

EXPLANATORY MEMORANDUM TO

Building (Prescribed Fees) (Amendment) Regulations (Northern Ireland) 2022

2022 No. 70

1. Introduction

- 1.1. This Explanatory Memorandum has been prepared by the Department of Finance to accompany the Statutory Rule (details above) which is laid before the Northern Ireland Assembly.
- 1.2. The Statutory Rule is made under Articles 3(1), 5(1) and 13(2)(e) of the Building Regulations (Northern Ireland) Order 1979 (the Order) and is subject to the negative resolution procedure.

2. Purpose

- 2.1. This Statutory Rule amends the Building (Prescribed Fees) Regulations (Northern Ireland) 1997 (“the Fees Regulations”) . The Regulations are amended as follows:
- 2.2. Fee charges are increased by 35% in two increments for mainly domestic building applications (Schedule 1 &2).
- 2.3. The first increase of 17.5% is effective from 1st April 2022, with the second 17.5 % increase effective from 1st April 2023.

3. Background

- 3.1. The Department of Finance has responsibility for maintaining the Building Regulations in Northern Ireland.
- 3.2. The Building Regulations apply to most building work and are made generally, to ensure the health, safety, welfare and convenience of people in and about buildings, to further the conservation of fuel and power, to protect and enhance the environment and to promote sustainable development. The current Building Regulations came into operation on 31st October 2012 through S.R. 2012 No. 192 and were later amended through S.R. 2012 No. 375, S.R. 2014 No. 44 and S.R. 2016 No. 412.
- 3.3. The Order places a duty on a district council to “enforce building regulations in its district” (article 10(1)) and provides for a district council to issue a completion certificate to the effect that as “as so far as the council has been able to ascertain after taking all reasonable steps in that behalf, (that) the requirements of building regulations as to matters of any prescribed description are satisfied in any particular case” (article 13 (2)(c)).
- 3.4. The Order also authorises “district councils to charge prescribed fees for or in connection with the performance of prescribed functions of theirs relating to building regulations”.
- 3.5. The Fees Regulations sets out the prescribed functions for which a district council may charge a fee in relation to applications for building regulations approvals for the construction, renovation or alteration of

buildings. The regulations also set the level of fee that may be charged for each function. Other activities undertaken by Building Control (including other building regulations activities) are rate borne.

- 3.6. Prescribed fees were first introduced for building regulations in Northern Ireland in 1982. Before the introduction of fees, the cost of the Building Control function in district councils was borne by ratepayer.

4. Consultation

- 4.1. A public consultation was carried out from 28 September 2012 to 23 November 2012. A total of 351 notifications of the proposals were issued, and 16 responses were received, mainly from district councils or related bodies. Respondents were supportive of the proposals.
- 4.2. The Northern Ireland Building Regulations Advisory Committee (NIBRAC) has been consulted and are supportive of the proposals.
- 4.3. As an outcome of the consultation both sets of charges and the coming into effect dates for the two phases of fee amendments for Schedules 1 and 2 are included in this Statutory Rule.

5. Equality Impact

- 5.1. The regulations have been screened out of the Equality Impact Programme as they apply to everyone across the board, irrespective of Section 75 status. Exemptions in the Fees Regulations continue to apply.

6. Regulatory Impact

- 6.1. A Regulatory Impact Assessment has been completed.

7. Financial Implications

- 7.1. Financial implications are set out in the final Regulatory Impact assessment that is published on the Department's website. The change of fees applies to those involved in the building or renovating of new or existing buildings for the domestic housing market.

8. Section 24 of the Northern Ireland Act 1998

- 8.1. It is the view of the Department that the amended Regulations are compatible with section 24 of the Northern Ireland Act 1998.

9. EU Implications

- 9.1. Not applicable.

10. Parity or Replicatory Measure

- 10.1. Not applicable.

11. Additional Information

- 11.1. Not applicable.