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STATUTORY INSTRUMENTS

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**1994 No. 2020**

**BUILDING AND BUILDINGS**

**The Building (Prescribed Fees) Regulations 1994**

<i>Made</i>	- - - -	<i>1st August 1994</i>
<i>Laid before Parliament</i>		<i>3rd August 1994</i>
<i>Coming into force</i>	- -	<i>1st October 1994</i>

The Secretary of State, in exercise of the powers conferred by sections 1, 16(10), 34, 35, 50(3) of, and paragraphs 1(b), 5 and 10(c) of Schedule 1 to, the Building Act 1984(1), and of all other powers in that behalf, hereby makes the following Regulations:—

**PART I:  
GENERAL**

**Citation and commencement**

1. These Regulations may be cited as the Building (Prescribed Fees) Regulations 1994 and shall come into force on 1st October 1994.

**Interpretation**

2.—(1) In these Regulations, unless the context otherwise requires—

“the Act” means the Building Act 1984;

“the Approved Inspectors Regulations” means the Building (Approved Inspectors etc.) Regulations 1985(2);

“building” has the meaning it has in the Principal Regulations and includes a proposed building;

“building notice” has the meaning it has in the Principal Regulations;

“building notice fee” has the meaning given in regulation 4(c);

“cost” does not include any professional fees paid to an architect, quantity surveyor or any other person;

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(1) 1984 c. 55; see also the definition of “prescribed” in section 126.  
(2) S.I.1985/1066.

“deposited plans” means plans deposited with the local authority in accordance with regulation 13 of the Principal Regulations;

“dwelling” includes a proposed dwelling;

“estimate”, in relation to the cost of carrying out work, means an estimate, accepted by the local authority, of such reasonable amount as would be charged for the carrying out of that work by a person in business to carry out such work, and references to “estimated cost” shall be construed accordingly;

“exempt building” means a building specified in Classes I to VI of Schedule 2 to the Principal Regulations;

“inspection fee” has the meaning given in regulation 4(b);

“plan fee” has the meaning given in regulation 4(a);

“the Principal Regulations” means the Building Regulations 1991(3);

“regularisation fee” has the meaning given in regulation 4(e);

“reversion fee” has the meaning given in regulation 4(d);

“small domestic building” means a building used or intended to be used wholly for the purposes of one or more private dwelling-houses or flats, none of which has a total floor area exceeding 250 square metres, the whole of which building is—

- (a) shown on plans deposited for the purposes of section 16 of the Act; or
- (b) shown on plans accompanying a building notice; or
- (c) shown on plans given to the local authority in accordance with regulation 18 of the Approved Inspectors Regulations,

but does not include a building which has more than three storeys, each basement level being counted as one storey;

“work” means—

- (a) the erection or extension of a building,
- (b) the alteration of a building,
- (c) the installation of a service or fitting;

“work reverting to local authority control” means any work in relation to a building in respect of which plans are required by the local authority in accordance with regulation 18(2)(a)(i) of the Approved Inspectors Regulations, and—

- (a) which has been substantially completed; or
- (b) in relation to which plans for further work are given to the local authority in accordance with regulation 18(3) of the Approved Inspectors Regulations.

(2) In these Regulations—

- (a) the total floor area of a dwelling is the total of the floor areas of all the storeys in it, excluding the floor area of any integral garage or carport; and
- (b) the total floor area of an extension of a dwelling is the total of the floor areas of all the storeys in the extension; and
- (c) the floor area of—
  - (i) any storey of a dwelling or extension; or
  - (ii) a garage or carport,

is the total floor area calculated by reference to the finished internal faces of the walls enclosing the area, or, if at any point there is no enclosing wall, by reference to the outermost edge of the floor.

- (3) In these Regulations, unless the context otherwise requires—
- (a) any reference to a numbered regulation or Schedule is a reference to the regulation or Schedule in these Regulations which bears that number; and
  - (b) any reference in a regulation or a Schedule to a numbered paragraph is a reference to the paragraph which bears that number in that regulation or Schedule.

