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STATUTORY INSTRUMENTS

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**1994 No. 2020**

**The Building (Prescribed Fees) Regulations 1994**

**PART II:**

**FEES CHARGED BY LOCAL AUTHORITIES**

**Prescribed functions**

**3.** The prescribed functions in relation to which local authorities are authorised to charge fees are the following functions—

- (a) the passing or rejection by the local authority, in accordance with section 16 of the Act, of plans of proposed work deposited with them (including plans of work proposed to be carried out by or on behalf of the authority);
- (b) the inspection in connection with the Principal Regulations of work for which such plans have been deposited;
- (c) the inspection in connection with the Principal Regulations of work for which a building notice has been given to the local authority;
- (d) the consideration of plans of work reverting to local authority control, and the inspection of that work; and
- (e) the consideration of an application under regulation 13A of the Principal Regulations (regularisation function).

**Authority to charge fees**

**4.** Subject to regulations 6 to 10, a local authority are authorised to charge—

- (a) a fee (in these Regulations called “a plan fee”) for or in connection with the performance by them of the function prescribed by regulation 3(a); and
- (b) a fee (in these Regulations called “an inspection fee”) for or in connection with the function prescribed by regulation 3(b);
- (c) a fee (in these Regulations called “a building notice fee”) for or in connection with the function prescribed by regulation 3(c);
- (d) a fee (in these Regulations called “a reversion fee”) for or in connection with the function prescribed by regulation 3(d); and
- (e) a fee (in these Regulations called “a regularisation fee”) for or in connection with the function prescribed by regulation 3(e).

**Amount of fees**

**5.—(1)** Subject to regulation 6—

- (a) Schedule 1 shall have effect to determine the amount of fees payable in the case of the erection of one or more small domestic buildings and certain connected work specified in that Schedule;
- (b) Schedule 2 shall have effect to determine the amount of fees payable in the case of the erection of certain garages, carports, alterations, extensions and minor works specified in that Schedule;
- (c) Schedule 3 shall have effect to determine the amount of fees payable in any case other than one mentioned in sub-paragraph (a) or (b) above.

(2) The reversion fee payable for work reverting to local authority control is the amount of the building notice fee which would have been payable under these Regulations if a building notice in relation to that work was given in accordance with the Principal Regulations at the time the reversion fee is payable in accordance with regulation 12(6) of these Regulations.

#### **Plan fees where an approved person certifies certain work**

6. Where deposited plans are accompanied by a certificate complying with section 16(9) of the Act, the plan fee payable in respect of those plans shall be reduced—

- (a) in the case of a certificate relating to compliance with Part A (structure) of Schedule 1 to the Principal Regulations, by 15 per cent.,
- (b) in the case of a certificate relating to compliance with Part L (conservation of fuel and power) of that Schedule, by 5 per cent.

#### **Exemption from plan fee**

7. Where a plan fee has been paid and not refunded, a local authority may not charge a further plan fee in respect of plans subsequently deposited for substantially the same work.

#### **Exemption in relation to work for disabled people**

8.—(1) A local authority may not charge any fee where they are satisfied that the whole of the work in question consists of an alteration and—

- (a) is solely for the purpose of providing means of access to enable disabled persons to get into an existing building and to any part of it, or of providing facilities designed to secure the greater health, safety, welfare or convenience of such persons; and
- (b) is to be, or has been, carried out in relation to—
  - (i) an existing building to which members of the public are admitted (whether on payment or otherwise); or
  - (ii) an existing dwelling which is, or is to be, occupied by a disabled person.

(2) A local authority may not charge any fee for work which consists solely of the provision or extension of a room in a dwelling, where they are satisfied—

- (a) that the sole use of the room is or will be—
  - (i) for the carrying out of medical treatment of a disabled person which cannot reasonably be carried out in any other room in the dwelling, or
  - (ii) for the storage of medical equipment for the use of a disabled person, or
- (b) the work is to provide or adapt a necessary facility already existing within the dwelling which is incapable of being used, or used without assistance, by the disabled person.

