

2013 No. 60

BUILDING REGULATIONS

Building (Prescribed Fees) (Amendment) Regulations (Northern Ireland) 2013

Made - - - - *11th March 2013*

Coming into operation - *8th April 2013*

The Department of Finance and Personnel, in exercise of the powers conferred by Articles 3(1), 5(1), (2) and (3), 8(3) and 13(2)(e) and (3) of the Building Regulations (Northern Ireland) Order 1979(a) and now vested in it(b), and after consultation with the Building Regulations Advisory Committee and such other bodies as appear to the Department to be representative of the interests concerned(c) makes the following regulations:

Citation and commencement

1. These regulations may be cited as the Building (Prescribed Fees) (Amendment) Regulations (Northern Ireland) 2013 and shall come into operation on 8th April 2013.

Interpretation

2. In these regulations “the 1997 Regulations” means the Building (Prescribed Fees) Regulations (Northern Ireland) 1997(d).

Amendment to the 1997 Regulations

3. The 1997 Regulations shall be amended as provided in regulations 4 to 13.

Amendment to Regulation 2 (Interpretation and application)

4.—(1) Regulation 2(1) of the 1997 Regulations is amended as follows—

- (a) in the definition “BUILDING NOTICE” for “regulation A10” substitute “regulation 9”;
- (b) in the definition “MATERIAL CHANGE OF USE” for “regulation A9(1)” substitute “regulation 8(1)”;
- (c) in the definition “THE PRINCIPAL REGULATIONS” for “1994” substitute “2012”(e);
- (d) after the definition “THE PRINCIPAL REGULATIONS” insert—

(a) S.I. 1979/1709 (N.I. 16) Article 5(1) as amended by S.I. 1990/1510 (N.I. 14), Article 38(1) and Schedule 1, Part II and 2009 c.4

(b) See S.R. 1999 No. 481 Article 6 and Schedule 4, Part II

(c) S.I. 1979/1709 (N.I. 16) Article 5(4)

(d) S.R. 1997 No. 482

(e) S.R. 2012 No. 192 as amended by S.R. 2012 No. 375

““PROCESSING COUNCIL” has the same meaning as in regulation 2 of the principal regulations;”;

(e) after the definition “REGULARISATION FEE” delete “and”; and

(f) after the definition “SMALL DOMESTIC BUILDING” for “.” substitute “; and

“TYPE APPROVAL FEE” has the meaning given by regulation 4(e).”.

(2) For regulation 2(3) substitute—

“(3) These regulations shall not apply in relation to a building—

(a) specified in Part B of Schedule 1 to the Building Regulations (Northern Ireland) 1994^(a) (Classes of wholly exempted buildings) as in operation before 15th January 1996;

(b) specified in Schedule 1 (Classes of exempted buildings) to the Building Regulations (Northern Ireland) 1994 as in operation on or after 15th January 1996;

(c) specified in Schedule 1 (Classes of exempted buildings) to the Building Regulations (Northern Ireland) 2000^(b) as in operation on or after 1st April 2001; or

(d) specified in Schedule 2 (Classes of exempted buildings) to the principal regulations as in operation on or after 31st October 2012.”.

Amendment to Regulation 3 (Prescribed functions)

5. Regulation 3 of the 1997 Regulations is amended as follows—

(a) in regulation 3(c) delete “and”;

(b) in regulation 3(d)—

(i) for “A11A” substitute “13”; and

(ii) for “.” substitute “; and”; and

(c) after regulation 3(d) insert—

“(e) the consideration of an application under regulation 11 of the principal regulations. ”.

Amendment to Regulation 4 (Authority to charge fees)

6. Regulation 4 of the 1997 Regulations is amended as follows—

(a) in regulation 4(c) delete “and”;

(b) in regulation 4(d) for “.” substitute “; and”; and

(c) after regulation 4(d) insert—

“(e) for or in connection with the performance by it of the function prescribed by regulation 3(e) (in these regulations called a “type approval fee”).”.

Amendment to Regulation 5 (Amount of fees)

7. For regulation 5(a) of the 1997 Regulations substitute—

“(a) Schedule 1 shall have effect to calculate the amount of fees payable in the case of—

(i) an application for type approval; and

(ii) the erection of one or more small domestic buildings.”

(a) S.R. 1994 No. 243, as amended by S.R. 1995 No. 473, S.R. 1997 No. 481 and S.R. 1998 No. 453

(b) S.R. 2000 No. 389 as amended by S.R. 2006 Nos. 355 and 425

Amendment to Regulation 10 (Exemption from inspection fees and building notice fees)

8. Regulation 10 of the 1997 Regulations is amended as follows—

- (a) in regulation 10(2)(d)(ii) after “;” delete “or”; and
- (b) for regulation 10(2)(e) substitute—
 - “(e) in the case of works which are specified in entries 7 to 9 in the Table in Schedule 2 (provision or installation of certain fixed building services) the execution of those works; or
 - (f) 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.”.

