

1982 No. 577

BUILDING AND BUILDINGS

The Building (Prescribed Fees) Regulations 1982

<i>Made</i>	- - - -	21st April 1982
<i>Laid before Parliament</i>		12th May 1982
<i>Coming into Operation</i>		1st July 1982

The Secretary of State for the Environment, in exercise of the powers conferred—

- (a) by sections 61 and 62 of the Public Health Act 1936(a);
- (b) by section 4(2), (5) and (6) of the Public Health Act 1961(b) and now vested in him(c); and
- (c) by sections 62(3) and 76(4) of the Health and Safety at Work etc. Act 1974(d),

and of all other powers enabling him in that behalf, after consultation with the Building Regulations Advisory Committee and such other bodies as appeared to him to be representative of the interests concerned as required by section 9(3) of the Public Health Act 1961(e), hereby makes the following regulations:—

Title and commencement

1. These regulations may be cited as the Building (Prescribed Fees) Regulations 1982 and shall come into operation on 1st July 1982.

Application

2.— (1) These regulations shall not apply in Inner London.

(2) In this regulation “Inner London” means the area comprising the inner London boroughs, the City of London, and the Inner Temple and the Middle Temple.

(a) 1936 c.49; sections 61 and 62 were substituted by the Health and Safety at Work etc. Act 1974(c.37), section 61(1).

(b) 1961 c.64; section 4(2) was amended by the Health and Safety at Work etc. Act 1974, section 61(3) and Schedule 6, Part I, paragraph 4(a), and section 4(6) was amended by the Health and Safety at Work etc. Act 1974, section 61(3) and Schedule 6, Part I, paragraph 4(b).

(c) S.I. 1970/1681.

(d) 1974 c.37

(e) Section 9(3) was amended by the Health and Safety at Work etc. Act 1974, section 61(3) and Schedule 6, Part I, paragraph 8.

Interpretation

3.— (1) In these regulations, unless the context otherwise requires—

“the 1936 Act” means the Public Health Act 1936;

“building” includes a proposed building;

“cost” does not include any professional fees paid to an architect, quantity surveyor or any other person;

“the former regulations” means the Building (Prescribed Fees) Regulations 1980(a);

“inspection fee” has the meaning given by regulation 7(b);

“multiple work” means all work—

(a) on, in or in connection with two or more buildings;

(b) for all of which plans are, or have been, deposited for the purposes of section 64 of the 1936 Act(b) on the same occasion by or on behalf of the person by whom or on whose behalf all the work is to be or, as the case may be, is being carried out; and

(c) for which each block plan or, as the case may be, key plan required under the relevant Rule to Schedule 3 to the principal regulations and so deposited shows all those buildings;

“multiple work scheme” means a scheme for the carrying out of multiple work;

“plan fee” has the meaning given by regulation 7(a);

“plans” includes drawings of any other description and also specifications or other information in any form and any reference to the deposit of plans shall be construed accordingly;

“the principal regulations” means the Building Regulations 1976(c);

“the Schedule” means the Schedule to these regulations;

“small domestic building” means a building the whole of which as shown on plans deposited for the purposes of section 64 of the 1936 Act is used or intended to be used for the purpose of one or more private dwelling-houses, other than a building which consists or is to consist of flats or maisonettes or both and has or is to have more than 3 storeys (including a basement storey as defined in regulation A4(2) of the principal regulations);

“work” means—

(a) the erection of a building;

(b) the structural alteration or extension of a building, other than the erection of a porch the floor area of which does not exceed 2 square metres or the insertion of insulating material in an existing cavity wall of a building;

(c) the execution of works; or

(d) the installation of a fitting.

(a) S.I. 1980/286.

(b) Section 64 was amended by the Public Health Act 1961, sections 10 and 11 and Schedule 1, Part III.

(c) S.I. 1976/1676; the regulations were amended by S.I. 1978/723 and 1981/1338.