(3) In this regulation “disabled person” means a person who is within any of the descriptions of persons to whom section 29(1) of the National Assistance Act 1948(1) applied, as that section was extended by virtue of section 8(2) of the Mental Health Act 1959(2), but not taking into account amendments made to that section 29(1) by paragraph 11 of Schedule 13 to the Children Act 1989(3).

### **Exemption from plan fee for works in connection with the erection of small domestic buildings**

9.—(1) Subject to paragraph (3), where—

- (a) plans are or have been deposited for the erection of a small domestic building, and
- (b) a plan fee is payable or has been paid in respect of those plans,

a local authority may not charge a plan fee in respect of plans deposited on the same occasion or later for—

- (i) the execution of works or the installation of services or fittings in connection with the erection of that building; or
- (ii) the erection, in connection with the erection of that building, of a building consisting of a garage or carport or both.

(2) Subject to paragraph (3), where—

- (a) plans have been deposited for the execution of works of drainage in connection with the erection of a small domestic building, and
- (b) a plan fee has been paid in respect of those plans,

a local authority may not charge a plan fee in respect of plans deposited later for—

- (i) the erection of that small domestic building; or
- (ii) the execution of works or the installation of services or fittings in connection with the erection of that building; or
- (iii) the erection, in connection with the erection of that building, of a building consisting of a garage or carport or both.

(3) Nothing in paragraphs (1) or (2) shall prevent a local authority from charging a plan fee in respect of plans deposited at any time after completion of the erection of the small domestic building in question.

### **Exemption from plan fee for certain garages, carports, extensions and alterations**

10. Where—

- (a) plans are deposited—
  - (i) for the erection of a building described in entry 1 in the Table in Schedule 2 (certain small garages and carports); or
  - (ii) for the extension or alteration of a building falling within a description in one of entries 4 to 7 in the Table in Schedule 2; and
- (b) a plan fee is payable in respect of those plans,

a local authority may not charge a plan fee in respect of plans deposited on the same occasion for the execution of works or the installation of services or fittings in connection with that erection, extension or alteration.

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(1) 1948 c. 29.  
(2) 1959 c. 72.  
(3) 1989 c. 41.

### **Exemptions from specific fees**

**11.**—(1) A local authority may not charge an inspection fee or a building notice fee for the inspection on any occasion of works of drainage in connection with the erection of a small domestic building.

(2) Only one inspection fee or building notice fee may be charged by a local authority for all relevant work inspected on the same occasion and, where an inspection of any relevant work has been carried out, a local authority may not charge a fee for the inspection on any subsequent occasion of that work or other relevant work.

(3) In paragraph (2) “relevant work” means—

- (a) in the case of the erection of a small domestic building—
  - (i) the erection of that building;
  - (ii) the execution of works (other than works of drainage) or the installation of services or fittings in connection with the erection of that building; or
  - (iii) the erection, in connection with the erection of that building, of a garage or carport or both;
- (b) in the case of the erection of a building in relation to which the fees are specified in entry 1 in the Table in Schedule 2 (certain small garages and carports)—
  - (i) the erection of that building; or
  - (ii) the execution of works or installation of services or fittings in connection with the erection of that building;
- (c) in the case of works for which the fees are specified in entries 2 and 3 in the Table in Schedule 2 (minor works), the execution of those works; or
- (d) in the case of an alteration or extension to a building in relation to which the fees are specified in entries 4 to 7 in the Table in Schedule 2 (certain domestic extensions and alterations)—
  - (i) the alteration or extension of that building; or
  - (ii) the execution of works or installation of services or fittings in connection with that alteration or extension; or
- (e) in all other cases, work the cost of which is included in the estimate referred to in regulation 13(2) or work substantially the same as that included in the estimate.

### **Payment of fees**

**12.**—(1) A fee authorised by regulation 4(a) to (c) is payable by the person by whom or on whose behalf the work is to be or is being or has been carried out, and a fee authorised by regulation 4(d) or (e) is payable by the owner of the work or of the building to or in connection with which the work is or is to be carried out.