Amendment to Regulation 11 (Payment of fees)

9. Regulation 11 of the 1997 Regulations is amended as follows—

- (a) in regulation 11(1) for “4(a) to (d)” substitute “4(a) to (e)”;
- (b) in regulation 11(5) for “A11A” substitute “13”; and
- (c) after regulation 11(6) insert—
 - “(7) The type approval fee shall be payable to the processing council at the time of application to it in accordance with regulation 11 of the principal regulations.”.

Amendment to Regulation 13 (Effect of failure to pay plan fee, building notice fee or regularisation fee)

10. Regulation 13 of the 1997 Regulations is amended as follows—

- (a) for heading “**Effect of failure to pay plan fee, building notice fee or regularisation fee**” substitute “**Effect of failure to pay fees**”; and
- (b) for regulation 13(3) substitute—
 - “(3) A district council may not issue a completion certificate in accordance with regulation 14 of the principal regulations until such time as—
 - (a) the prescribed inspection fee has been paid in full in accordance with regulation 11(4); or
 - (b) where regulation 11(6) applies, the final instalment of the inspection fee has been paid on the date specified.
 - (4) 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.
 - (5) An application for a type approval certificate shall not be treated as given in accordance with the principal regulations unless the processing council has received any type approval fee payable in respect of that application.”.

Amendment to Regulation 15 (Transitional provisions)

11. Regulation 15 is amended as follows—

- (a) in regulation 15(1) for “1 January 1998” substitute “8th April 2013”;
- (b) in regulation 15(2) for “1982” substitute “1997” and for “1 January 1998” substitute “8th April 2013”; and
- (c) after regulation 15(2) insert—
“(3) The Building (Prescribed Fees) Regulations (Northern Ireland) 1982 shall continue to apply in relation to work for which plans were first deposited before 1st January 1998 as if the Building (Prescribed Fees) Regulations (Northern Ireland) 1997 had not been made.”.

Amendment of Schedule 1 (Fees for one or more small domestic buildings)

12. For Schedule 1 to the 1997 Regulations substitute the Schedule set out in Schedule 1.

Amendment of Schedule 2 (Fees for certain small buildings, extensions and alterations)

13. For Schedule 2 to the 1997 Regulations substitute the Schedule set out in Schedule 2.

Sealed with the Official Seal of the Department of Finance and Personnel on 11th March 2013



Philip Irwin
A senior officer of the
Department of Finance and Personnel

SCHEDULE 1

Regulation 12

Fees for one or more small domestic buildings

Type approval fee

1. The fee payable in respect of an application for a type approval for one or more dwelling types shall be 300% of the sums calculated by reference to Table 1.

Plan fee

2.—(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; or

(2) Where a plan fee is payable in respect of the erection of a dwelling or dwellings shown on the deposited plans and for which a type approval certificate has been given the plan fee payable for that dwelling or dwellings is 50% of the total of the sums calculated by reference to Tables 1 and 2.

Inspection fee

3. 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.

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

5.—(1) 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 the plans of those dwellings is not necessary.

(2) 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 to Schedule 1 — Regulation 12**Dwelling type plan fee**

| Number of dwelling plan types (1) | Dwelling type plan fee (2) £ |
|---|------------------------------------|
| 1 | 90 |
| 2 | 168 |
| 3 | 246 |
| 4 | 324 |
| 5 | 402 |
| 6 | 480 |
| 7 | 558 |
| 8 | 636 |
| 9 | 714 |
| 10 | 792 |
| 11 | 867 |
| 12 | 942 |
| 13 | 1,017 |
| 14 | 1,092 |
| 15 | 1,167 |
| 16 | 1,242 |
| 17 | 1,317 |
| 18 | 1,392 |
| 19 | 1,467 |
| 20 | 1,542 |
| Thereafter for each additional plan type | 70 |

Table 2 to Schedule 1 — Regulation 12

Multiple dwelling additional fee

| Number of dwellings (1) | Additional fee (2) £ |
|--|----------------------------|
| 1 | - |
| 2 | 48 |
| 3 | 96 |
| 4 | 144 |
| 5 | 192 |
| 6 | 228 |
| 7 | 264 |
| 8 | 300 |
| 9 | 336 |
| 10 | 372 |
| 11 | 394 |
| 12 | 416 |
| 13 | 438 |
| 14 | 460 |
| 15 | 482 |
| 16 | 502 |
| 17 | 522 |
| 18 | 542 |
| 19 | 562 |
| 20 | 582 |
| Thereafter for each additional dwelling | 12 |