## PART II:

### FEES CHARGED BY LOCAL AUTHORITIES

#### Prescribed functions

3. The prescribed functions in relation to which local authorities are authorised to charge fees are the following functions—

- (a) the passing or rejection by the local authority, in accordance with section 16 of the Act, of plans of proposed work deposited with them (including plans of work proposed to be carried out by or on behalf of the authority);
- (b) the inspection in connection with the Principal Regulations of work for which such plans have been deposited;
- (c) the inspection in connection with the Principal Regulations of work for which a building notice has been given to the local authority;
- (d) the consideration of plans of work reverting to local authority control, and the inspection of that work; and
- (e) the consideration of an application under regulation 13A of the Principal Regulations (regularisation function).

#### Authority to charge fees

4. Subject to regulations 6 to 10, a local authority are authorised to charge—

- (a) a fee (in these Regulations called “a plan fee”) for or in connection with the performance by them of the function prescribed by regulation 3(a); and
- (b) a fee (in these Regulations called “an inspection fee”) for or in connection with the function prescribed by regulation 3(b);
- (c) a fee (in these Regulations called “a building notice fee”) for or in connection with the function prescribed by regulation 3(c);
- (d) a fee (in these Regulations called “a reversion fee”) for or in connection with the function prescribed by regulation 3(d); and
- (e) a fee (in these Regulations called “a regularisation fee”) for or in connection with the function prescribed by regulation 3(e).

#### Amount of fees

5.—(1) Subject to regulation 6—

- (a) Schedule 1 shall have effect to determine the amount of fees payable in the case of the erection of one or more small domestic buildings and certain connected work specified in that Schedule;
- (b) Schedule 2 shall have effect to determine the amount of fees payable in the case of the erection of certain garages, carports, alterations, extensions and minor works specified in that Schedule;
- (c) Schedule 3 shall have effect to determine the amount of fees payable in any case other than one mentioned in sub-paragraph (a) or (b) above.

(2) The reversion fee payable for work reverting to local authority control is the amount of the building notice fee which would have been payable under these Regulations if a building notice in relation to that work was given in accordance with the Principal Regulations at the time the reversion fee is payable in accordance with regulation 12(6) of these Regulations.

#### **Plan fees where an approved person certifies certain work**

6. Where deposited plans are accompanied by a certificate complying with section 16(9) of the Act, the plan fee payable in respect of those plans shall be reduced—

- (a) in the case of a certificate relating to compliance with Part A (structure) of Schedule 1 to the Principal Regulations, by 15 per cent.,
- (b) in the case of a certificate relating to compliance with Part L (conservation of fuel and power) of that Schedule, by 5 per cent.

#### **Exemption from plan fee**

7. Where a plan fee has been paid and not refunded, a local authority may not charge a further plan fee in respect of plans subsequently deposited for substantially the same work.

#### **Exemption in relation to work for disabled people**

8.—(1) A local authority may not charge any fee where they are satisfied that the whole of the work in question consists of an alteration and—

- (a) is solely for the purpose of providing means of access to enable disabled persons to get into an existing building and to any part of it, or of providing facilities designed to secure the greater health, safety, welfare or convenience of such persons; and
- (b) is to be, or has been, carried out in relation to—
  - (i) an existing building to which members of the public are admitted (whether on payment or otherwise); or
  - (ii) an existing dwelling which is, or is to be, occupied by a disabled person.

(2) A local authority may not charge any fee for work which consists solely of the provision or extension of a room in a dwelling, where they are satisfied—

- (a) that the sole use of the room is or will be—
  - (i) for the carrying out of medical treatment of a disabled person which cannot reasonably be carried out in any other room in the dwelling, or
  - (ii) for the storage of medical equipment for the use of a disabled person, or
- (b) the work is to provide or adapt a necessary facility already existing within the dwelling which is incapable of being used, or used without assistance, by the disabled person.