(2) Any reference in these regulations to a numbered regulation shall be construed as a reference to the regulation bearing that number in these regulations.

Revocation

4. The former regulations are hereby revoked.

Transitional provisions

5.—(1) The fees authorised by these regulations shall not be payable in relation to a project for which plans were first deposited before 1st July 1982, notwithstanding that on a subsequent occasion plans for essentially the same project are or have been deposited.

(2) Notwithstanding the revocation effected by regulation 4, the former regulations shall continue to apply in relation to a project for which plans were first deposited after 31st March 1980 and before 1st July 1982.

Prescribed functions

6. The prescribed functions shall be the following functions—

- (a) the passing or rejection by the local authority, in accordance with section 64 of the 1936 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); and
- (b) the inspection in connection with the principal regulations of work for which such plans have been deposited.

Authority to charge fees

7. Subject to the provisions of regulations 9 to 12, a local authority are hereby authorised to charge—

- (a) a fee (called in these regulations “the plan fee”) for or in connection with the performance by them of the function prescribed by regulation 6(a); and
- (b) a fee (called in these regulations “the inspection fee”) for or in connection with the function prescribed by regulation 6(b).

Ascertainment of amount of fees

8. The amount of any fee authorised by these regulations shall be ascertained in accordance with the Schedule by reference to the nature of the work to which the plans relate and shall be —

- (a) in the case of the erection of small domestic buildings and connected work, a fee determined in accordance with Part II of the Schedule by reference to the number of dwellings to be provided;
- (b) in the case of the erection of certain garages and carports and certain alterations to domestic buildings, a flat-rate fee specified in Part III of the Schedule according to the type of work; and

- (c) in all other cases, a fee determined in accordance with Part IV of the Schedule by reference to the estimated cost of work.

Plan fee: general exemption

9. 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.

Plan fee: exemptions in relation to small domestic buildings and connected work

10.— (1) Where—

(a) plans are or have been deposited for the erection of a small domestic building (in this regulation called “the operation”); 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 fittings in connection with the operation; or
- (ii) the erection, in connection with the operation, of a building consisting of a garage or carport or both.

(2) Where—

(a) plans have been deposited for the execution of works of drainage in connection with the operation; 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 operation; or
- (ii) the execution of works or the installation of fittings in connection with the operation; or
- (iii) the erection, in connection with the operation, of a building consisting of a garage or carport or both.

Plan fee: exemptions in relation to certain garages and carports and certain alterations to domestic buildings

11. Where—

(a) plans are deposited—

(i) for the erection of such a garage or carport (or both) as is described in paragraph 8 of Part III of the Schedule; or

(ii) such an alteration to a domestic building as is described in column (1) of the Table following paragraph 11 of Part III of the Schedule; 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 fittings in connection with the operation referred to in paragraph (a)(i) or, as the case may be, (a)(ii) above.

Inspection fee: exemptions and work covered by fee

12.— (1) A local authority may not charge an inspection 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 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 any other relevant work.

In this paragraph “relevant work” means—

- (a) in the case of the erection of a small domestic building—
 - (i) the erection of that building; or
 - (ii) the execution of works, other than works of drainage, or the installation of fittings in connection with the operation mentioned in head (i) above; or
 - (iii) the erection, in connection with the operation mentioned in head (i) above, of a garage or carport or both;
- (b) in the case of the erection of a garage or carport or both where the inspection fee is specified in Part III of the Schedule—
 - (i) the erection of the garage or carport or both, as the case may be; or
 - (ii) the execution of works or installation of fittings in connection with the operation mentioned in head (i) above;
- (c) in the case of an alteration or extension to a domestic building where the inspection fee is specified in Part III of the Schedule—
 - (i) the alteration or, as the case may be, the extension of the building; or
 - (ii) the execution of works or installation of fittings in connection with the operation mentioned in head (i) above; or
- (d) in all other cases, work the cost of which is included in the estimate referred to in regulation 14 (a) or substantially the same work.

