

**SECOND SUPPLEMENT TO THE GIBRALTAR
GAZETTE**

No. 4481 of 21 June, 2018

LEGAL NOTICE NO.144 OF 2018.

PUBLIC HEALTH ACT

BUILDING (AMENDMENT) RULES 2018

In exercise of the powers conferred on it by sections 44, 45 and 46 of the Public Health Act and all other enabling powers, the Government has made the following Rules—

Title.

1. These Rules may be cited as the Building (Amendment) Rules 2018.

Commencement.

2. These Rules come into operation on the day of publication.

Amendment to the Building Rules 2017.

- 3.(1) The Building Rules 2017 are amended in accordance with this Rule.

- (2) In rule A2a—

- (a) in subrule (4), for “subrule (5)” substitute “subrules (5) and (6)”; and

- (b) after subrule (5) insert—

“(6) In Part R “Approved Document” means the document approved for the purpose of that Part by the Minister with responsibility for Building Control.”.

- (3) In rule A6, for “Parts A to L” substitute “Parts A to L and Part R”.

- (4) In rule A7(1)—

- (a) for “Parts A to L” substitute “Parts A to L and Part R”;

(b) paragraph (b), for “rule.” substitute “rule.”; and

(c) after paragraph (b) insert–

“provided that Part R shall not apply to a structural alteration or extension of an existing building where the building is a dwelling and the structural alteration or extension of the building does not result in a new or greater contravention of the key requirements listed in said Part; and “dwelling” also includes the dwelling area of a mixed use development.”.

(5) In rule A9(1)–

(a) in CASE A, after “(b) other buildings: all rules” insert–

“In Part R (Access to and use of Buildings)

(a) where the building is used solely as a dwelling: Key Requirements R1 and R4

(b) where the building is a mixed use development: all requirements”;

(b) in CASE B, after “(b)other buildings: all rules” insert–

“In Part R (Access to and use of Buildings): Key Requirements R1 and R4” ;

(c) in CASE C, after “In Part E, functional requirements E1, E2, E3 and E5” insert–

“In Part R (Access to and use of Buildings)

(a) where the building is used solely as a dwelling: Key Requirements R1 and R4

(b) where the building is used solely as a non-dwelling: Key Requirments R1, R2 and R3

(c) where the building is a mixed use development: all Requirements”; and

(d) in CASE D–

(i) for “Part F (Thermal Insulation)” substitute “Part F (Energy performance of buildings)”; and

(ii) After “(b) other buildings: all rule” insert–

“In Part R (Access to and use of Buildings)

(a) where the building is used solely as a dwelling:
Key Requirements R1 and R4;

(b) where the building is used solely as a non-dwelling: Key Requirements R1, R2 and R3;
and

(c) where the building is a mixed use development:
all requirements.”.

(6) In rule A13–

(a) in subrule (1)–

(i) for “48” substitute “47”;

(ii) for “Part F (Thermal Insulation)” substitute “Part F (Energy performance of buildings)”; and

(iii) after “Part P (Sanitary conveniences)” insert “Part R (Access to and use of buildings)”; and

(b) in subrule (2) for “52” substitute “48”.

(7) After Part P insert–

**“PART R
Access to and use of buildings**

Interpretation

(1). For the purposes of this Part and Approved Document R–

“access” means approach, entry or exit;

“accessible” in respect to buildings or parts of buildings, means that people, regardless of disability, age or gender, are able to gain access;

“dwelling” means a house or a flat. However, new blocks of flats built as student accommodation are to be treated as though they are hotel/motel accommodation in respect of space requirements and internal facilities (paragraphs 4.17 to 4.24 of Approved Document R);

“entrance storey” means the storey which contains the principal entrance;

“institution”, for the purposes of defining a material change of use in conjunction with Appendix D of Approved Document E, means an institution (whether described as a hospital, home, school or other similar establishment) which is used as living accommodation for, or for the treatment, care or maintenance of persons–

(a) suffering from disabilities due to illness, old age or other physical or mental incapacity; or

(b) under the age of five years;

“principal storey” means the storey nearest to the entrance storey which contains a habitable room, or if there are two such storeys equally near, either such storey;

“public building” means for the purposes of defining a material change of use in conjunction with Appendix D of Approved Document E means a building consisting of or containing–

- (a) a theatre, public library, hall or other place of public resort;
- (b) a school or other educational establishment; or
- (c) a place of public worship;

“shop” for the purposes of defining a material change of use in conjunction with appendix D of Approved Document E includes premises–

- (a) used for the sale to members of the public of food or drink for consumption on or off the premises;
- (b) used for retail sales by auction to members of the public;
- (c) used by members of the public as a barber or hairdresser, or for the hiring of any item; and
- (d) where members of the public may take goods for repair or other treatment.

(2) A building is not to be treated as a place of public resort because it is, or it contains a shop, storehouse or warehouse, or is a dwelling to which members of the public are occasionally admitted.

Key Requirements

R1 Access to and use of buildings

(1). Reasonable provision shall be made for people to–

- (a) gain access to; and
- (b) use,

the building and its facilities.

R2 Access to extensions to buildings other than dwellings

(1). Suitable independent access shall be provided to the extension where reasonably practicable.

(2). Key requirement R2 does not apply where suitable access to the extension is provided through the building that is extended.

R3 Sanitary conveniences in extensions to buildings other than dwellings

(1). If sanitary conveniences are provided in any building that is to be extended, reasonable provision shall be made within the extension for sanitary conveniences.

(2). Key Requirement R3 does not apply where there is reasonable provision for sanitary conveniences elsewhere in the building, such that people occupied in or otherwise having occasion to enter the extension, can gain access to and use those sanitary conveniences.

R4 Sanitary conveniences in dwellings

(1). Reasonable provision shall be made in the entrance storey for sanitary conveniences, or where the entrance storey contains no habitable rooms, reasonable provision for sanitary conveniences shall be made in either the entrance story or the principal storey.

(2). ‘Entrance storey’ and ‘principal storey’ are defined under the interpretation heading, above.”.

Dated 21st June, 2018.

P J BALBAN,
Minister with responsibility for Building Control,
For the Government.