(3) In this regulation “disabled person” means a person who is within any of the descriptions of persons to whom section 29(1) of the National Assistance Act 1948<sup>(4)</sup> applied, as that section was extended by virtue of section 8(2) of the Mental Health Act 1959<sup>(5)</sup>, but not taking into account amendments made to that section 29(1) by paragraph 11 of Schedule 13 to the Children Act 1989<sup>(6)</sup>.

### **Exemption from plan fee for works in connection with the erection of small domestic buildings**

9.—(1) Subject to paragraph (3), where—

- (a) plans are or have been deposited for the erection of a small domestic building, and
- (b) a plan fee is payable or has been paid in respect of those plans,

a local authority may not charge a plan fee in respect of plans deposited on the same occasion or later for—

- (i) the execution of works or the installation of services or fittings in connection with the erection of that building; or
- (ii) the erection, in connection with the erection of that building, of a building consisting of a garage or carport or both.

(2) Subject to paragraph (3), where—

- (a) plans have been deposited for the execution of works of drainage in connection with the erection of a small domestic building, and
- (b) a plan fee has been paid in respect of those plans,

a local authority may not charge a plan fee in respect of plans deposited later for—

- (i) the erection of that small domestic building; or
- (ii) the execution of works or the installation of services or fittings in connection with the erection of that building; or
- (iii) the erection, in connection with the erection of that building, of a building consisting of a garage or carport or both.

(3) Nothing in paragraphs (1) or (2) shall prevent a local authority from charging a plan fee in respect of plans deposited at any time after completion of the erection of the small domestic building in question.

### **Exemption from plan fee for certain garages, carports, extensions and alterations**

10. Where—

- (a) plans are deposited—
  - (i) for the erection of a building described in entry 1 in the Table in Schedule 2 (certain small garages and carports); or
  - (ii) for the extension or alteration of a building falling within a description in one of entries 4 to 7 in the Table in Schedule 2; and
- (b) a plan fee is payable in respect of those plans,

a local authority may not charge a plan fee in respect of plans deposited on the same occasion for the execution of works or the installation of services or fittings in connection with that erection, extension or alteration.

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(4) 1948 c. 29.  
(5) 1959 c. 72.  
(6) 1989 c. 41.

### **Exemptions from specific fees**

**11.**—(1) A local authority may not charge an inspection fee or a building notice fee for the inspection on any occasion of works of drainage in connection with the erection of a small domestic building.

(2) Only one inspection fee or building notice fee may be charged by a local authority for all relevant work inspected on the same occasion and, where an inspection of any relevant work has been carried out, a local authority may not charge a fee for the inspection on any subsequent occasion of that work or other relevant work.

(3) In paragraph (2) “relevant work” means—

(a) in the case of the erection of a small domestic building—

(i) the erection of that building;

(ii) the execution of works (other than works of drainage) or the installation of services or fittings in connection with the erection of that building; or

(iii) the erection, in connection with the erection of that building, of a garage or carport or both;

(b) in the case of the erection of a building in relation to which the fees are specified in entry 1 in the Table in Schedule 2 (certain small garages and carports)—

(i) the erection of that building; or

(ii) the execution of works or installation of services or fittings in connection with the erection of that building;

(c) in the case of works for which the fees are specified in entries 2 and 3 in the Table in Schedule 2 (minor works), the execution of those works; or

(d) in the case of an alteration or extension to a building in relation to which the fees are specified in entries 4 to 7 in the Table in Schedule 2 (certain domestic extensions and alterations)—

(i) the alteration or extension of that building; or

(ii) the execution of works or installation of services or fittings in connection with that alteration or extension; or

(e) in all other cases, work the cost of which is included in the estimate referred to in regulation 13(2) or work substantially the same as that included in the estimate.