Payment of fees

13.— (1) A fee authorised by these regulations shall be payable by the person by whom or on whose behalf the work is to be or, as the case may be, is being carried out.

(2) The plan fee shall be payable on the first occasion that plans of the proposed work are deposited.

(3) The inspection fee shall be payable on demand made after the local authority carry out the inspection for which the fee is payable.

Estimates etc. to be provided in certain cases

14. Where a plan fee of an amount determined under Part IV of the Schedule by reference to estimated cost of work is payable, the fee—

- (a) shall be accompanied by a reasonable written estimate for the building to which the plans relate of the total cost to be incurred by the person by whom or on whose behalf the plans are deposited for all work on, in or in connection with that building and shown on those plans or any other plans deposited on the same occasion and in relation to which a plan fee of an amount determined under Part IV of the Schedule is then payable; and
- (b) where the proposed work forms part of a multiple work scheme which includes proposed work on, in or in connection with at least one other building and in relation to which a plan fee of an amount determined under Part IV of the Schedule is then payable, shall also be accompanied by a written notification of the aggregate of the amount of that estimate and of the amounts of the estimates for all such other buildings.

Refund of fees

15. Where for any reason a local authority do not give notice of passing or rejection of plans within the period prescribed for the purposes of section 64(2) of the 1936 Act, they shall refund any fee received for the performance of that function to the person by whom or on whose behalf it was paid.

Effect on plans of failure to pay plan fee or supply estimate etc.

16. Plans shall not be treated as deposited in accordance with the principal regulations for the purposes of section 64 of the 1936 Act unless the local authority have received any plan fee payable in respect of those plans and, where regulation 14 applies, that regulation has been complied with.

Non-compliance with regulations not to be an offence

17. The provisions of these regulations are hereby designated as provisions to which section 4(6) of the Public Health Act 1961 (penalties for contravening building regulations) does not apply.

SCHEDULE

Regulation 8

AMOUNTS OF PRESCRIBED FEES

PART I

GENERAL

Interpretation

1. In this Schedule—

“dwelling” includes an intended dwelling; and

“partially exempted building” has the meaning given by regulation A5(1) of the principal regulations.

*Rules for measurement of floor area***2.** In this Schedule—

- (a) the total floor area of a dwelling or extension shall be the total of the floor areas of all the storeys in the dwelling or, as the case may be, the extension; and
- (b) the floor area of—
 - (i) any storey of a dwelling or extension; or
 - (ii) a garage or carport,shall be taken to be its total floor area bounded by the inner finished surfaces of the enclosing walls or, on any side where there is no enclosing wall, by the outermost edge of the floor on that side.

Fractions of pence

3. Where the amount of a fee includes a fraction of a penny that fraction shall be disregarded.

PART II**ERECTION OF SMALL DOMESTIC BUILDINGS***Single small domestic building: plan fee***4.** Where the plans are—

- (a) plans for the erection of a small domestic building; or
 - (b) plans for the execution of works of drainage in connection with that operation and deposited before plans for that operation are deposited,
- the plan fee shall, except as provided in paragraph 6 below (two or more small domestic buildings in a multiple work scheme), be the amount specified in column (2) of Table 1 below in relation to the number of dwellings in that building specified or indicated in column (1).

Single small domestic building: inspection fee

5. In relation to the erection of a small domestic building and any work in connection with that operation, the inspection fee shall, except as provided in paragraph 7 below (two or more small domestic buildings in a multiple work scheme), be an amount equal to the aggregate of—

- (a) £50 multiplied by the number of dwellings in that building; and
- (b) where any of those dwellings has a total floor area, other than the floor area of any garage comprised therein, as shown on the plans, exceeding 64 square metres, the amount specified in column (2) of Table 2 below in relation to the number of such dwellings specified or indicated in column (1).