Table 3 to Schedule 1 — Regulation 12**Inspection fee**

| Number of dwellings (1) | Inspection fee (2) £ |
|--|----------------------------|
| 1 | 210 |
| 2 | 408 |
| 3 | 606 |
| 4 | 804 |
| 5 | 1,002 |
| 6 | 1,177 |
| 7 | 1,352 |
| 8 | 1,527 |
| 9 | 1,702 |
| 10 | 1,877 |
| 11 | 2,017 |
| 12 | 2,157 |
| 13 | 2,297 |
| 14 | 2,437 |
| 15 | 2,577 |
| 16 | 2,687 |
| 17 | 2,797 |
| 18 | 2,907 |
| 19 | 3,017 |
| 20 | 3,127 |
| Thereafter for each additional dwelling | 110 |

SCHEDULE 2

Regulation 13

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.

3. Where the work in question comprises any combination of “Type of work” identified in column (1) items 2, 7 or 8 of the Table and where the installation is not part of a larger project only one plan fee, building notice fee or regularisation fee shall be payable. If the combination of “Type of Work” does not include work identified in column (1) item 8 the amount payable shall be the relevant amount shown in columns (2), (4) or (5) of item 7 otherwise the amount payable shall be the relevant amount shown in columns (2), (4) or (5) of item 8.

Table to Schedule 2 — Regulation 13

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 ² in total and intended to be used in common with an existing building, and which is not a building specified in Schedule 2 to the principal regulations. | 84 | - | - | 100.80 |
| 2. Installation of an unvented hot water storage system in accordance with regulation 88 of the principal regulations, where the installation is not part of a larger project and where the district council carries out an inspection. | 60 | - | 60 | 72 |
| 3. Any extension of a dwelling (not falling within entry 6) the total floor area of which does not exceed 20m ² , including means of access and work in connection with that extension. ^(a) | 120 | - | 120 | 144 |
| 4. Any extension of a dwelling (not falling within entry 6) the total floor area of which exceeds 20m ² but does not exceed 40m ² , including means of access and work in connection with that extension. | 60 | 120 | - | 216 |

| | | | | |
|---|-----|-----|-----|--------|
| 5. Any extension of a dwelling (not falling within entry 6) the total floor area of which exceeds 40m ² but does not exceed 60m ² , including means of access and work in connection with that extension. | 72 | 144 | - | 259.20 |
| 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 ^(a) . | 72 | 144 | 216 | 259.20 |
| 7. Replacement of an existing combustion appliance in a dwelling and which is not exempt by regulation 9(4)(a) of the principal regulations from the requirement to give notice. | 72 | - | 72 | 86.40 |
| 8. Installation or extension of a heating system in a dwelling. | 120 | - | 120 | 144 |
| 9. Installation of a microgeneration technology in or on an existing dwelling. | 120 | - | 120 | 144 |

^(a) regulation 9, the Building Regulations (Northern Ireland) 2012 identifies work for which a Building Notice may not be given.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Building (Prescribed Fees) Regulations (Northern Ireland) 1997 (the 1997 Regulations).

The principal changes to the 1997 Regulations are as follows-

1. Regulation numbers which make reference to the principal regulations are amended to keep them aligned with the principal regulations which are the Building Regulations (Northern Ireland) 2012.

2. The fee payable to a district council when an application for building regulations approval is made to erect one or more small domestic buildings (Schedule 1) or to extend or alter a small building (Schedule 2) is increased by 20% for the erection of up to 10 dwellings in an application and for works to a single dwelling. The increase is gradually lessened to approximately 11% for applications up to and over 20 dwellings in an application depending on the mix of dwelling types in the application.

3. Schedule 2 is extended to include installation, replacement or extension of certain services in a dwelling which previously would have attracted fees calculated in accordance with Schedule 3.

4. Consideration of an application to a processing council for type approval is included in regulation 5 as a prescribed function; regulation 6 authorises a district council to charge a fee for this function; regulation 7 states how the fee may be calculated and regulation 9 identifies when the fee is due. Type Approval Fee and Processing Council are defined in regulation 2.

5. As provided for in the principal regulations, regulation 10 authorises a district council not to issue a completion certificate until the relevant fee payable has been paid in full.

6. A Regulatory Impact Assessment has been carried out in respect of the amendment to the Building (Prescribed Fees) Regulations (Northern Ireland) 1997. Copies may be downloaded from www.buildingregulationsni.gov.uk or alternatively be obtained from- The Department of Finance and Personnel, Properties Division, Building Standards Branch, Level 5, Causeway Exchange, 1-7 Bedford Street, Belfast, BT2 7EG.

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£5.75

N5754 03/2013 435754T 19585

ISBN 978-0-337-99057-1



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