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STATUTORY RULES OF NORTHERN IRELAND

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**1997 No. 482**

**BUILDING REGULATIONS**

**Building (Prescribed Fees) Regulations (Northern Ireland) 1997**

*Made* - - - - - *7 November 1997*

*Coming into operation* *1 January 1998*

The Department of the Environment, in exercise of the powers conferred by Articles 3(1), 5(1) and (2) and 13(2)(e) and (3) of the Building Regulations (Northern Ireland) Order 1979<sup>(1)</sup> and now vested in it<sup>(2)</sup> and of every other power enabling it in that behalf, after consultation with the Building Regulations Advisory Committee and such other bodies as appear to the Department to be representative of the interests concerned, hereby makes the following regulations:—

**Citation and commencement**

1. These regulations may be cited as the Building (Prescribed Fees) Regulations (Northern Ireland) 1997 and shall come into operation on 1 January 1998.

**Interpretation and application**

2.—(1) In these regulations—

BUILDING includes a proposed building;

BUILDING WORK means the erection of a building, the structural alteration (other than the insertion of insulating material in a cavity wall of a building) or extension of a building (including work in connection with the making of a material change of use) or the provision of a service or fitting;

BUILDING NOTICE has the same meaning as in regulation A10 of the principal regulations;

BUILDING NOTICE FEE has the meaning given by regulation 4(c);

ESTIMATE, in relation to the cost of carrying out building work, means a written estimate, accepted by a district council, of such reasonable amounts 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;

INSPECTION FEE has the meaning given by regulation 4(b);

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(1) S.I. 1979/1709 (N.I. 16) as amended by S.I. 1990/1510 (N.I.14)

(2) See S.I. 1982/338 (N.I. 6) Article 5 and Schedule 1, Part II

MATERIAL CHANGE OF USE has the same meaning as in regulation A9(1) of the principal regulations;

PLAN FEE has the meaning given by regulation 4(a);

THE 1979 ORDER means the Building Regulations (Northern Ireland) Order 1979;

THE PRINCIPAL REGULATIONS means the Building Regulations (Northern Ireland) 1994(3);

REGULARISATION FEE has the meaning given in regulation 4(d); and

SMALL DOMESTIC BUILDING means a building used or intended to be used wholly for the purposes of one or more private dwelling-houses, flats, or maisonettes none of which has a total floor area exceeding 250 square metres, but does not include a building which has more than 3 storeys, each basement level being counted as one storey.

(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;
- (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) These regulations shall not apply in relation to a building—

- (a) specified in Part B of Schedule 1 to the principal regulations (Classes of wholly exempted buildings) as in operation before 15th January 1996; or
- (b) specified in Schedule 1 (Classes of exempted buildings) to the principal regulations as in operation on or after that date.

### **Prescribed functions**

3. The prescribed functions in relation to which a district council is hereby authorised to charge fees are the following functions—

- (a) the passing or rejection by a district council, in accordance with Article 13 of the 1979 Order, of plans of proposed building work deposited with it (including plans of work proposed to be carried out by or on behalf of the district council);
- (b) the inspection in connection with the principal regulations of building work for which such plans have been deposited;
- (c) the inspection in connection with the principal regulations of building work for which a building notice has been given to a district council; and
- (d) the consideration of an application under regulation A11A(4) of the principal regulations.

### **Authority to charge fees**

4. Subject to regulations 6 to 10, a district council is hereby authorised to charge a fee—

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(3) S.R. 1994 No. 243 as amended by S.R. 1995 No. 473 and by S.R. 1997 No. 481

(4) Inserted by S.R. 1997 No. 481

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

#### **Amount of fees**

5. Subject to regulations 6 to 10—
- (a) Schedule 1 shall have effect to calculate the amount of fees payable in the case of the erection of one or more small domestic buildings;
  - (b) Schedule 2 shall have effect to calculate the amount of fees payable for certain small buildings, extensions and alterations; and
  - (c) Schedule 3 shall have effect to calculate the amount of fees payable for work other than work mentioned in sub-paragraph (a) or (b).

