



Building Safety Act 2022

2022 CHAPTER 30

PART 3

BUILDING ACT 1984

Miscellaneous and general

58 Levy on applications for building control approval etc

In the Building Act 1984 after [section 105B](#) (inserted by section 57) insert—

“105C Levy on certain applications for building control approval etc

- (1) The Secretary of State may by regulations make provision for and in connection with the imposition, in respect of relevant applications or notices or specified descriptions of relevant applications or notices, of a levy for the purpose of meeting any building safety expenditure.
- (2) The levy is payable to the Secretary of State or a person designated by the Secretary of State.
- (3) The regulations may in particular make provision about—
 - (a) the amount of the levy;
 - (b) the person by whom it must be paid;
 - (c) when the levy must be paid;
 - (d) the provision of information or documents to, or by, the Secretary of State or designated person;
 - (e) the consequences of a failure to pay the levy in accordance with the regulations;
 - (f) the determination of disputes (including provision conferring a right to appeal to the tribunal and provision about appeals).

Changes to legislation: There are currently no known outstanding effects for the Building Safety Act 2022, Section 58. (See end of Document for details)

- (4) The different provision that may be made by the regulations by virtue of section 120A(2)(b) includes in particular different provision in relation to—
- (a) persons who are eligible to be members of a building industry scheme and are not members of that scheme, and
 - (b) other persons.
- (5) The regulations may contain exemptions, for specified descriptions of person.
- (6) The regulations may provide that, unless the building control authority is given a notification under subsection (7) in relation to a relevant application or notice (or a relevant application or notice of a specified description), the authority—
- (a) may not take a specified step in relation to the application or notice (for example, may not grant an application, accept a notice or give a specified certificate in relation to works connected with the application or notice), or
 - (b) must take a specified step in relation to the application or notice (for example, must reject a notice).
- (7) A notification under this section is a notification given by the Secretary of State or designated person—
- (a) that the levy payable in respect of the application or notice has been paid, or
 - (b) that no levy is payable in respect of the application or notice.
- (8) The regulations must provide for any amount received by a designated person by way of a levy to be paid to the Secretary of State, subject to retention of an amount, determined by or in accordance with the regulations, in respect of the costs of administering the levy.
- (9) A designation under this section must be published in such way as the Secretary of State considers appropriate.
- (10) In this section “relevant application or notice” means—
- (a) an application for building control approval,
 - (b) an initial notice,
 - (c) an amendment notice, or
 - (d) a public body’s notice,
- relating to a relevant building or proposed relevant building (including any such application or notice relating to work that causes a building to become a relevant building or causes a relevant building to cease to be such a building).
- (11) In this section—
- “amendment notice, “initial notice” and “public body’s notice” have the same meaning as in Part 2 (see section 58);
- “building industry scheme” means a scheme established under section 126 of the Building Safety Act 2022;
- “building safety expenditure” means expenditure incurred by the Secretary of State (whether before or after the passing of this Act) in providing financial assistance to persons (whether by way of grant, loan or otherwise) for the purposes of enabling them to improve the safety of persons in or about buildings in England;

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“relevant building” means a building in England consisting of or containing—

- (a) one or more dwellings, or
- (b) other accommodation,

(and “accommodation” here includes temporary accommodation, for example in a hotel or hospital);

“specified” means specified in the regulations.”

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Commencement Information

I1 S. 58 not in force at Royal Assent, see **s. 170(4)(c)**

I2 S. 58 in force at 6.4.2024 except in relation to W. by S.I. 2024/104, **reg. 2(k)** (with reg. 3)

Changes to legislation:

There are currently no known outstanding effects for the Building Safety Act 2022, Section 58.