
STATUTORY INSTRUMENTS

1995 No. 1572 (S.112)

BUILDING AND BUILDINGS

**The Building (Procedure) (Scotland)
Amendment Regulations 1995**

<i>Made</i>	- - - -	<i>19th June 1995</i>
<i>Laid before Parliament</i>		<i>30th June 1995</i>
<i>Coming into force</i>	- -	<i>24th July 1995</i>

The Secretary of State, in exercise of the powers conferred on him by sections 2(4), 4(8), 4A, 6(2) and (3A), 6A(7), 6B(3), 20, 24(1)(b) and 29(1) of, and Schedule 3 to, the Building (Scotland) Act 1959(1) and of all other powers enabling him in that behalf, hereby makes the following Regulations:

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Building (Procedure) (Scotland) Amendment Regulations 1995 and shall come into force on 24th July 1995.

(2) In these Regulations “the principal Regulations” means the Building (Procedure) (Scotland) Regulations 1981(2).

Amendment of principal Regulations

2. The principal Regulations shall be amended as follows:—

(a) in paragraph 1 of regulation 3 (Interpretation) for the definition of “Technical Standards” there shall be substituted—

““Technical Standards” means the Technical Standards for compliance with the Building Standards (Scotland) Regulations 1990(3) issued by the Scottish Office in October 1990 as amended by the substitute pages issued by the Scottish Office in and dated July 1993 and June 1994”(4);

(1) 1959 c. 24; section 2(4) was substituted by Local Government (Scotland) Act 1973 (c. 65), Schedule 15, paragraph 3; section 4 was substituted and section 4A was added by the Building (Scotland) Act 1970 (c. 38), section 2; section 6(2) was amended by the Building (Scotland) Act 1970, Schedule 1, Part I, paragraph 1(a); section 6(3A) was added by the Health and Safety at Work etc. Act 1974 (c. 37), Schedule 7, paragraph 4(a); sections 6A and 6B were added by the Building (Scotland) Act 1970, section 4; section 20 was substituted by the Housing (Scotland) Act 1986 (c. 65), section 19(6); section 29(1) contains a definition of “prescribed” relevant to the exercise of the statutory powers under which these Regulations are made.

(2) S.I. 1981/1499; relevant amending instruments are S.I. 1987/1232, 1991/159 and 1991/1528.

(3) S.I. 1990/2179.

(4) These amendments to the Technical Standards were given effect to by S.I. 1993/1457 and S.I. 1994/1266.

- (b) at the end of regulation 7 (Fees) there shall be added—
- “(2A) The estimated cost referred to in Schedule 2 shall not include any amount in respect of value added tax in relation to the carrying out of work to which the estimate relates.”; and
- (c) for paragraph (b) of regulation 51 (Notices regarding operations) there shall be substituted—
- “in the case of a drain which is ready to be tested for the purposes of the deemed to satisfy provisions in the Technical Standards applicable to paragraphs M2.1 and M2.2 of those Standards, that the drain had been laid and is ready for test, and”.

Increase in local authority fees

3.—(1) With effect from 24th July 1995, for Schedule 2 to the principal Regulations there shall be substituted the Schedule set out in Schedule 1 to these Regulations.

(2) With effect from 24th July 1996, for Schedule 2 to the principal Regulations as substituted in accordance with paragraph (1) above, there shall be substituted the Schedule set out in Schedule 2 to these Regulations.

Revocation and transitional provision

4.—(1) The Building (Procedure) (Scotland) Amendment (No.2) Regulations 1991(5) are hereby revoked.

(2) Regulation 2(c) above shall not apply in relation to operations in pursuance of a warrant granted before 24th July 1995, including a warrant granted before that date and subsequently extended or amended.

