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SCOTTISH STATUTORY INSTRUMENTS

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**2017 No. 188**

**The Building (Miscellaneous  
Amendments) (Scotland) Regulations 2017**

**Amendment of the Building (Fees) (Scotland) Regulations 2004**

4.—(1) The Building (Fees) (Scotland) Regulations 2004(1) are amended in accordance with paragraphs (2) to (9).

(2) In regulation 2 (interpretation)—

(a) after the definition of “the Act” insert—

““certificate of construction” means a certificate (within the meaning of section 19(5) of the Act) issued by an approved certifier of construction certifying that the construction of a building, or such aspect of the construction of a building as is specified in the certificate, complies with building regulations;

“certificate of design” means a certificate (within the meaning of section 11(5) of the Act) issued by an approved certifier of design certifying that the design of a building, or such part of a building as is specified in the certificate, complies with building regulations;”;

(b) after the definition of “dwelling” insert—

““section certificate” means a certificate of design which covers the whole of any section set out in schedule 5 of the Building (Scotland) Regulations 2004;

“single item certificate” means a certificate of design which covers a single item of any section set out in schedule 5 of the Building (Scotland) Regulations 2004;”.

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

(4) For regulation 5(2) (discounts – certificates of design) and the associated cross heading substitute—

**“Discount of fee payable under regulation 3(1)(a) – certificates of design**

5.—(1) Subject to paragraphs (6) and (7), where this regulation applies the fee which would otherwise be payable under regulation 3(1)(a) is discounted by an amount calculated in accordance with paragraphs (3) to (5).

(2) This regulation applies where, when submitting an application for a building warrant or an application for amendment of a building warrant, the applicant—

(a) submits one or more certificates of design to the verifier in connection with the application; or

(b) informs the verifier in writing—

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(1) S.S.I. 2004/508 as amended by S.S.I. 2007/169 and S.S.I. 2008/397.

(2) Regulation 5 was substituted by S.S.I. 2008/397.

- (i) that the applicant intends subsequently to submit one or more certificates of design to the verifier in connection with the application; and
  - (ii) how many of such certificates of design are to be section certificates and how many are to be single item certificates.
- (3) The discount is—
- (a) for each section certificate submitted, or to be submitted, the amount calculated in accordance with paragraph 9 of Part 3 of the schedule; and
  - (b) for each single item certificate submitted, or to be submitted, 1% of the full fee.
- (4) Where more than 5 single item certificates cover, or are to cover, the same section set out in schedule 5 of the Building (Scotland) Regulations 2004, the maximum amount of discount attributable to such single item certificates by virtue of paragraph (3)(b) is 5% of the full fee.
- (5) In no case shall the combined discounts applicable by virtue of this regulation exceed 60% of the full fee.
- (6) 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.
- (7) Where the fee for an application has been discounted by virtue of this regulation and the applicant subsequently informs the verifier in writing—
- (a) that the applicant no longer intends to submit one or more certificates of design to the verifier in connection with the application; and
  - (b) how many of such certificates of design are section certificates and how many are single item certificates,
- the amount by which the full fee is discounted is reduced by the amount of the discount attributable to such certificates and the unpaid balance of the full fee after deduction of the reduced discount is payable.
- (8) In this regulation and in regulation 5A “full fee” means the fee payable under regulation 3(1)(a) before applying any discount in terms of this regulation or regulation 5A.

**Discount of fee payable under regulation 3(1)(a) – certificates of construction**

- 5A.—**(1) Subject to paragraphs (7) and (8), where this regulation applies the fee which would otherwise be payable under regulation 3(1)(a) is discounted by an amount calculated in accordance with paragraphs (3) to (6).
- (2) This regulation applies where, when submitting an application for a building warrant or an application for amendment of a building warrant, the applicant informs the verifier in writing that the applicant intends to submit one or more certificates of construction to the verifier with the completion certificate.
- (3) Where one or more certificates of construction to be submitted is to cover only an aspect of the work to which the building warrant is to relate, the discount is the amount calculated in accordance with paragraph 13 of Part 4 of the schedule for each certificate of construction to be submitted which is to cover a different aspect of the work.
- (4) Where—
- (a) the application for a building warrant relates to more than one building;
  - (b) the applicant intends to submit separate completion certificates for one or more of the buildings covered by the building warrant; and
  - (c) two or more certificates of construction are to be submitted which are to cover the same aspect of the work (but in respect of different buildings),

only one certificate of construction in respect of that aspect of the work is to be taken into account for the purpose of calculating the discount.

