

**SECOND SUPPLEMENT TO THE GIBRALTAR  
GAZETTE  
No. 4252 of 7 April, 2016**

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LEGAL NOTICE NO. 77 OF 2016.

**PUBLIC HEALTH ACT**

**BUILDING (AMENDMENT) RULES 2016**

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 2016.

**Commencement.**

2. These Rules come into operation on the date of publication in the Gazette.

**Amendments to the Building Rules 2007.**

3. (1) The Building Rules 2007 are amended in accordance with this rule.

- (2) In Part A: Interpretation and General, in rule A2a—

- (a) in subrule (4) for “In this rule” substitute “Subject to subrule (5), in this rule”; and

- (b) insert the following subrule after subrule (4)—

“(5) In Part E “Approved Document” means the document approved for the purpose of that Part by the Minister with responsibility for the Gibraltar Fire and Rescue Services.”.

- (3) In Part A: Interpretation and General, in rule A4(2)(a)—

- (a) substitute the following definition for the definition of “Basement Storey”—

““BASEMENT STOREY”(except for the purposes of Part E) means a storey which is below the ground storey;

or, if there is no ground storey, means a storey the floor of which is situated at such a level or levels that some point on its perimeter is more than 1.2 m below the level of the finished surface of the ground adjoining the building in the vicinity of that point”; and

(b) substitute the following definition for the definition of “Ground Storey”–

““GROUND STOREY”(except for the purposes of Part E) means the lowest storey in the building of which the floor is situated at such a level or levels that any given point on its perimeter is not more than 1.2m below the level of the finished surface of the ground adjoining the building in the vicinity of that point”.

(4) In Part A: Interpretation and General, substitute the following for rule A4(7)(b)–

“(b) any reference to a building or compartment of a specified purpose group shall be construed in accordance with the provisions of Appendix D in the Approved Document approved as guidance for Part E”.

(5) In Part A: Interpretation and General, in CASE A of rule A9(1), substitute “the functional requirements E1 and E3” for “Section I (Structural fire precautions) except rules E7 and E15”.

(6) In Part A: Interpretation and General, in CASE B of rule A9 (1) substitute “the functional requirements E1, E2, E3 and E5” for the following–

“Section I (Structural fire precautions)–

- (a) buildings or parts of buildings which, as so altered or extended as aforesaid, comprise not more than one basement storey, a ground storey and two upper storeys: all rules except rules E7, E9(6), E10(4), E13 and E15
- (b) other buildings or parts of buildings: all rules except rules E7 and E15”.

(7) In Part A: Interpretation and General, in rule A9, substitute the following for CASE C–

“CASE C

Any case not falling within the definition of any other case specified in this paragraph, where the purpose for which a building, or part of a building, is used is changed to such an extent that the purpose group of that building or part, as determined in Appendix D of the Approved Document for Part E, is changed; and in such case (subject to the provisions of rule A5) the following provisions of these rules shall apply–

Part A (Interpretation and general)

In Part E, functional requirements E1, E2, E3 and E5.”.

(8) In Part A: Interpretation and General, in CASE D of rule A9(1), substitute “the functional requirements E1 and E3” for “Section I (Structural fire precautions) except rules E7 and E15”.

(9) Substitute the following for Part E–

“PART E  
Safety in fire

**E1 Means of warning and escape**

(1) The building shall be designed and constructed so that there are appropriate provisions for the early warning of fire and appropriate means of escape in case of fire from the building to a place of safety outside the building capable of being safely and effectively used at all material times.

(2) Requirement E1 does not apply to any prison or other place of legal internment.

**E2 Internal fire spread (linings)**

(1) To inhibit the spread of fire within the building, the internal linings shall–

- (a) adequately resist the spread of flame over their surfaces; and
  - (b) have, if ignited, a rate of heat release or a rate of fire growth, which is reasonable in the circumstances.
- (2) In this rule ‘internal linings’ mean the materials or products used in lining any partition, wall, ceiling or other internal structure.

**E3 Internal fire spread (structure)**

- (1) The building shall be designed and constructed so that, in the event of fire, its stability will be maintained for a reasonable period.
- (2) A wall common to two or more buildings shall be designed and constructed so that it adequately resists the spread of fire between those buildings. For the purposes of this sub-rule a house in a terrace and a semi-detached house are each to be treated as a separate building.
- (3) Where reasonably necessary to inhibit the spread of fire within the building, measures shall be taken, to an extent appropriate to the size and intended use of the building, comprising either or both of the following:
- (a) sub-division of the building with fire-resisting construction;
  - (b) installation of suitable automatic fire suppression systems.
- (4) The building shall be designed and constructed so that the unseen spread of fire and smoke within concealed spaces in its structure and fabric is inhibited.
- (5) Rule E3(3) does not apply to material alterations to any prison or other place of legal internment.