*Two or more small domestic buildings in a multiple work scheme: plan fee***6. Where—***(a) the plans are—*

- (i) plans for the erection of a small domestic building; or
- (ii) plans for the execution of works of drainage in connection with that operation and deposited before plans for that operation are deposited; and

(b) the work forms part of a multiple work scheme which consists of the erection of small domestic buildings or includes the erection of at least one other small domestic building or, as the case may be, the execution of works of drainage in connection with such buildings or building,

the plan fee shall be the amount determined by—

- (i) dividing the amount specified in column (2) of Table 1 below in relation to the number of dwellings in all the small domestic buildings in the multiple work scheme specified or indicated in column (1) by the number of those dwellings; and
- (ii) multiplying the resulting figure by the number of dwellings in the small domestic building for which the fee is being determined.

Two or more small domestic buildings in a multiple work scheme: inspection fee

7. In relation to the erection of a small domestic building and any work in connection with that operation where that operation forms part of a multiple work scheme which consists of the erection of small domestic buildings or includes the erection of at least one other small domestic building, the inspection fee shall be the amount determined by—

(a) dividing the aggregate of—

- (i) £50 multiplied by the number of dwellings in all the small domestic buildings in the multiple work scheme; and
- (ii) where any of those dwellings has a total floor area, other than the floor area of any garage comprised therein, as shown on the plans, exceeding 64 square metres, the amount specified in column (2) of Table 2 below in relation to the number of such dwellings specified or indicated in column (1),

by the number of dwellings in all the small domestic buildings in the multiple work scheme; and

(b) multiplying the resulting figure by the number of dwellings in the small domestic building for which the fee is being determined.

TABLE 1 (paragraphs 4 and 6 above)

Erection of small domestic buildings: plan fee

(1) Number of dwellings	(2) Amount of plan fee or, as the case may be, amount to be divided under paragraph 6 above
	£
1	30
2	60
3	90
4	120
5	150
6	170
7	190
8	210
9	230
10	250
11	260
12	270
13	280
14	290
15	300
16	310
17	320
18	330
19	340
20 or more	350

TABLE 2 (paragraphs 5 and 7 above)

Erection of small domestic buildings: inspection fee

(1) Number of dwellings each having a floor area exceeding 64 square metres	(2) Amount referred to in paragraph 5(b) above or, as the case may be, paragraph 7(a)(ii) above
	£
1	30
2	60
3	90
4	120
5	150
6	160
7	170
8	180
9	190
10 or more	200

PART III

ERECTION OF SMALL GARAGES AND CARPORTS AND CERTAIN ALTERATIONS TO DOMESTIC BUILDINGS

Erection of small garages and carports: plan fee

8. Where the plans are plans for the erection of a detached building—

- (a) consisting of a garage or carport or both,
- (b) having a floor area not exceeding 40 square metres, and
- (c) intended to be used in common with an existing building,

the plan fee shall be—

- (i) if the building is a partially exempted building, a fee of £3;
- (ii) otherwise, a fee of £6.

Erection of small garages and carports: inspection fee

9. In relation to the erection of such a building as is described in paragraph 8 above, the inspection fee shall be—

- (a) if the building is a partially exempted building, a fee of £9;
- (b) otherwise, a fee of £18.

Certain alterations to domestic buildings: plan fee

10. Where the plans are plans of proposed work of a type described in column (1) of the following Table, being work on, in or in connection with—

- (a) a small domestic building; or
- (b) a building, other than a small domestic building, which consists of flats or maisonettes or both; or
- (c) a building which consists of a garage or carport or both on land occupied in common with such a building as is described in head (a) or (b) above,

the plan fee shall be of the amount specified in column (2) in relation to that type of work.

Certain alterations to domestic buildings: inspection fee

11. In relation to work of a type described in column (1) of the following Table, being work on, in or in connection with such a building as is described in paragraph 10 above, the inspection fee shall be a fee of the amount specified in column (3) in relation to that type of work.