(5) Where one certificate of construction is to be submitted which is to cover all aspects of the work to which the building warrant is to relate the amount of the discount is 20% of the full fee.

(6) In no case shall the combined discounts applicable by virtue of this regulation exceed 20% of the full fee.

(7) 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.

(8) Where the fee for an application has been discounted by virtue of this regulation but one or more certificates of construction are not subsequently submitted with the completion certificate, the amount by which the full fee is discounted is reduced by the amount of the discount attributable to such certificates and the unpaid balance of the full fee after deduction of the reduced discount is payable.”.

(5) For regulation 6 (discounts – certificates of construction) and the associated cross heading substitute—

**“Discounts of fee payable under regulation 3(1)(b) – certificates of design**

6.—(1) The fee which would otherwise be payable under regulation 3(1)(b) is discounted by an amount calculated in accordance with paragraphs (2) to (5) where the submission of the completion certificate is accompanied by one or more certificates of design relative to that completion certificate.

(2) Where one certificate of design is submitted which covers the entirety of the work to which the completion certificate relates, the discount is 60% of the fee which would otherwise be payable under regulation 3(1)(b).

(3) Where one or more certificates of design are submitted which cover only part of the work to which the completion certificate relates, the discount is—

- (a) for each section certificate submitted, the amount calculated in accordance with paragraph 9 of Part 3 of the schedule; and
- (b) for each single item certificate submitted, 1% of the fee which would otherwise be payable.

(4) Where more than 5 single item certificates cover the same section set out in schedule 5 of the Building (Scotland) Regulations 2004, the maximum amount of discount attributable to such single item certificates by virtue of paragraph (3)(b) is 5% of the fee which would otherwise be payable.

(5) In no case shall the discount applicable by virtue of this regulation exceed 60% of the fee which would otherwise be payable under regulation 3(1)(b).

**Discounts of fee payable under regulation 3(1)(b) – certificates of construction**

6A.—(1) The fee which would otherwise be payable under regulation 3(1)(b) is discounted by an amount calculated in accordance with paragraphs (2) to (3) where the submission of the completion certificate is accompanied by one or more certificates of construction relative to that completion certificate.

(2) The discount is—

- (a) where one certificate of construction is submitted which covers all aspects of the work to which the completion certificate relates, 20% of the fee which would otherwise be payable under regulation 3(1)(b); or

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(b) where one or more certificates of construction is submitted which cover only an aspect of the work to which the completion certificate relates, the amount calculated in accordance with paragraph 13 of Part 4 of the schedule for each certificate of construction submitted which covers a different aspect of the work.

(3) In no case shall the discount applicable by virtue of this regulation exceed 20% of the fee which would otherwise be payable under regulation 3(1)(b).”.

(6) For the table in Part 1 of the schedule substitute—

## “PART 1

<b>Where work has not already started</b>	
<b>1.</b> Application for warrant (including issue of warrant) for the construction of a building or the provision of services, fittings or equipment in connection with a building (whether or not combined with an application for conversion or an application for demolition)	
(a) where the estimated value of the work does not exceed £5,000—	£150
(b) where the estimated value of the work exceeds £5,000 but does not exceed £10,000	
(i) the sum of	£150
plus (ii) for every additional £500 or part thereof exceeding £5,000	£19
(c) where the estimated value of the work exceeds £10,000 but does not exceed £20,000—	
(i) the sum of	£340
plus (ii) for every additional £1,000 or part thereof exceeding £10,000	£19
(d) where the estimated value of the work exceeds £20,000 but does not exceed £100,000—	
(i) the sum of	£530
plus (ii) for every additional £10,000 or part thereof exceeding £20,000	£63
(e) where the estimated value of the work exceeds £100,000 but does not exceed £500,000—	
(i) the sum of	£1,034
plus (ii) for every additional £20,000 or part thereof exceeding £100,000	£103
(f) where the estimated value of the work exceeds £500,000 but does not exceed £1,000,000—	
(i) the sum of	£3,094
plus (ii) for every additional £50,000 or part thereof exceeding £500,000	£178