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

6. Where a plan fee has been paid, a district council shall 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**

7.—(1) A district council shall not charge any fee where it is 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 people 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 people; 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 district council shall not charge any fee for work to a dwelling, which consists solely of the provision or extension of a room, where it is satisfied that —

- (a) the sole use of the room is or will be —
  - (i) for the carrying out of medical treatment to 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 a disabled person.

(3) In this regulation a “disabled person” means a person who has a physical impairment which has a substantial and long term adverse effect on his ability to carry out normal day to day activities.

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

- 8.—(1) Subject to paragraph (2), 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 district council shall 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) Nothing in paragraph (1) shall prevent a district council from charging a plan fee in respect of plans deposited at any time after completion of the erection of the small domestic building referred to in that paragraph.

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

9. Where —
- (a) plans are deposited for —
    - (i) the erection of a building described in entry 1 in the Table in Schedule 2 (certain small garages and carports); or
    - (ii) the extension or alteration of a building falling within a description in entry 3, 4, 5 or 6 in the Table in Schedule 2; and
  - (b) a plan fee is payable in respect of those plans, a district council shall 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.

### **Exemption from inspection fees and building notice fees**

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

- (2) In paragraph (1) “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 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 entry 2 in the Table in Schedule 2 (installation of an unvented hot water storage system) the execution of those works;

- (d) in the case of an alteration or extension to a building in relation to which the fees are specified in entries 3 to 6 in the Table in Schedule 2 (extensions and alterations to certain small domestic buildings)—
  - (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 any other case, work the cost of which is included in the estimate referred to in regulation 12(2) or work substantially the same as that included in the estimate.

### **Payment of fees**

**11.**—(1) A fee charged by a district council pursuant to regulation 4(a) to (d) shall be payable by the person by whom or on whose behalf the work is to be or is being or has been carried out.

(2) The plan fee shall be payable to a district council on the first occasion on which plans of the work are deposited with it.

(3) The building notice fee shall be payable to a district council when the building notice is given to it.

(4) The inspection fee shall be payable to a district council on demand made after it has carried out the first inspection in respect of which the fee is payable.

(5) The regularisation fee shall be payable to a district council at the time of the application to it in accordance with regulation A11A of the principal regulations.

(6) A district council may agree, in a particular case, that part of any fee charged by it pursuant to regulation 4(a) to (d) may be paid by instalments of such amounts and on such dates as it may specify, and where a district council has so agreed, the fee or part of it shall become due on such date.

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

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

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

(3) The estimate mentioned in paragraph (2) 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.

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

**13.**—(1) Plans shall not be treated as deposited in accordance with the principal regulations for the purposes of Article 13 of the 1979 Order unless the district council has received any plan fee payable in respect of those plans and, where regulation 12 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 district council has received any building notice fee payable in respect of that notice, and, where regulation 12 applies, that regulation has been complied with.

(3) An application for a regularisation certificate shall not be treated as given in accordance with the principal regulations unless the district council has received any regularisation fee payable in respect of that application, and, where regulation 12 applies, that regulation has been complied with.

## Revocations

14. Subject to regulation 15, the following regulations are hereby revoked—

- (a) the Building (Prescribed Fees) Regulations (Northern Ireland) 1982~~(5)~~;
- (b) the Building (Prescribed Fees) (Amendment) Regulations (Northern Ireland) 1983~~(6)~~;
- (c) the Building (Prescribed Fees) (Amendment) Regulations (Northern Ireland) 1986~~(7)~~;
- (d) the Building (Prescribed Fees) (Amendment) Regulations (Northern Ireland) 1989~~(8)~~; and
- (e) the Building (Prescribed Fees) (Amendment) Regulations (Northern Ireland) 1993~~(9)~~.

## Transitional provisions

15.—(1) The fees prescribed by these regulations shall not be payable in relation to work in respect of which plans were deposited before 1 January 1998 notwithstanding that plans for substantially the same work are or have been deposited on a subsequent occasion.

