STATUTORY RULES OF NORTHERN IRELAND

2013 No. 60

BUILDING REGULATIONS

Building (Prescribed Fees) (Amendment) Regulations (Northern Ireland) 2013

Made - - - -	*11th March 2013*
Coming into operation	*8th April 2013*

The Department of Finance and Personnel, in exercise of the powers conferred by Articles 3(1), 5(1), (2) and (3), 8(3) and 13(2)(e) and (3) of the Building Regulations (Northern Ireland) Order 1979(**1**) and now vested in it(**2**), and after consultation with the Building Regulations Advisory Committee and such other bodies as appear to the Department to be representative of the interests concerned(**3**) makes the following regulations:

Citation and commencement

1. These regulations may be cited as the Building (Prescribed Fees) (Amendment) Regulations (Northern Ireland) 2013 and shall come into operation on 8th April 2013.

Interpretation

2. In these regulations "the 1997 Regulations" means the Building (Prescribed Fees) Regulations (Northern Ireland) 1997(**4**).

Amendment to the 1997 Regulations

3. The 1997 Regulations shall be amended as provided in regulations 4 to 13.

Amendment to Regulation 2 (Interpretation and application)

4.—(1) Regulation 2(1) of the 1997 Regulations is amended as follows—

(a) in the definition "BUILDING NOTICE" for "regulation A10" substitute "regulation 9";

(b) in the definition "MATERIAL CHANGE OF USE" for "regulation A9(1)" substitute "regulation 8(1)";

(**1**) S.I. 1979/1709 (N.I. 16) Article 5(1) as amended by S.I. 1990/1510 (N.I. 14), Article 38(1) and Schedule 1, Part II and 2009 c.4
(**2**) See S.R. 1999 No. 481 Article 6 and Schedule 4, Part II
(**3**) S.I. 1979/1709 (N.I. 16) Article 5(4)
(**4**) S.R. 1997 No. 482

(c) in the definition "THE PRINCIPAL REGULATIONS" for "1994" substitute "2012"(**5**);

(d) after the definition "THE PRINCIPAL REGULATIONS" insert—

""PROCESSING COUNCIL" has the same meaning as in regulation 2 of the principal regulations;";

(e) after the definition "REGULARISATION FEE" delete "and"; and

(f) after the definition "SMALL DOMESTIC BUILDING" for "." substitute "; and

"TYPE APPROVAL FEE" has the meaning given by regulation 4(e).".

(2) For regulation 2(3) substitute—

"(3) These regulations shall not apply in relation to a building—

(a) specified in Part B of Schedule 1 to the Building Regulations (Northern Ireland) 1994(**6**) (Classes of wholly exempted buildings) as in operation before 15th January 1996;

(b) specified in Schedule 1 (Classes of exempted buildings) to the Building Regulations (Northern Ireland) 1994 as in operation on or after 15th January 1996;

(c) specified in Schedule 1 (Classes of exempted buildings) to the Building Regulations (Northern Ireland) 2000(**7**) as in operation on or after 1st April 2001; or

(d) specified in Schedule 2 (Classes of exempted buildings) to the principal regulations as in operation on or after 31st October 2012.".

Amendment to Regulation 3 (Prescribed functions)

5. Regulation 3 of the 1997 Regulations is amended as follows—

(a) in regulation 3(c) delete "and";

(b) in regulation 3(d)—

(i) for "A11A" substitute "13"; and

(ii) for "." substitute "; and"; and

(c) after regulation 3(d) insert—

"(e) the consideration of an application under regulation 11 of the principal regulations.

Amendment to Regulation 4 (Authority to charge fees)

6. Regulation 4 of the 1997 Regulations is amended as follows—

(a) in regulation 4(c) delete "and";

(b) in regulation 4(d) for "." substitute "; and"; and

(c) after regulation 4(d) insert—

"(e) for or in connection with the performance by it of the function prescribed by regulation 3(e) (in these regulations called a "type approval fee").".

Amendment to Regulation 5 (Amount of fees)

7. For regulation 5(a) of the 1997 Regulations substitute—

(**5**) S.R. 2012 No. 192 as amended by S.R. 2012 No. 375
(**6**) S.R. 1994 No. 243, as amended by S.R. 1995 No. 473, S.R. 1997 No. 481 and S.R. 1998 No. 453
(**7**) S.R. 2000 No. 389 as amended by S.R. 2006 Nos. 355 and 425

"(a) Schedule 1 shall have effect to calculate the amount of fees payable in the case of—

(i) an application for type approval; and

(ii) the erection of one or more small domestic buildings."