(g) where the estimated value of the work exceeds £1,000,000—	
(i) the sum of	£4,874
plus (ii) for every additional £100,000 or part thereof exceeding £1,000,000	£253
2. Application for warrant for conversion only	£150
3. Application for warrant for demolition only	£150
4. Application for amendment of warrant—	
(a) for additional work whose estimated value exceeds £5,000	The fee calculated in accordance with paragraph 1 but in respect of the additional estimated value of that work only
(b) for additional work where no additional estimated value is involved, the estimated value decreases or the increase in the estimated value does not exceed £5,000	£100
5. Application for an amendment to warrant for demolition only or conversion only.	£100
6. Application for an extension to warrant.	£100
<b>After work has already started</b>	
7. Application (after work has already started) for—	
(a) a warrant (including issue of warrant) for the construction of a building or the provision of services, fittings or equipment in connection with the erection of a building (whether or not combined with an application for demolition)	200% of the fee calculated in accordance with paragraph 1
(b) a warrant for demolition only	£200”

(7) For the table in Part 2 of the schedule substitute—

## “PART 2

<b>Submission of a completion certificate where no warrant granted</b>	
8. Submission of a completion certificate where no warrant granted for—	
(a) the construction of a building or the provision of services, fittings or equipment (whether or not combined with an application for conversion or for demolition )	300% of the fee calculated in accordance with paragraph 1 of Part 1
(b) the demolition of a building only	£300
(c) the conversion of a building only	£300
(d) work carried out by a local authority where it has done so in respect of—	

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(i) a building regulations compliance notice in terms of section 25(8) of the Act;	nil
(ii) a continuing requirement enforcement notice in terms of section 26(3) of the Act;	nil
(iii) a building warrant enforcement notice in terms of section 27(7) of the Act;	nil
(iv) a defective building in terms of section 28(11) of the Act;	nil
(v) a dangerous building in terms of section 30(5) of the Act	nil”

(8) After the table in Part 2 of the schedule (table of fees) insert—

### “PART 3

<b>Discounts under regulation 5(3)(a) and 6(3)(a)</b>	
<b>9.</b> Application for warrant, application for amendment of a building warrant and submission of a completion certificate where no building warrant granted—	
(a) where the estimated value of the work does not exceed £5,000	£30
(b) where the estimated value of the work exceeds £5,000 but does not exceed £10,000	£40
(c) where the estimated value of the work exceeds £10,000 but does not exceed £15,000	£50
(d) where the estimated value of the work exceeds £15,000 but does not exceed £20,000	£60
(e) where the estimated value of the work exceeds £20,000 but does not exceed £50,000	£80
(f) where the estimated value of the work exceeds £50,000 but does not exceed £100,000	£100
(g) where the estimated value of the work exceeds £100,000	10% of the fee calculated in accordance with paragraph 1 of Part 1
<b>10.</b> Application for warrant for conversion only	nil
<b>11.</b> Application for warrant for demolition only	nil
<b>12.</b> Application for amendment to warrant for demolition only or conversion only	nil”

(9) After Part 3 of the schedule insert—

## “PART 4

<b>Discounts under regulation 5A(3) and 6A(2)(b)</b>	
<b>13.</b> Application for warrant, application for amendment of a building warrant and submission of a completion certificate where no building warrant granted—	
(a) where the estimated value of the work does not exceed £5,000	£15
(b) where the estimated value of the work exceeds £5,000 but does not exceed £10,000	£15
(c) where the estimated value of the work exceeds £10,000 but does not exceed £15,000	£20
(d) where the estimated value of the work exceeds £15,000 but does not exceed £20,000	£25
(e) where the estimated value of the work exceeds £20,000 but does not exceed £50,000	£30
(f) where the estimated value of the work exceeds £50,000 but does not exceed £100,000	£35
(g) where the estimated value of the work exceeds £100,000	3% of the fee calculated in accordance with paragraph 1 of Part 1
<b>14.</b> Application for warrant for conversion only.	nil
<b>15.</b> Application for warrant for demolition only.	nil
<b>16.</b> Application or amendment to warrant for demolition only or conversion only.	nil”