(2) The Building (Prescribed Fees) Regulations (Northern Ireland) 1982 shall continue to apply in relation to work for which plans were first deposited before 1 January 1998 as if these regulations had not been made.

Sealed with the Official Seal of the Department of the Environment on 7 November 1997.

L.S.

*T. Pearson*  
Assistant Secretary

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(5) S.R. 1982 No. 392  
(6) S.R. 1983 No. 388  
(7) S.R. 1986 No. 331  
(8) S.R. 1989 No. 420  
(9) S.R. 1993 No. 351

## SCHEDULE 1

Regulation 5(a)

### Fees for one or more small domestic buildings

#### Plan fee

1. Where a plan fee is payable in respect of the erection of one or more small domestic buildings shown on the deposited plans the plan fee payable for that building or those buildings is the total of the sums calculated by reference to Tables 1 and 2.

#### Inspection fee

2. The inspection fee payable in respect of the erection of one or more small domestic buildings is the sum calculated by reference to Table 3.

#### Building notice fee

3. The building notice fee payable in respect of the erection of a dwelling is the total of the plan fee and the inspection fee which would be payable in accordance with Tables 1, 2 and 3 if plans for the carrying out of that work had been deposited in accordance with the principal regulations.

#### Regularisation fee

4. 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 Tables 1, 2 and 3 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

- (a) (a) In Table 1, two or more dwellings shall be regarded as being of one type if they are identical in design or if they are so similar that a separate consideration of plans of those dwellings is not necessary; and
- (b) the reference in the heading to column (1) of Tables 2 and 3 is a reference to the total number of dwellings in the building or buildings.

**Table 1. Dwelling type plan fee**

Number of dwelling plan types (1)	Dwelling type plan fee (2) £
1	75
2	140
3	205
4	270
5	335
6	400
7	465

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Number of dwelling plan types (1)	Dwelling type plan fee (2) £
8	530
9	595
10	660
11	725
12	790
13	855
14	920
15	985
16	1,050
17	1,115
18	1,180
19	1,245
20	1,310
Thereafter for each additional plan type	65

**Table 2. Multiple dwelling additional fee**

Number of dwellings (1)	Additional fee (2) £
1	—
2	40
3	80
4	120
5	160
6	190
7	220
8	250
9	280
10	310
11	330
12	350
13	370
14	390
15	410

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Number of dwellings (1)	Additional fee (2) £
16	430
17	450
18	470
19	490
20	510
Thereafter for each additional dwelling	10

**Table 3. Inspection fee**

Number of dwellings (1)	Inspection fee (2) £
1	175
2	340
3	505
4	670
5	835
6	985
7	1,135
8	1,285
9	1,435
10	1,585
11	1,710
12	1,835
13	1,960
14	2,085
15	2,210
16	2,335
17	2,460
18	2,585
19	2,710
20	2,835
Thereafter for each additional dwelling	100

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## SCHEDULE 2

Regulation 5(b)

### Fees for certain small buildings, extensions and alterations

#### Fees

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

#### Interpretation

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.

(2) In the Table—

- (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
- (b) a dwelling includes a reference to a building consisting of any garage or carport or both which is occupied in common with that dwelling.

#### Table to Schedule 2

##### Fees for certain small buildings, extensions and alterations

Type of work	Amount of plan fee	Amount of inspection fee	Amount of building notice 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	70	—	70	84

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Type of work	Amount of plan fee	Amount of inspection fee	Amount of building notice fee	Amount of regularisation fee
(1)	(2) £	(3) £	(4) £	(5) £
which is not a building specified in Schedule 1 to the principal regulations.				
2. Installation of an unvented hot water storage system in accordance with Regulation P5 of the principal regulations, where the installation is not part of a larger project and where the district council carries out an inspection.	50	—	50	60
3. Any extension of a dwelling (not falling within entry 6) the total floor area of which does not exceed 20m <sup>2</sup> , including means of access and work in connection with that extension.	100	—	100	120
4. Any extension of a dwelling (not falling within entry 6) the total floor area of which exceeds 20m <sup>2</sup> but does not exceed 40m <sup>2</sup> , including means of access and work in connection with that extension.	50	100	150	180