(2) Any fee authorised by regulation 4 shall be paid together with an amount equal to any value added tax chargeable in respect of that fee, and any reference in this Part of these Regulations, except in regulation 5, to the payment, receipt or refund of a fee is a reference to the payment, receipt or refund, in addition to the fee, of such an amount.

(3) The plan fee is payable on the first occasion on which plans of the work are deposited.

(4) The inspection fee is payable on demand made after the local authority carry out the first inspection in respect of which the fee is payable.

(5) The building notice fee is payable when the building notice is given to the local authority.

(6) The reversion fee is payable—

- (a) for work in relation to a building which has been substantially completed before plans are first given to the local authority in accordance with regulation 18(2)(a)(i) of the Approved Inspectors Regulations, on the first occasion on which those plans are given,
  - (b) for work in relation to a building in respect of which plans for further work are given to the local authority in accordance with regulation 18(3) of the Approved Inspectors Regulations, on the first occasion on which those plans are given.
- (7) The regularisation fee is payable at the time of the application to the local authority in accordance with regulation 13A of the Principal Regulations.
- (8) A local authority may agree, in a particular case, that part of any fee authorised by regulation 4(a) to (d) may be paid by instalments of amounts specified by the local authority, on dates specified by the authority, and where the authority have so agreed, the fee or part of it is to be regarded as due on such date.

### **Estimates to be provided in certain cases**

**13.**—(1) This regulation applies where the amount of any fee is to be determined in accordance with Schedule 3.

(2) Where this regulation applies, the deposited plans or building notice shall be accompanied by the estimate in writing, in relation to each building to which the work relates, of the cost of the work.

(3) In the case of any work reverting to local authority control, any plans relating to that work given to the local authority in accordance with regulation 18 of the Approved Inspectors Regulations shall be accompanied by an estimate in writing of the current cost of that work.

(4) In paragraphs (2) or (3) the work in question is the work in relation to each building—

- (a) which is shown in the plans (or other plans deposited on the same occasion) or described in the building notice; and
- (b) in relation to which a fee of an amount to be determined under Schedule 3 is payable.

(5) The estimates mentioned in paragraphs (2) or (3) shall not include any amount payable by way of value added tax in relation to the carrying out of work to which the estimate relates.

### **Refund of fees**

**14.** Where for any reason a local authority do not give notice of passing or rejection of plans within the relevant period for the purposes of section 16 of the Act, they shall refund any plan fee paid.

### **Effect of failure to pay plan fee or building notice fee**

**15.**—(1) Plans shall not be treated as deposited in accordance with the Principal Regulations for the purposes of section 16 of the Act unless the local authority have received any plan fee payable in respect of those plans and, where regulation 13 applies, that regulation has been complied with.

(2) A building notice shall not be treated as given in accordance with the Principal Regulations unless the local authority have received any building notice fee payable in respect of that notice, and, where regulation 13 applies, that regulation has been complied with.

### **Revocations**

**16.** Subject to regulation 17, the Building (Prescribed Fees etc.) Regulations 1985(4), the Building (Amendment of Prescribed Fees) Regulations 1986(5), the Building (Amendment of

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*Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.*

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Prescribed Fees) Regulations 1988(6), the Building (Amendment of Prescribed Fees) Regulations 1989(7), the Building (Amendment of Prescribed Fees) Regulations 1990(8), the Building (Prescribed Fees etc.) (Amendment) Regulations 1992(9), and the Building (Amendment of Prescribed Fees) Regulations 1992(10) are revoked.

### **Transitional provisions**

17.—(1) The fees authorised by this Part of these Regulations shall not be payable in relation to work in respect of which plans were deposited, a building notice was given, or an initial notice was given before 1st October 1994 notwithstanding that plans for substantially the same work are or have been deposited on a subsequent occasion.

(2) The Regulations revoked by regulation 16 shall continue to apply in relation to work for which plans were first deposited, a building notice was given, or an initial notice was given before 1st October 1994.

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(5) S.I. 1986/2287;  
(6) S.I. 1988/871;  
(7) S.I. 1989/1118;  
(8) S.I. 1990/2600;  
(9) S.I. 1992/741;  
(10) S.I. 1992/2079.