### **Payment of fees**

**12.**—(1) A fee authorised by regulation 4(a) to (c) is payable by the person by whom or on whose behalf the work is to be or is being or has been carried out, and a fee authorised by regulation 4(d) or (e) is payable by the owner of the work or of the building to or in connection with which the work is or is to be carried out.

(2) Any fee authorised by regulation 4 shall be paid together with an amount equal to any value added tax chargeable in respect of that fee, and any reference in this Part of these Regulations, except in regulation 5, to the payment, receipt or refund of a fee is a reference to the payment, receipt or refund, in addition to the fee, of such an amount.

(3) The plan fee is payable on the first occasion on which plans of the work are deposited.

(4) The inspection fee is payable on demand made after the local authority carry out the first inspection in respect of which the fee is payable.

(5) The building notice fee is payable when the building notice is given to the local authority.

(6) The reversion fee is payable—

- (a) for work in relation to a building which has been substantially completed before plans are first given to the local authority in accordance with regulation 18(2)(a)(i) of the Approved Inspectors Regulations, on the first occasion on which those plans are given,
  - (b) for work in relation to a building in respect of which plans for further work are given to the local authority in accordance with regulation 18(3) of the Approved Inspectors Regulations, on the first occasion on which those plans are given.
- (7) The regularisation fee is payable at the time of the application to the local authority in accordance with regulation 13A of the Principal Regulations.
- (8) A local authority may agree, in a particular case, that part of any fee authorised by regulation 4(a) to (d) may be paid by instalments of amounts specified by the local authority, on dates specified by the authority, and where the authority have so agreed, the fee or part of it is to be regarded as due on such date.

### **Estimates to be provided in certain cases**

**13.**—(1) This regulation applies where the amount of any fee is to be determined in accordance with Schedule 3.

(2) Where this regulation applies, the deposited plans or building notice shall be accompanied by the estimate in writing, in relation to each building to which the work relates, of the cost of the work.

(3) In the case of any work reverting to local authority control, any plans relating to that work given to the local authority in accordance with regulation 18 of the Approved Inspectors Regulations shall be accompanied by an estimate in writing of the current cost of that work.

(4) In paragraphs (2) or (3) the work in question is the work in relation to each building—

- (a) which is shown in the plans (or other plans deposited on the same occasion) or described in the building notice; and
- (b) in relation to which a fee of an amount to be determined under Schedule 3 is payable.

(5) The estimates mentioned in paragraphs (2) or (3) shall not include any amount payable by way of value added tax in relation to the carrying out of work to which the estimate relates.

### **Refund of fees**

**14.** Where for any reason a local authority do not give notice of passing or rejection of plans within the relevant period for the purposes of section 16 of the Act, they shall refund any plan fee paid.

### **Effect of failure to pay plan fee or building notice fee**

**15.**—(1) Plans shall not be treated as deposited in accordance with the Principal Regulations for the purposes of section 16 of the Act unless the local authority have received any plan fee payable in respect of those plans and, where regulation 13 applies, that regulation has been complied with.

(2) A building notice shall not be treated as given in accordance with the Principal Regulations unless the local authority have received any building notice fee payable in respect of that notice, and, where regulation 13 applies, that regulation has been complied with.

### **Revocations**

**16.** Subject to regulation 17, the Building (Prescribed Fees etc.) Regulations 1985(7), the Building (Amendment of Prescribed Fees) Regulations 1986(8), the Building (Amendment of

Prescribed Fees) Regulations 1988<sup>(9)</sup>, the Building (Amendment of Prescribed Fees) Regulations 1989<sup>(10)</sup>, the Building (Amendment of Prescribed Fees) Regulations 1990<sup>(11)</sup>, the Building (Prescribed Fees etc.) (Amendment) Regulations 1992<sup>(12)</sup>, and the Building (Amendment of Prescribed Fees) Regulations 1992<sup>(13)</sup> are revoked.