(paragraphs 10 and 11 above) TABLE
 Certain alterations to domestic buildings: plan fee and inspection fee

(1) Type of work	(2) Amount of plan fee	(3) Amount of inspection fee
1. An extension the total floor area of which, as shown on the plans, does not exceed 20 square metres, other than an extension of a type described in paragraph 3 or 4 below.	£6	£18
2. An extension the total floor area of which, as shown on the plans, exceeds 20 square metres but does not exceed 40 square metres.	£12	£36
3. An extension consisting of the erection of a porch the floor area of which, as shown on the plans, exceeds 2 square metres but does not exceed 4 square metres.	£3	£9
4. An alteration consisting of the provision of one or more rooms in roof space, including any means of access thereto.	£12	£36

PART IV

WORK OTHER THAN THAT DESCRIBED IN PART II OR III

Single building: plan fee

12. Where the plans are plans of proposed work, other than proposed work in relation to which the amount of the plan fee is ascertained under Part II or Part III above or in relation to which no such fee is payable by virtue of regulation 10 or 11, the plan fee shall be, except as provided in paragraph 13 below, a fee of the amount shown in column (2) of the following Table opposite to the amount indicated in column (1) which is appropriate to 70% of the amount of the estimate for the building supplied in accordance with regulation 14(a).

Multiple work scheme: plan fee

13. Where the plans are plans of proposed work, other than proposed work in relation to which the amount of the plan fee is ascertained under Part II or Part III above or in relation to which no such fee is payable by virtue of regulation 10 or 11, which forms part of a multiple work scheme and the scheme includes other such proposed work on, in or in connection with at least one other building, the plan fee shall be the amount determined in accordance with the following formula—

$$\frac{E}{T} \times A$$

where—

- E is 70% of the amount of the estimate for the building supplied in accordance with regulation 14(a);
- T is 70% of the aggregate for the building and the other buildings supplied in accordance with regulation 14(b); and
- A is the amount shown in column (2) of the following Table which is appropriate to T.

Partially exempted building: plan fee

14. In the case of a partially exempted building the amount of the plan fee shall be half the amount determined under paragraph 12 or 13 above, as the case may be, subject to a minimum of £3.

Other work: inspection fee

15.— (1) In relation to work, other than work in relation to which the inspection fee is a fee of an amount ascertained under Part II or Part III above, the inspection fee shall be a fee of the amount shown in column (3) of the following Table opposite to the amount indicated in column (1) which is appropriate to 70% of the amount of the estimate for the building supplied in accordance with regulation 14(a).

(2) In the case of a partially exempted building the amount of the inspection fee shall be half the amount determined in accordance with sub-paragraph (1) above, subject to a minimum of £9.

(paragraphs 12 to 15 above) TABLE

Other work: plan fee and inspection fee

(1)	(2)	(3)
70% of estimated cost	Amount of plan fee under paragraph 12 above or, as the case may be, amount by which the fraction referred to in paragraph 13 above is to be multiplied	Amount of inspection fee
£	£	£
Under 1,000	3	9
1,000 and under 2,000	7	21
2,000 and under 3,000	8	24
3,000 and under 4,000	11	33
4,000 and under 5,000	15	45
5,000 and under 6,000	17	51
6,000 and under 7,000	20	60
7,000 and under 8,000	22	66
8,000 and under 9,000	25	75
9,000 and under 10,000	27	81
10,000 and under 12,000	30	90
12,000 and under 14,000	35	105
14,000 and under 16,000	39	117
16,000 and under 18,000	44	132
18,000 and under 20,000	48	144
20,000 and under 25,000	53	159
25,000 and under 30,000	62	186
30,000 and under 35,000	71	213
35,000 and under 40,000	81	243
40,000 and under 45,000	89	267
45,000 and under 50,000	96	288
50,000 and under 60,000	107	321
60,000 and under 70,000	128	384
70,000 and under 80,000	144	432
80,000 and under 90,000	157	471
90,000 and under 100,000	173	519
100,000 and under 140,000	190	570
140,000 and under 180,000	247	741
180,000 and under 240,000	305	915
240,000 and under 300,000	379	1137
300,000 and under 400,000	454	1362
400,000 and under 500,000	577	1731
500,000 and under 700,000	676	2028
700,000 up to and including 1,000,000	883	2649
Thereafter for each additional 100,000 or part thereof	165	495

Signed by the authority of the
Secretary of State
21st April 1982.

