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STATUTORY INSTRUMENTS

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**2010 No. 404**

**The Building (Local Authority Charges) Regulations 2010**

**Principles of charging scheme: calculating charges**

7.—(1) A local authority shall determine the charges referred to in their charging scheme by reference to the costs of providing services in relation to particular building work or building work of particular descriptions, having regard in doing so to the overriding objective in regulation 6(3).

(2) The costs of providing the services shall be calculated using—

- (a) the hourly rate at which the time of their officers will be charged, and
- (b) such of the factors listed in paragraph (5) as will be taken into account in estimating the time required by their officers for performing a chargeable function or providing chargeable advice.

(3) Where the local authority consider it necessary to engage and incur the costs of a consultant to provide specialist advice or services in relation to a particular aspect of building work those costs shall also be included in the determination referred to in paragraph (1).

(4) The hourly rate determined for the purposes of paragraph (2)(a) shall be stated in the charging scheme.

(5) The factors to be taken into account as mentioned in paragraph (2)(b) are such of the following factors as may be applicable in the particular case—

- (a) the existing use of a building, or the proposed use of the building after completion of the building work;
- (b) the different kinds of building work described in regulation 3(1)(a) to (i)(1) of the Principal Regulations;
- (c) the floor area of the building or extension;
- (d) the nature of the design of the building work and whether innovative or high risk construction techniques are to be used;
- (e) the estimated duration of the building work and the anticipated number of inspections to be carried out;
- (f) the estimated cost of the building work;
- (g) whether a person who intends to carry out part of the building work is a person mentioned in regulation [<sup>F1</sup>12(6) or 43(4)] of the Principal Regulations in respect of that part of the work;
- (h) whether in respect of the building work a notification will be made in accordance with regulation [<sup>F2</sup>41(4)] of the Principal Regulations;
- (i) whether an application or building notice is in respect of two or more buildings or building works all of which are substantially the same as each other;

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(1) See footnote (d) to regulation 2 for amendments to regulation 3 of the Principal Regulations.

- (j) whether an application or building notice is in respect of building work which is substantially the same as building work in respect of which plans have previously been deposited or building works inspected by the same local authority;
- [<sup>F3</sup>(ja) whether an application or building notice in relation to building work is in respect of building work which is substantially the same as building work in respect of which an application for building control approval has been granted or building works inspected by the same local authority;]
- (k) whether chargeable advice has been given which is likely to result in less time being taken by the local authority to perform the chargeable function;
- (l) whether it is necessary to engage and incur the costs of a consultant to provide specialist advice or services in relation to a particular aspect of the building work.
- (6) A local authority shall publish in their charging scheme—
- (a) any standard charges determined by the authority in relation to particular building work or building work of particular descriptions, and
  - (b) such of the factors listed in paragraph (5) as they have taken into account in determining the standard charges.
- (7) Where a local authority determine a charge (other than a standard charge) the authority shall give to the relevant person notice in writing specifying—
- (a) the amount of the charge, and
  - (b) the factors in paragraph (5), which the authority have taken into account in determining the charge.
- (8) Where in relation to a request from a relevant person, one or more standard charges would apply to the building work in question the local authority may, with the agreement of that person, determine the charge otherwise than by applying the standard charge or (in the case of two or more standard charges) aggregating the amounts of the standard charges; and if they do so, shall give to that person notice in writing specifying—
- (a) the amount of the charge, and
  - (b) the factors in paragraph (5) which the authority have taken into account in determining the charge.
- (9) For the purpose of paragraph (5)(c)—
- (a) the floor area of a building or extension 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;
  - (b) the total floor area of any building is the total of the floor area of all the storeys which comprise that building; and
  - (c) the total floor area of an extension is the total floor areas of all the storeys in the extension.
- (10) In this regulation—
- “estimated cost” means the amount accepted by the local authority as that which a person engaged in the business of carrying out building work would reasonably charge for carrying out the work in question, excluding value added tax and professional fees.

#### Textual Amendments

- F1** Words in [reg. 7\(5\)\(g\)](#) substituted (1.10.2010) by [The Building Regulations 2010 \(S.I. 2010/2214\)](#), [reg. 1](#), [Sch. 6 para. 1\(c\)\(i\)](#) (with [reg. 9](#))
- F2** Word in [reg. 7\(5\)\(h\)](#) substituted (1.10.2010) by [The Building Regulations 2010 \(S.I. 2010/2214\)](#), [reg. 1](#), [Sch. 6 para. 1\(c\)\(ii\)](#) (with [reg. 9](#))

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**Changes to legislation:** There are currently no known outstanding effects for the The Building (Local Authority Charges) Regulations 2010, Section 7. (See end of Document for details)

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**F3** Reg. 7(5)(ja) inserted (1.10.2023) by The Building Regulations etc. (Amendment) (England) Regulations 2023 (S.I. 2023/911), regs. 1(2), **18(3)** (with regs. 22-24)

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**Commencement Information**

**I1** Reg. 7 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 7.