STATUTORY RULES OF NORTHERN IRELAND

1997 No. 482

BUILDING REGULATIONS

Building (Prescribed Fees) Regulations (Northern Ireland) 1997

Made - - - - *7 November 1997*

Coming into operation *1 January 1998*

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

Citation and commencement

1. These regulations may be cited as the Building (Prescribed Fees) Regulations (Northern Ireland) 1997 and shall come into operation on 1 January 1998.

Interpretation and application

2.—(1) In these regulations—

BUILDING includes a proposed building;

BUILDING WORK means the erection of a building, the structural alteration (other than the insertion of insulating material in a cavity wall of a building) or extension of a building (including work in connection with the making of a material change of use) or the provision of a service or fitting;

BUILDING NOTICE has the same meaning as in regulation A10 of the principal regulations;

BUILDING NOTICE FEE has the meaning given by regulation 4(*c*);

ESTIMATE, in relation to the cost of carrying out building work, means a written estimate, accepted by a district council, of such reasonable amounts as would be charged for the carrying out of that work by a person in business to carry out such work, and references to "ESTIMATED COST" shall be construed accordingly;

INSPECTION FEE has the meaning given by regulation 4(*b*);

(**1**) S.I. 1979/1709 (N.I. 16) as amended by S.I. 1990/1510 (N.I.14)
(**2**) *See*S.I. 1982/338 (N.I. 6) Article 5 and Schedule 1, Part II

MATERIAL CHANGE OF USE has the same meaning as in regulation A9(1) of the principal regulations;

PLAN FEE has the meaning given by regulation 4(*a*);

THE 1979 ORDER means the Building Regulations (Northern Ireland) Order 1979;

THE PRINCIPAL REGULATIONS means the Building Regulations (Northern Ireland) 1994(**3**);

REGULARISATION FEE has the meaning given in regulation 4(*d*); and

SMALL DOMESTIC BUILDING means a building used or intended to be used wholly for the purposes of one or more private dwelling-houses, flats, or maisonettes none of which has a total floor area exceeding 250 square metres, but does not include a building which has more than 3 storeys, each basement level being counted as one storey.

(2) In these regulations—

(a) the total floor area of a dwelling is the total of the floor areas of all the storeys in it, excluding the floor area of any integral garage or carport;

(b) the total floor area of an extension of a dwelling is the total of the floor areas of all the storeys in the extension; and

(c) the floor area of—

(i) any storey of a dwelling or extension; or

(ii) a garage or carport,

is the total floor area calculated by reference to the finished internal faces of the walls enclosing the area, or, if at any point there is no enclosing wall, by reference to the outermost edge of the floor.

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

(a) specified in Part B of Schedule 1 to the principal regulations (Classes of wholly exempted buildings) as in operation before 15th January 1996; or

(b) specified in Schedule 1 (Classes of exempted buildings) to the principal regulations as in operation on or after that date.

Prescribed functions

3. The prescribed functions in relation to which a district council is hereby authorised to charge fees are the following functions—

(a) the passing or rejection by a district council, in accordance with Article 13 of the 1979 Order, of plans of proposed building work deposited with it (including plans of work proposed to be carried out by or on behalf of the district council);

(b) the inspection in connection with the principal regulations of building work for which such plans have been deposited;

(c) the inspection in connection with the principal regulations of building work for which a building notice has been given to a district council; and

(d) the consideration of an application under regulation A11A(**4**) of the principal regulations.

Authority to charge fees

4. Subject to regulations 6 to 10, a district council is hereby authorised to charge a fee—

(**3**) S.R. 1994 No. 243 as amended by S.R. 1995 No. 473 and by S.R. 1997 No. 481
(**4**) Inserted by S.R. 1997 No. 481

(a) for or in connection with the performance by it of the function prescribed by regulation 3(*a*) (in these regulations called a "plan fee");

(b) for or in connection with the performance by it of the function prescribed by regulation 3(*b*) (in these regulations called an "inspection fee");

(c) for or in connection with the performance by it of the function prescribed by regulation 3(*c*) (in these regulations called a "building notice fee"); and

(d) for or in connection with the performance by it of the function prescribed by regulation 3(*d*) (in these regulations called a "regularisation fee").

Amount of fees

5. Subject to regulations 6 to 10—

(a) Schedule 1 shall have effect to calculate the amount of fees payable in the case of the erection of one or more small domestic buildings;

(b) Schedule 2 shall have effect to calculate the amount of fees payable for certain small buildings, extensions and alterations; and

(c) Schedule 3 shall have effect to calculate the amount of fees payable for work other than work mentioned in sub-paragaph (a) or (b).

Exemption from plan fee

6. Where a plan fee has been paid, a district council shall 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

7.—(1) A district council shall not charge any fee where it is 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 people 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 people; 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 district council shall not charge any fee for work to a dwelling, which consists solely of the provision or extension of a room, where it is satisfied that —

(a) the sole use of the room is or will be —

(i) for the carrying out of medical treatment to 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 a disabled person.

(3) In this regulation a "disabled person" means a person who has a physical impairment which has a substantial and long term adverse effect on his ability to carry out normal day to day activities.

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

8.—(1) Subject to paragraph (2), 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 district council shall 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) Nothing in paragraph (1) shall prevent a district council from charging a plan fee in respect of plans deposited at any time after completion of the erection of the small domestic building referred to in that paragraph.

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

9. Where —

(a) plans are deposited for —

(i) the erection of a building described in entry 1 in the Table in Schedule 2 (certain small garages and carports); or

(ii) the extension or alteration of a building falling within a description in entry 3, 4, 5 or 6 in the Table in Schedule 2; and

(b) a plan fee is payable in respect of those plans, a district council shall 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.

Exemption from inspection fees and building notice fees

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

(2) In paragraph (1) "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 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 entry 2 in the Table in Schedule 2 (installation of an unvented hot water storage system) the execution of those works;

(d) in the case of an alteration or extension to a building in relation to which the fees are specified in entries 3 to 6 in the Table in Schedule 2 (extensions and alterations to certain small domestic buildings)—

(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 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.

Payment of fees

11.—(1) A fee charged by a district council pursuant to regulation 4(*a*) to (*d*) shall be payable by the person by whom or on whose behalf the work is to be or is being or has been carried out.

(2) The plan fee shall be payable to a district council on the first occasion on which plans of the work are deposited with it.

(3) The building notice fee shall be payable to a district council when the building notice is given to it.

(4) The inspection fee shall be payable to a district council on demand made after it has carried out the first inspection in respect of which the fee is payable.

(5) The regularisation fee shall be payable to a district council at the time of the application to it in accordance with regulation A11A of the principal regulations.

(6) A district council may agree, in a particular case, that part of any fee charged by it pursuant to regulation 4(*a*) to (*d*) may be paid by instalments of such amounts and on such dates as it may specify, and where a district council has so agreed, the fee or part of it shall become due on such date.

Estimates to be provided in certain cases

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

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

(3) The estimate mentioned in paragraph (2) 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.

Effect of failure to pay plan fee, building notice fee or regularisation fee

13.—(1) Plans shall not be treated as deposited in accordance with the principal regulations for the purposes of Article 13 of the 1979 Order unless the district council has received any plan fee payable in respect of those plans and, where regulation 12 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 district council has received any building notice fee payable in respect of that notice, and, where regulation 12 applies, that regulation has been complied with.

(3) 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.