**E4 External fire spread**

- (1) The external walls of the building shall adequately resist the spread of fire over the walls and from one building to another, having regard to the height, use and position of the building.

(2) The roof of the building shall adequately resist the spread of fire over the roof and from one building to another, having regard to the use and position of the building.

**E5 Access and facilities for the fire and rescue service**

(1) The building shall be designed and constructed so as to provide reasonable facilities to assist firefighters in the protection of life.

(2) Reasonable provision shall be made within the site of the building to enable fire appliances to gain access to the building.”.

(10) In Part H–

(a) In rule H1(2)(b), substitute “Appendix D in the Approved Document for Part E” for “the Table to Rule E2”; and

(b) In rule H1(2)(c), substitute “Appendix D in the Approved Document to Part E” for “rule E2”.

(11) In the Table to Rule H3 in column (1)–

(a) substitute “A. Width of stairway (subject to the functional requirement E1 of Part E)” for “A. Width of stairway (subject to the provisions of Section II of Part E)”; and

(b) substitute “H. Going of landings (subject to the functional requirement E1 of Part E)” for “H. Going of landings (subject to the provisions of Section II of part E)”.

(12) In the Table to Rule H4–

(a) in column (1), substitute “A. Width of ramp (subject to the provisions of functional requirement E1 in Part E)” for “A. Width of ramp (subject to the provisions of Section II of Part E)”; and

(b) in column (1), substitute “C. Going of landings (subject to the provisions of functional requirement E1 in Part E)” for “C. Going of landings (subject to the provisions of Section 11 of Part E)”.

(13) In Part J, rule J1(2)(a), substitute “if it were a compartment wall or compartment floor as described in the Approved Document for Part E, having fire resistance of one hour or such fire resistance as is specifically

recommended for the building or part of the building, within the aforementioned Approved Document (whichever is greater)” for “ir it were a compartment wall or compartment floor within the meaning of Section 1 of Part E having fire resistance of one hour or such fire resistance as is required by rule E5 (whichever is the greater)”.

(14) In Schedule 1, Table 1, delete every entry that references Part E.

(15) In Schedule 2, in the Table to Rule A5(2)(a), Part A–

(a) substitute the following for the contents of Class 1.(4)–

“Part E and rule K3(3) (unless the building–

(i) has a capacity not exceeding 30 m<sup>3</sup>; and

(ii) is not less than 2 m from any building which is within the same boundaries and is either of purpose group I other than a building described in the notes to Table D1 in the Approved Document for Part E

Part L”;

(b) in Class 5.(4), delete “Part E (subject, where applicable, to rule E18 or E19)”;

(c) in Class 6(4), substitute “Part E (except functional requirement E1)” for “Part E (except rule E15)”;

(d) in Class 7.(1) –

(i) substitute the following for paragraph (iv)–

“(iv) is so situated that no part of it is within the permitted boundary of any building which is of purpose group I (other than a building described in the final note under Table D1 in the Approved Document for Part E), purpose group II or purpose group II and has been or is being erected on land occupied in common with the greenhouse”; and

(ii) substitute “of functional requirement E4 of the Approved document to Part E”; for “of rule E7 in relation to it”; and

(e) substitute the following for the contents of Class 8.(4)–

“Parts C and D (unless the building is a single storey building having a capacity not exceeding 100 m<sup>3</sup>)

Functional requirement E3

Functional requirement E4

Rule K3(3)

Part L”.

(16) In Schedule 3, Rule E.(5), substitute “in accordance with the guidance notes to functional requirement E4 in the Approved Document for Part E” for “in accordance with rule E7”.

(17) In Schedule 7, Part I, 2.(1), substitute–

(a) “COMPARTMENT WALL means a fire-resisting wall used in the separation of one fire compartment from another” for “COMPARTMENT WALL has the meaning assigned by rule E1(1)”; and

(b) “SEPARATING WALL means a wall or part of a wall which is common to two or more adjoining buildings” for “SEPARATING WALL has the meaning assigned by rule E1(1) and includes a wall which is common to adjoining houses”.

(18) In Schedule 8–

(a) delete the heading “Rule E1(5), proviso (a)”; and

(b) substitute “\*MODIFIED ½ HOUR refers to the requirements specified in item 3(b) in Table A1 in the Approved Document for Part E” for “\* MODIFIED 1/2 HOUR refers to the requirements specified in item 10 in Table 1 to rule E1”.

(19) In Schedule 9 delete the heading “Rule E1(6)”.

(20) Delete Schedule 10.

Dated 7th April, 2016.

G H LICUDI Q.C.,  
Minister with responsibility for the Gibraltar Fire and Rescue Services.  
For the Government.

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**EXPLANATORY MEMORANDUM**

These Rules amend the Building Rules 2007 in order to amend Part E and make further consequential amendments that are required as a result.

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