DETAILS			
Signed		BCA Qualifications	
Name		Position in Firm	
Name of Firm		Date	
Address			
Telephone No		Email Address	

COMPLIANCE CERTIFIERS DETAILS¹			
Signed			
Name		Position in Firm	
Name of Firm		Date	
Address			
Telephone No		Email Address	

¹ As defined in Policy Instruction the Compliance Certifier completes and signs the MOD BRCS certificates to confirm the building work complies with the standards contained within the Technical Handbook that support the Building (Scotland) Regulations 2004 (as amended). This individual is a nominated role within the Contractors team and is usually performed by the contractors' Project Manager.