### **Transitional provisions**

17.—(1) The fees authorised by this Part of these Regulations shall not be payable in relation to work in respect of which plans were deposited, a building notice was given, or an initial notice was given before 1st October 1994 notwithstanding that plans for substantially the same work are or have been deposited on a subsequent occasion.

(2) The Regulations revoked by regulation 16 shall continue to apply in relation to work for which plans were first deposited, a building notice was given, or an initial notice was given before 1st October 1994.

## **PART III:**

### **FEEES FOR DETERMINATION OF QUESTIONS BY THE SECRETARY OF STATE**

18.—(1) Where in accordance with section 16(10) of the Act (determination of questions arising under that section) a person has referred a question to the Secretary of State for his determination, that application shall be accompanied by a fee calculated in accordance with paragraph 1 or 2 of Schedule 4.

(2) Where in accordance with section 50(2) of the Act (determination of questions arising between approved inspector and developer) the person proposing to carry out the work has referred a question to the Secretary of State for his determination, his application shall be accompanied by a fee calculated in accordance with paragraph 3 of Schedule 4.

## **PART IV:**

### **CONTRAVENTION OF REGULATIONS NOT TO BE AN OFFENCE**

19. Each of these regulations is designated as a provision to which section 35 of the Act (penalty for contravening building regulations) does not apply.

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(8) S.I. 1986/2287;  
(9) S.I. 1988/871;  
(10) S.I. 1989/1118;  
(11) S.I. 1990/2600;  
(12) S.I. 1992/741;  
(13) S.I. 1992/2079.



Signed by authority of the Secretary of State

1st August 1994

*Robert Jones*  
Parliamentary Under Secretary of State,  
Department of the Environment

## SCHEDULE 1

Regulation 5(1)(a)

### FEES FOR ONE OR MORE SMALL DOMESTIC BUILDINGS AND CONNECTED WORK

#### **Plan fee**

1. Where a plan fee is payable in respect of—
  - (a) the erection of one or more small domestic buildings shown on the deposited plan, or
  - (b) works of drainage in connection with the erection of such a building or buildings, where no plans for the erection of such a building or buildings have yet been deposited (in this Schedule referred to as “connected works”),

the plan fee payable for that building or those buildings or for those works is the total of the sums shown in, or calculated by reference to, columns (2), (3) and (4) of the Table in this Schedule as relevant for the number of dwellings in that building or those buildings.

#### **Inspection fee**

2. The inspection fee payable in respect of the erection of one or more small domestic buildings or connected works is the total of the sums shown in, or calculated by reference to, columns (5) and (6) of the Table in this Schedule.

#### **Building notice fee**

3. The building notice fee payable in respect of the erection of one or more small domestic buildings or connected works is the total of the plan fee and the inspection fee which would be payable in accordance with the Table in this Schedule if plans for the carrying out of that work had been deposited in accordance with the Principal Regulations.

#### **Reversion fee**

4. The reversion fee payable in respect of the erection of one or more small domestic buildings or connected works is the amount of the building notice fee which would be payable under these Regulations if a building notice in relation to the carrying out of that work had been given in accordance with the Principal Regulations at the time the reversion fee is payable.

#### **Regularisation fee**

5. The regularisation fee payable in respect of the erection of one or more small domestic buildings is an amount equal to 120 per cent. of the total of the plan fee and the inspection fee which would be payable in accordance with the Table in this Schedule if plans for the carrying out of that work had been deposited at the time of the application for regularisation in accordance with the Principal Regulations.

#### **Interpretation of the Schedule**

6. For the purposes of the Table—
  - (a) the reference in the heading to column (1) is a reference to the number of dwellings in the building or buildings referred to in sub-paragraph (a) or (b) of paragraph 1, and
  - (b) two or more dwellings are to be regarded as of one type if they are identical in design or so similar that separate consideration of the plans of those dwellings by the local authority is not necessary for the purpose of performing any of their functions under Part I or Part II of the Act.