St Andrew’s House,
Edinburgh
19th June 1995

James Douglas-Hamilton
Parliamentary Under Secretary of State, Scottish
Office

SCHEDULE 1

Regulation 3(1)

SCHEDULE SUBSTITUTED FOR SCHEDULE 2 WITH EFFECT FROM 24TH JULY 1995

“SCHEDULE 2

Regulation 7

TABLE OF FEES

	£
1. Application for warrant (including issue of warrant) for erection, alteration, extension or demolition of a building (whether or not combined with application for warrant for change of use)—	
(i) where the estimated cost of the operations does not exceed £2,000	40
(ii) where the estimated cost of the operations exceeds £2,000 but does not exceed £10,000—	
(a) the sum of	40
plus	10
(b) for every £500 or part thereof exceeding £2,000	
(iii) where the estimated cost of the operations exceeds £10,000 but does not exceed £20,000—	
(a) the sum of	200
plus	12
(b) for every £1,000 or part thereof exceeding £10,000	
(iv) where the estimated cost of the operations exceeds £20,000 but does not exceed £100,000—	
(a) the sum of	320
plus	24
(b) for every £5,000 or part thereof exceeding £20,000	
(v) where the estimated cost of the operations exceeds £100,000 but does not exceed £500,000—	
(a) the sum of	704
plus	180
(b) for every £50,000 or part thereof exceeding £100,000	

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	£
(vi) where the estimated cost of the operations exceeds £500,000 but does not exceed £1,000,000—	
(a) the sum of	2,144
plus	240
(b) for every £100,000 or part thereof exceeding £500,000	
(vii) where the estimated cost of the operations exceeds £1,000,000—	
(a) the sum of	3,344
(b) for every £200,000 or part thereof exceeding £1,000,000	360
2. Application for warrant (including issue of warrant) for change of use only	25
3. Application for amendment of warrant—	
(a) for additional operations where the estimated cost of these falls within any of the sub-paragraphs detailed in paragraph 1 of this Schedule—	25
fee in accordance with appropriate sub-paragraph of paragraph 1 hereof	
(b) where no additional operations are involved	
4. Application for extension of a period of a warrant.	25”.

SCHEDULE 2

Regulation 3(1)

SCHEDULE SUBSTITUTED FOR SCHEDULE 2 WITH EFFECT FROM 24TH JULY 1995

“SCHEDULE 2

Regulation 7

TABLE OF FEES

	£
1. Application for warrant (including issue of warrant) for erection, alteration, extension or demolition of a building (whether or not combined with application for warrant for change of use)—	
(i) where the estimated cost of the operations does not exceed £3,000	70

	£
(ii) where the estimated cost of the operations exceeds £3,000 but does not exceed £10,000—	
(a) the sum of	70
plus	12
(b) for every £500 or part thereof exceeding £3,000	
(iii) where the estimated cost of the operations exceeds £10,000 but does not exceed £20,000—	
(a) the sum of	238
plus	14
(b) for every £1,000 or part thereof exceeding £10,000	
(iv) where the estimated cost of the operations exceeds £20,000 but does not exceed £100,000—	
(a) the sum of	378
plus	28
(b) for every £5,000 or part thereof exceeding £20,000	
(v) where the estimated cost of the operations exceeds £100,000 but does not exceed £500,000—	
(a) the sum of	826
plus	205
(b) for every £50,000 or part thereof exceeding £100,000	
(vi) where the estimated cost of the operations exceeds £500,000 but does not exceed £1,000,000—	
(a) the sum of	2,466
plus	275
(b) for every £100,000 or part thereof exceeding £500,000	
(vii) where the estimated cost of the operations exceeds £1,000,000—	
(a) the sum of	3,841
(b) for every £200,000 or part thereof exceeding £1,000,000	410

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	£
2. Application for warrant (including issue of warrant) for change of use only	30
3. Application for amendment of warrant—	
(a) for additional operations where the estimated cost of these falls within any of the sub-paragraphs detailed in paragraph 1 of this Schedule—	30
fee in accordance with appropriate sub-paragraph of paragraph 1 hereof	
(b) where no additional operations are involved	
4. Application for extension of a period of a warrant.	30”

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations further amend the Building (Procedure) (Scotland) Regulations 1981 to:

- (a) increase building control fees. This is done in 2 stages with effect from 24th July 1995 and 24th July 1996, by an average of 20% and 15% respectively. The lowest operations cost threshold has been increased to £2,000 from 24th July 1995 and to £3,000 from 24th July 1996. The regulations also make it clear that the estimated cost on which fees are calculated should not include an element for the VAT which may be payable when the works are carried out; and
- (b) make other minor amendments to reflect recent changes in the building standards regulations.