John Stanley,
Minister for Housing
and Construction,
Department of the Environment.

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

1. These Regulations authorise local authorities to charge fees, prescribed by the Regulations, for the performance of certain functions of theirs relating to building regulations, which are also prescribed. The Regulations replace the Building (Prescribed Fees) Regulations 1980 ("the former regulations"), which they revoke (regulation 4). Like the former regulations these Regulations apply throughout England and Wales, apart from Inner London.

2. The functions prescribed by the Regulations and the time for payment of the fees prescribed are the same as in the former regulations, namely, (1) the passing or rejection by a local authority, in accordance with section 64 of the Public Health Act 1936, of plans of proposed work deposited with them, and (2) the inspection of work for which such plans have been deposited. The fee for the passing or rejection of plans ("the plan fee") is payable on the first occasion plans of the work are deposited (regulations 6(a) and 13(2)) and the fee for the inspection of work ("the inspection fee") is payable on demand made after inspection (regulations 6(b) and 13(3)). In certain cases a plan fee cannot be charged (regulations 9 to 11) nor in certain cases can an inspection fee be charged (regulation 12). No fees may be charged for the erection of small porches or the insulation of cavity walls (definition of "work" in regulation 3(1)).

3. The principal differences between these Regulations and the former regulations are that these Regulations—

- (a) introduce a scale plan fee and inspection fee, in relation to the erection of buildings which are to consist of one or more private dwelling-houses, other than flats and/or maisonettes more than 3 storeys high, determined by reference to the number of intended dwellings. In the case of the plan fee, there is a maximum of £350 (Part II of the Schedule);
- (b) introduce a flat-rate plan fee and inspection fee—
 - (i) in relation to the erection of certain small garages and/or carports to be used in connection with existing buildings (paragraphs 8 and 9 of Part III of the Schedule); and
 - (ii) in relation to certain alterations to domestic buildings (paragraphs 10 and 11 of Part III of the Schedule).

4. In some cases the scale fees referred to in paragraph 3(a) above will result in fees greater than those charged under the former regulations, for example—
one block of 6 flats at £12,000 each — total fees £525 under the former regulations, £630 under the new regulations;

in others they will result in smaller fees, for example—

one dwelling-house at £15,000 — £141 under the former regulations, £110 under the new regulations.

Similarly, in some cases the flat-rate fees will result in fees greater than those charged under the former regulations, for example—

a domestic extension of 30m² costing £5,700 — total fees under the former regulations were £42, under the new regulations £48;

in others they will result in smaller fees, for example—

a domestic extension of 20m² costing £3,800 — total fees under the former regulations were £30, under the new regulations £24.

5. The determination of a plan fee and inspection fee by reference to an estimate submitted on deposit of plans is retained for other cases (regulation 14 and Part IV of the Schedule), but subject to the following principal changes—

- (a) the fees are now to be determined by reference to 70 per cent of the estimated total cost of work shown on the plans instead of the estimated cost of those elements of the work which are subject to the Building Regulations 1976;
- (b) fees charged in relation to buildings partially exempted from the principal regulations are halved;
- (c) the exemption from fees accorded by the former regulations to work estimated to cost less than £1,000 is removed; and
- (d) the plan and inspection fees shown in the Table in Part IV of the Schedule have been increased; the effect of the increase is to add an average of 9.9 per cent to the combined amount of the plan fee and the inspection fee appropriate to the individual estimated cost bands.

6. In addition regulation 17 prevents the application to the Regulations of section 4(6) of the Public Health Act 1961, so that a breach of any provision in the regulations will not be a criminal offence.

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