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<i>Number of dwellings</i>	<i>Plan fee</i>			<i>Inspection fee</i>	
	<i>Basic fee</i>	<i>Additional fee for each dwelling above the minimum number in the band in column (1)</i>	<i>Further fee for each type of dwelling in excess of one</i>	<i>Basic fee</i>	<i>Additional fee for each dwelling above the minimum number in the band in column (1)</i>
<i>£</i>	<i>£</i>	<i>£</i>	<i>£</i>	<i>£</i>	<i>£</i>
<i>(1)</i>	<i>(2)</i>	<i>(3)</i>	<i>(4)</i>	<i>(5)</i>	<i>(6)</i>
1	80	—	—	180	—
2-5	120	40	70	345	165
6-10	270	30	70	990	150
11-20	410	20	70	1715	125
more than 20	600	10	70	2940	100

## SCHEDULE 2

Regulation 5(1)(b)

## FEES FOR CERTAIN SMALL BUILDINGS, EXTENSIONS AND ALTERATIONS

**Calculation of fees**

1. For any work specified in column (1) of the Table below—
  - (a) the plan fee payable is the amount, if any, shown in column (2) of the Table in relation to that work,
  - (b) the inspection fee payable is the amount, if any, shown in column (3) of the Table in relation to that work,
  - (c) the building notice fee payable is the amount shown in column (4) of the Table in relation to that work,
  - (d) the reversion fee payable is the amount shown in column (4) of the Table in relation to that work,
  - (e) the regularisation fee payable is the amount shown in column (5) of the Table in relation to that work.

**Interpretation of Schedule**

2.—(1) Where the work in question comprises or includes the erection of more than one extension to a building used or intended to be used for the purposes of a single private dwelling, the total floor areas of all such extensions may, at the election of the person who intends to carry out works, be aggregated in determining the fee payable in accordance with the Table below.

- (2) In the Table below—
  - (a) a reference to an “extension” is a reference to an extension which has no more than three storeys, each basement level counting as one storey; and

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- (b) a reference to a dwelling is a reference also to a building consisting of a garage or carport or both which is occupied in common with a house or with a building consisting of flats or maisonettes or both.

**TABLE**

**FEEES FOR CERTAIN SMALL BUILDINGS, EXTENSIONS AND ALTERATIONS**

Type of work	Amount of plan fee	Amount of inspection fee	Amount of building notice fee or reversion fee	Amount of regularisation fee
(1)	(2) £	(3) £	(4) £	(5) £
1. Erection of a detached building which consists of a garage or carport or both having a floor area not exceeding 40m <sup>2</sup> in total and intended to be used in common with an existing building, and which is not an exempt building	17	53	70	84
2. Installation of cavity fill insulation in accordance with Part D of Schedule 1 to the Principal Regulations, where installation is not certified to an approved standard or is not installed by an approved installer, or is not part of a larger project	—	50	50	60
3. Installation of an unvented hot water system in accordance	—	50	50	60

Type of work	Amount of plan fee	Amount of inspection fee	Amount of building notice fee or reversion fee	Amount of regularisation fee
(1)	(2) £	(3) £	(4) £	(5) £
with Part G3 of Schedule 1 to the Principal Regulations, where the installation is not part of a larger project and where the authority carry out an inspection				
4. Any extension of a dwelling (not falling within entry 7 below) the total floor area of which does not exceed 6m <sup>2</sup> , including means of access and work in connection with that extension	100	—	100	120
5. Any extension of a dwelling (not falling within entry 7 below) the total floor area of which exceeds 6m <sup>2</sup> but does not exceed 40m <sup>2</sup> , including means of access and work in connection with that extension	60	150	210	252
6. Any extension of a dwelling (not falling within entry 7 below) the total floor area of which	85	220	305	366