Amendment to Regulation 10 (Exemption from inspection fees and building notice fees)

8. Regulation 10 of the 1997 Regulations is amended as follows—

(a) in regulation 10(2)(d)(ii) after ";" delete "or"; and

(b) for regulation 10(2)(e) substitute—

"(e) in the case of works which are specified in entries 7 to 9 in the Table in Schedule 2 (provision or installation of certain fixed building services) the execution of those works; or

(f) in any other case, work the cost of which is included in the estimate referred to in regulation 12(2) or work substantially the same as that included in the estimate.".

Amendment to Regulation 11 (Payment of fees)

9. Regulation 11 of the 1997 Regulations is amended as follows—

(a) in regulation 11(1) for "4(a) to (d)" substitute "4(a) to (e)";

(b) in regulation 11(5) for "A11A" substitute "13"; and

(c) after regulation 11(6) insert—

"(7) The type approval fee shall be payable to the processing council at the time of application to it in accordance with regulation 11 of the principal regulations.".

Amendment to Regulation 13 (Effect of failure to pay plan fee, building notice fee or regularisation fee)

10. Regulation 13 of the 1997 Regulations is amended as follows—

(a) for heading **"Effect of failure to pay plan fee, building notice fee or regularisation fee"** substitute **"Effect of failure to pay fees"**; and

(b) for regulation 13(3) substitute—

"(3) A district council may not issue a completion certificate in accordance with regulation 14 of the principal regulations until such time as—

(a) the prescribed inspection fee has been paid in full in accordance with regulation 11(4); or

(b) where regulation 11(6) applies, the final instalment of the inspection fee has been paid on the date specified.

(4) An application for a regularisation certificate shall not be treated as given in accordance with the principal regulations unless the district council has received any regularisation fee payable in respect of that application and, where regulation 12 applies, that regulation has been complied with.

(5) An application for a type approval certificate shall not be treated as given in accordance with the principal regulations unless the processing council has received any type approval fee payable in respect of that application.".

Amendment to Regulation 15 (Transitional provisions)

11. Regulation 15 is amended as follows—

(a) in regulation 15(1) for "1 January 1998" substitute "8th April 2013";

(b) in regulation 15(2) for "1982" substitute "1997" and for "1 January 1998" substitute "8th April 2013"; and

(c) after regulation 15(2) insert—

"(3) The Building (Prescribed Fees) Regulations (Northern Ireland) 1982 shall continue to apply in relation to work for which plans were first deposited before 1st January 1998 as if the Building (Prescribed Fees) Regulations (Northern Ireland) 1997 had not been made.".

Amendment of Schedule 1 (Fees for one or more small domestic buildings)

12. For Schedule 1 to the 1997 Regulations substitute the Schedule set out in Schedule 1.

Amendment of Schedule 2 (Fees for certain small buildings, extensions and alterations)

13. For Schedule 2 to the 1997 Regulations substitute the Schedule set out in Schedule 2.

Sealed with the Official Seal of the Department of Finance and Personnel on 11th March 2013

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L.S.

Philip Irwin
A senior officer of the
Department of Finance and Personnel

SCHEDULE 1 Regulation 12

Fees for one or more small domestic buildings

Type approval fee

1. The fee payable in respect of an application for a type approval for one or more dwelling types shall be 300% of the sums calculated by reference to Table 1.

Plan fee

2.—(1) Where a plan fee is payable in respect of the erection of one or more small domestic buildings shown on the deposited plans the plan fee payable for that building or those buildings is the total of the sums calculated by reference to Tables 1 and 2; or

(2) Where a plan fee is payable in respect of the erection of a dwelling or dwellings shown on the deposited plans and for which a type approval certificate has been given the plan fee payable for that dwelling or dwellings is 50% of the total of the sums calculated by reference to Tables 1 and 2.

Inspection fee

3. The inspection fee payable in respect of the erection of one or more small domestic buildings is the sum calculated by reference to Table 3.

Regularisation fee

4. The regularisation fee payable in respect of the erection of one or more small domestic buildings is an amount equal to 120 per cent of the total of the plan fee and the inspection fee which would be payable in accordance with Tables 1, 2 and 3 if plans for the carrying out of that work had been deposited, at the time of the application for regularisation, in accordance with the principal regulations.

Interpretation

5.—(1) In Table 1, two or more dwellings shall be regarded as being of one type if they are identical in design or if they are so similar that a separate consideration of the plans of those dwellings is not necessary.

(2) The reference in the heading to column (1) of Tables 2 and 3 is a reference to the total number of dwellings in the building or buildings.

Table 1 to Schedule 1 — Regulation 12

Dwelling type plan fee

Number of dwelling plan types (1)	Dwelling type plan fee (2) £
1	90
2	168
3	246