

## STATUTORY INSTRUMENTS

# 2010 No. 404

## The Building (Local Authority Charges) Regulations 2010

### Refunds and supplementary charges

**11.**—(1) Where, for any reason other than that mentioned in paragraph (2), a local authority do not give notice of passing or rejection of plans within the period required by section 16 of the Act<sup>[F1]</sup> or do not give notice of the granting or rejection of an application for building control approval within the period required under the Principal Regulations], they shall refund any plan charge paid.

(2) The reason mentioned in this paragraph is the failure by the person by whom or on whose behalf the plans were deposited <sup>[F2]</sup> or an application for building control approval was made] to supply the authority with information requested of the person by the authority a reasonable time before the date on which they reasonably required the information in order to comply with section 16 of the Act <sup>[F3]</sup> or the Principal Regulations].

(3) Where, in relation to the determination of a charge under regulation 7—

- (a) the amount of work required of an officer of a local authority is less than that which was estimated, and
- (b) payment has been made of the charge as determined under the charging scheme,

the authority shall, subject to paragraph (5), make a refund of an amount equal to the charge attributable to work that was not required.

(4) Where, in relation to a determination of a charge made under regulation 7—

- (a) the amount of work required of an officer of a local authority is more than that which was estimated, and
- (b) payment has been made only of the charge determined under the charging scheme,

the authority may, subject to paragraph (5), raise a supplementary charge in respect of the additional work.

(5) A local authority may disregard one hour of an officer's time in calculating the amount of the refund or, as the case may be, the supplementary charge.

(6) In respect of plans which are deposited with a local authority under section 16 of the Act <sup>[F4]</sup> or an application for building control approval which is made to a local authority under the Principal Regulations], the plan charge and inspection charge may be aggregated for the purpose of calculating any refund or supplementary charge.

(7) Any payment of a refund or request for a supplementary charge shall be accompanied by a statement setting out the basis for the refund or supplementary charge and, in the case of the latter, a calculation of that charge.

### Textual Amendments

- F1** Words in [reg. 11\(1\)](#) inserted (1.10.2023) by [The Building Regulations etc. \(Amendment\) \(England\) Regulations 2023 \(S.I. 2023/911\)](#), [regs. 1\(2\)](#), [18\(5\)\(a\)](#) (with [regs. 22-24](#))
- F2** Words in [reg. 11\(2\)](#) inserted (1.10.2023) by [The Building Regulations etc. \(Amendment\) \(England\) Regulations 2023 \(S.I. 2023/911\)](#), [regs. 1\(2\)](#), [18\(5\)\(b\)\(i\)](#) (with [regs. 22-24](#))

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**Changes to legislation:** There are currently no known outstanding effects for the The Building  
(Local Authority Charges) Regulations 2010, Section 11. (See end of Document for details)

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- F3** Words in [reg. 11\(2\)](#) inserted (1.10.2023) by [The Building Regulations etc. \(Amendment\) \(England\) Regulations 2023 \(S.I. 2023/911\)](#), [regs. 1\(2\)](#), [18\(5\)\(b\)\(ii\)](#) (with [regs. 22-24](#))
- F4** Words in [reg. 11\(6\)](#) inserted (1.10.2023) by [The Building Regulations etc. \(Amendment\) \(England\) Regulations 2023 \(S.I. 2023/911\)](#), [regs. 1\(2\)](#), [18\(5\)\(c\)](#) (with [regs. 22-24](#))
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**Commencement Information**

- I1** [Reg. 11](#) in force at 1.4.2010, see [reg. 1](#)

**Changes to legislation:**

There are currently no known outstanding effects for the The Building (Local Authority Charges) Regulations 2010, Section 11.