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Type of work	Amount of plan fee	Amount of inspection fee	Amount of building notice fee	Amount of regularisation fee
(1)	(2) £	(3) £	(4) £	(5) £
5. Any extension of a dwelling (not falling within entry 6) the total floor area of which exceeds 40m <sup>2</sup> but does not exceed 60m <sup>2</sup> , including means of access and work in connection with that extension.	60	120	180	216
6. Any extension or alteration of a dwelling consisting of the provision of one or more rooms in the roof space, including means of access.	60	120	180	216

### SCHEDULE 3

Regulation 5(c)

Work other than work to which Schedule 1 or 2 apply

#### Building notice fee

1. The amount of the building notice fee for any work shall be that shown in the Table 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 does not exceed £5,000 shall be the amount shown in the Table in relation to the estimated cost of that work.

(2) The amount of the plan fee for any work the estimated cost of which exceeds £5,000 shall be 25 per cent of the amount shown in the Table in relation to the estimated cost of that work.

#### Inspection fee

3.—(1) No inspection fee is payable in respect of any work the estimated cost of which does not exceed £5,000, notwithstanding that an inspection is carried out.

(2) The amount of the inspection fee for any work the estimated cost of which exceeds £5,000 shall be 75 per cent of the amount shown in the Table in relation to the estimated cost of that work.

**Regularisation fee**

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

**Table to Schedule 3**

**Calculation of fees**

Where the estimated cost does not exceed £2,000 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) the sum of	£150·00
together with	
(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) the sum of	£300·00
together with	
(b) for every £1,000 (or part thereof) by which the cost exceeds £20,000, the sum of	£8·00
Where the estimated cost exceeds £100,000 but does not exceed £1,000,000	
(a) the sum of	£940·00
together with	
(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) the sum of	£5,440·00
together with	
(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	
(a) the sum of	£36,940·00

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together with

(b) for every £1,000 (or part thereof) by which £3·00  
the cost exceeds £10,000,000, the sum of

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## EXPLANATORY NOTE

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

These regulations revoke and replace the Building (Prescribed Fees) Regulations (Northern Ireland) 1982 as amended.

The fee levels provided for in the regulations represent increases over previous fee levels of 20 per cent in relation to work in Schedule 1 and work in relation to certain small buildings in Schedule 2, and of 67 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.

New fees have been introduced for new work by district councils in considering applications under regulation A10 of the Building Regulations (Northern Ireland) 1994 (building notice) for work carried out without the deposit of plans, regulation A11A of the Building Regulations (Northern Ireland) 1994 (regularisation function) for a regularisation certificate in relation to unauthorised work, and for inspection, in certain circumstances, of the installation of unvented hot water storage systems.

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

Regulation 5(a) and Schedule 1 has effect to determine the amount of fees payable in the case of the erection of one or more small domestic buildings. Regulation 5(b) and Schedule 2 determine the amount of fees payable in the case of the erection of certain garages, carports, installations, alterations and extensions. Regulation 5(c) and Schedule 3 determine the amount of fees in all other cases.

Regulation 6 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. Regulation 7 provides for an exemption from fees in relation to certain work for disabled people. Regulation 8 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 9 provides an exemption from the plan fee for the erection of certain garages, carports, extensions and alterations. Regulation 10 provides that only one inspection fee or building notice fee may be charged by a district council for all relevant work inspected on the same occasion. “Relevant work” is defined in the regulation.

Regulation 11 provides for the payment of fees. The regulation sets out the times when the fees are payable. Regulation 11(6) authorises a district council 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 12 provides that the deposited plans or building notice are to be accompanied by a written estimate of the cost of the work (exclusive of value added tax).

Regulation 13 specifies the effect of failure to pay the plan fee or the building notice fee.

Regulation 14 contains revocations and Regulation 15 makes transitional provisions.

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