

## **EXECUTIVE NOTE**

### **The Building (Fees) (Scotland) Amendment Regulations 2007 S.S.I. 2007/169**

The above instrument was made in exercise of the powers conferred by section 38 of the Building (Scotland) Act 2003. The instrument is subject to negative resolution procedure.

#### **Background**

The Building (Fees) (Scotland) Regulations 2004 set out the fees that are prescribed for the purposes of section 38 of the Act. This minor amendment removes an anomaly in regulation 6 in relation to refunds.

#### **Policy Objectives**

The Building (Fees) (Scotland) Regulations 2004 (the Regulations) are an essential part of the building standards system which was introduced by the Building (Scotland) Act 2003 (the Act). They implement the 2003 Act by setting the fees to be charged in respect of applications for building warrants and the discounts and refunds available where (1) applications for building warrants and (2) completion certificates are submitted, which include certificates from approved certifiers, under the new system. The Regulations also complement the Building (Procedure) (Scotland) Regulations 2004 which set the administrative structure for the building standards system in Scotland and the Building (Forms) (Scotland) Regulations 2004.

Amending Regulations are required to ensure that, where a completion certificate is submitted when there has not been a previous building warrant application, then there will still be an opportunity to obtain a refund of the relevant fee which has to be paid when submitting the completion certificate where certain certificates of construction accompany the submission of the completion certificate.

#### **Consultation**

The Building (Fees) (Scotland) Regulations 2004 were subject to extensive public consultation between May and July 2004 and the process of making changes to the regulations involved consultation with a significant number of organisations representative of all professional interests within the construction industry. The Amending Regulations clarify the intent of the original Regulations

#### **Financial Effects**

The instrument should have no significant financial impact on local government or on business.