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SCOTTISH STATUTORY INSTRUMENTS

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**2008 No. 397**

**BUILDING AND BUILDINGS**

**The Building (Fees) (Scotland) Amendment Regulations 2008**

*Made* - - - - 27th November 2008  
*Laid before the Scottish*  
*Parliament* - - - - 27th November 2008  
*Coming into force* - - 4th January 2009

The Scottish Ministers make the following Regulations in exercise of the powers conferred by section 38 of the Building (Scotland) Act 2003<sup>(1)</sup> and all other powers enabling them to do so.

**Citation and commencement**

1. These Regulations may be cited as the Building (Fees) (Scotland) Amendment Regulations 2008 and come into force on 4th January 2009.

**Amendment of Regulations**

2. The Building (Fees) (Scotland) Regulations 2004<sup>(2)</sup> are amended in accordance with regulations 3, 4 and 5.

**Fees for applications for building warrants and completion certificates**

3. In regulation 3(1) (fees for applications for building warrants and completion certificates) for “4 and 5” substitute “4, 5 and 6”.

**Discounts**

4. In regulation 5–

- (a) for the heading substitute “Discounts – certificates of design”;
- (b) in paragraph (1) for “(2) and (3)” substitute “(2), (3) and (3A)”;
- (c) after paragraph 3 insert–

“(3A) The fee payable in respect of an application for amendment of a building warrant may only be discounted where the estimated value of the additional work exceeds £5000.”; and

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(1) 2003 asp 8.

(2) S.S.I. 2004/508 as amended by S.S.I. 2007/169.

- (d) for paragraph (4) substitute–
  - “(4) In this regulation–
    - (a) “certificate” has the same meaning as in section 11(5) of the Act; and
    - (b) “the fee which would otherwise be payable” means the fee payable before applying any discount in terms of regulation 6.”.

5. In regulation 6–

- (a) for the heading substitute “Discounts – certificates of construction”;
- (b) in paragraph (1) after “construction are” insert “or are to be”; and
- (c) for paragraphs (2) to (6) substitute–

“(2) Where–

- (a) when submitting an application for a building warrant, an applicant informs the verifier in writing that the applicant intends to present a specified number of certificates from an approved certifier of construction to the verifier with the completion certificate; or
- (b) a completion certificate is submitted as provided for in regulation 3(1)(b) and is accompanied by one or more certificates of construction,

the fee payable for the building warrant is to be discounted by an amount calculated in accordance with paragraphs (3) to (5).

(3) Subject to paragraphs (4) and (5), the discount is an amount equivalent to 1% of the fee payable for–

- (a) each certificate which the applicant has informed the verifier is to be presented under paragraph (2)(a); or
- (b) each certificate presented under paragraph (2)(b).

(4) Where the applicant–

- (a) informs the verifier under paragraph (2)(a) that the applicant intends to present; or
- (b) presents under paragraph (2)(b),

one certificate covering the construction of the entire building, the amount of discount is an amount equivalent to 20% of the fee payable.

(5) In no case shall the discounts applicable by virtue of this regulation exceed 20% of the fee payable in respect of the application or submission, as the case may be.

(6) Where the fee for an application has been discounted by virtue of paragraph (2) but one or more certificates of construction are not subsequently presented with the completion certificate, the fee that would otherwise have been payable becomes due.”.

St Andrew’s House,  
Edinburgh  
27th November 2008

*STEWART STEVENSON*  
Authorised to sign by the Scottish Ministers

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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations amend the Building (Fees) (Scotland) Regulations 2004 (“the 2004 Regulations”).

Regulation 4 amends regulation 5 of the 2004 Regulations to provide that applications to amend a building warrant are not eligible for a discount where a certificate of design has been lodged, unless the estimated value of the additional work exceeds £5000.

Regulation 5 amends regulation 6 of the 2004 Regulations, to allow a discount on the building warrant fee where an applicant advises the verifier in writing when making the building warrant application that the applicant intends to lodge one or more certificates of construction when presenting a completion certificate. Where the applicant then fails to submit any of the certificates of construction with the completion certificate, the fee that would otherwise have been payable becomes due.

A discount is also available where the applicant presents one or more certificates of construction where no building warrant was granted. The discount under this regulation cannot exceed 20% of the fee payable.