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Type of work	Amount of plan fee	Amount of inspection fee	Amount of building notice fee or reversion fee	Amount of regularisation fee
(1)	(2) £	(3) £	(4) £	(5) £
exceeds 40m <sup>2</sup> but does not exceed 60m <sup>2</sup> , including means of access and work in connection with that extension				
7. Any extension or alteration of a dwelling consisting of the provision of one or more rooms in roof space, including means of access	85	220	305	366

### SCHEDULE 3

Regulation 5(1)(c)

#### WORK OTHER THAN WORK TO WHICH SCHEDULES 1 AND 2 APPLY

##### **Building notice fee and reversion fee**

1. The amount of the building notice fee or reversion fee for any work shall be that shown in the Table to this Schedule in relation to the estimated cost of that work.

##### **Plan fee**

2.—(1) The amount of the plan fee for any work the estimated cost of which is £5,000 or less shall be the amount of the building notice fee which would by virtue of paragraph 1 be payable in respect of that work.

(2) The amount of the plan fee for any work the estimated cost of which is more than £5,000 shall be 25 per cent. of the building notice fee which would by virtue of paragraph 1 be payable in respect of that work.

##### **Inspection fee**

3.—(1) No inspection fee is payable in respect of any work the estimated cost of which is £5,000 or less, notwithstanding that an inspection is carried out.

(2) The amount of the inspection fee for any work the estimated cost of which is more than £5,000 shall be 75 per cent. of the building notice fee which would by virtue of paragraph 1 be payable in respect of that work.

**Regularisation fee**

4. The amount of the regularisation fee for any work shall be 120 per cent. of the building notice fee which would by virtue of paragraph 1 be payable in respect of that work.

**TABLE**  
CALCULATION OF FEES

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Where the estimated cost is £2,000 or less	
the sum of ... ..	£60.00
Where the estimated cost exceeds £2,000 but does not exceed £5,000	
the sum of ... ..	£150.00
Where the estimated cost exceeds £5,000 but does not exceed £20,000	
(a) (a) the sum of ... ..	£150.00
together with	
(b) (b) for every £1,000 (or part thereof) by which the cost exceeds £5,000, the sum of ... ..	£10.00
Where the estimated cost exceeds £20,000 but does not exceed £100,000	
(a) (a) the sum of ... ..	£300.00
together with	
(b) (b) for every £1,000 (or part thereof) by which the cost exceeds £20,000, the sum	£8.00
Where the estimated cost exceeds £100,000 but does not exceed £1,000,000	
(a) (a) the sum of ... ..	£940.00
together with	
(b) (b) for every £1,000 (or part thereof) by which the cost exceeds £100,000, the sum of ... ..	£5.00
Where the estimated cost exceeds £1,000,000 but does not exceed £10,000,000	
(a) (a) the sum of ... ..	£5,440.00
together with	
(b) (b) for every £1,000 (or part thereof) by which the cost exceeds £1,000,000, the sum of ... ..	£3.50
Where the estimated cost exceeds £10,000,000	

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- (a) (a) the sum of ... .. £36,940.00
- together with
- (b) (b) for every £1,000 (or part £3.00 thereof) by which the cost exceeds £10,000,000, the sum of ... ..
- 

## SCHEDULE 4

Regulation 18

### FEES FOR DETERMINATION OF QUESTIONS BY THE SECRETARY OF STATE

#### **Questions about conformity of plans with building regulations**

1. Where an application is made for the determination under section 16(10)(a) of the Act of the question whether plans of proposed work are in conformity with building regulations, the fee payable to the Secretary of State is half the plan fee, taking no account of any reduction in accordance with regulation 6, which is payable in relation to the work shown in the plans (excluding any value added tax payable in respect of that fee), subject to a minimum fee of £50 and a maximum of £500.

#### **Questions about rejection of certified plans**

2. Where an application is made for the determination under section 16(10)(b) of the Act of the question whether the local authority are prohibited by virtue of section 16(9) of the Act (certificates that plans comply with certain regulations) from rejecting plans of proposed work, the fee payable to the Secretary of State is £50.

