

EXECUTIVE NOTE

THE BUILDING (FEES) (SCOTLAND) AMENDMENT REGULATIONS 2008 SSI 2008/397

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 (the Regulations) are an essential part of the building standards system which was introduced by the Building (Scotland) Act 2003. The 2004 Regulations set out the fees that are prescribed in respect of applications for building warrants and where a completion certificate is submitted. They also stipulate the discounts and refunds available when using a certifier of design or construction. The Regulations 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.

Policy Objectives

Amending regulations are required to allow a discount on the building warrant fee when an applicant advises, in writing at building warrant application stage, that one or more certificates of construction will be provided in support of the completion certificate submission. This replaces the current process whereby the applicant advises the verifier of his intent to use a certifier of construction some time after the building warrant has been issued but before the affected works have commenced on site. This system resulted in a costly process for the verifier when refunding part of the warrant fee. The revised process will be more cost effective for the verifier to operate, as all discounts will be determined at warrant application stage. The amendments should also encourage the use of approved certifiers of construction.

These regulations amend:

- regulation 5 of the Regulations, which allows a discount on the fee payable if a certificate of design is lodged. As a result of this amendment, a discount is only applicable to an application for an amendment of a building warrant where the estimated value of any additional work exceeds £5,000.
- regulation 6 of the Regulations, which currently allows a partial refund of the building warrant fee when a certificate of construction is provided in support of a completion certificate, to allow a discount at the building warrant application stage. Finally, the amendment removes the minimum rebate entitlement of £20.

Consultation

The proposed amendments were subject to public consultation as part of a wider review of the Building (Fees) (Scotland) Regulations 2004 between October and December 2007. The consultation exercise was advertised on the SBSA and Scottish Government's websites and 283 known interested parties were directly advised of the consultation exercise.

Main consultees included:

Scottish Association of Building Standards Managers
The Chartered Institute of Architectural Technologists
The Royal Institute of Chartered Surveyors
The Royal Incorporation of Architects in Scotland
Homes for Scotland
National House Building Council
National Inspection Council for Electrical Installation Contracting
SELECT
Structural Engineers Registration Limited
Building Research Establishment

Financial Effects

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