#### **Questions arising between approved inspectors and developers**

3. Where an application is made for the determination under section 50(2) of the Act of the question whether plans of proposed work are in conformity with building regulations, the fee payable to the Secretary of State is half the plan fee, taking no account of any reduction in accordance with regulation 6, which would have been payable in relation to the work shown in the plans had plans been deposited in accordance with section 16 of the Act (excluding any value added tax payable in respect of that fee), subject to a minimum fee of £50 and a maximum of £500.

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### **EXPLANATORY NOTE**

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

These Regulations revoke and replace the Building (Prescribed Fees etc.) Regulations 1985 and the Regulations amending them. They change the structure of the fees in some respects and increase the existing fees.

The changes introduced in the structure and levels of fees relate fees more closely to the cost of services carried out by local authorities.



The fee levels provided for in the Regulations represent increases over previous fee levels of 10 per cent. in relation to work in Schedule 1 and work in relation to certain small buildings in Schedule 2, and of 50 per cent. for domestic extensions falling within Schedule 2. The weighting of fees in Schedule 3 has been altered mainly to reduce the fees for work costing over £1 million to correct an imbalance between the fees payable and work done by local authorities.

New fees have been introduced for new work by local authorities in considering applications under regulation 13A of the Building Regulations 1991 (regularisation function) for a regularisation certificate in relation to unauthorised work, and for inspection, in certain circumstances, of installation of insulating material in cavity walls and unvented hot water systems.

Regulation 3 prescribes the functions in relation to which local authorities are authorised to charge fees. Regulation 4 authorises local authorities to charge fees in respect of those functions.

Regulation 5 introduces Schedule 1 which has effect to determine the amount of fees payable in the case of the erection of one or more small domestic buildings and certain connected work. It also introduces Schedule 2 which determines the amount of fees payable in the case of the erection of certain garages, carports, alterations, extensions and minor works. Schedule 3 determines the amount of fees in all other cases. Regulation 6 provides for a reduction in the plan fee where certain work is certified in accordance with section 16(9) of the Building Act 1984.

Regulation 7 provides for an exemption from a plan fee where such a fee has already been paid and not refunded in respect of plans subsequently deposited for substantially the same work. There is also an exemption for certain work in relation to disabled people (regulation 8). Regulation 9 provides an exemption from the plan fee for works in connection with the erection of a small domestic building in respect of which a plan fee has already been paid. Regulation 10 provides an exemption from the plan fee for the erection of certain garages, carports, extensions and alterations. Regulation 11 provides that an inspection fee or building notice fee is not to be charged for the inspection of works of drainage in connection with the erection of a small domestic building. It also provides that only one inspection fee or building notice fee may be charged by a local authority for all relevant work inspected on the same occasion. "Relevant work" is defined in the regulation.

Regulation 12 provides for the payment of fees. It makes it clear that any payment in respect of value added tax is required in addition to the fee prescribed. The regulation lays down when the fees are payable. Regulation 12(8) authorises a local authority to agree that a fee may be paid by instalments.

Where a fee is to be determined in accordance with Schedule 3 to the Regulations, regulation 13 provides that the deposited plans or building notice are to be accompanied by a written estimate of the cost of the work.

Regulation 14 provides for the refund of fees where a local authority do not give notice of passing or rejection of plans deposited with them in accordance with regulations 11 and 13 of the Principal Regulations within the relevant period for the purposes of section 16 of the Building Act 1984. Regulation 15 specifies the effect of failure to pay the plan fee or the building notice fee.

Regulation 16 revokes earlier Regulations relating to prescribed fees, and regulation 17 makes transitional provisions.

Regulation 18 introduces Schedule 4 which provides for the determination of fees chargeable by the Secretary of State in relation to functions of his under the Building Act 1984.

Regulation 19 designates each of the regulations as a provision to which section 35 of the Act does not apply. This prevents contravention of any of these regulations from being an offence.