1982 No. 392

BUILDING REGULATIONS

Building (Prescribed Fees) Regulations (Northern Ireland) 1982

Made . . . . . *29th November 1982*

Coming into operation . . . *1st January 1983*

The Department of the Environment, in exercise of the powers conferred by Articles 3, 5(1) and 13(2)(*e*) and (3) of the Building Regulations (Northern Ireland) Order 1979(**a**) and now vested in it(**b**) 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) 1982 and shall come into operation on 1st January 1983.

Interpretation

2. In these regulations—

"building" includes a proposed building;

"cost" does not include any professional fees paid to an Architect, Quantity Surveyor, or any other person;

"inspection fee" has the meaning given by regulation 5(*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 Article 13 of the 1979 Order 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 2 to the principal regulations and so deposited, shows all those buildings;

"multiple work scheme" means a scheme for the carrying out of multiple work;

"the 1979 Order" means the Building Regulations (Northern Ireland) Order 1979;

"plan fee" has the meaning given by regulation 5(*a*);

"the principal regulations" means the Building Regulations (Northern Ireland) 1977(**c**);

"small domestic building" means a building, the whole of which, as shown on plans deposited for the purposes of Article 13 of the 1979 Order, is used or intended to be used for the purpose of one or more private dwelling-houses,

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(**a**) S.I. 1979/1709 (N.I. 16)—Articles 3, 5(1) and 13(3) were brought into operation on the 1st November 1980 by S.R. 1980 No. 331 and Article 13(2)(*e*) was brought into operation on 22nd November 1982 by S.R. 1982 No. 380

(**b**) S.I. 1982/338 (N.I. 6) Art. 5 and Sch. 1 Part II

(**c**) S.R. 1977 No. 149 as amended by S.R. 1980 No. 86, S.R. 1980 No. 332 and S.R. 1982 No. 81

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 A2(4) 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.

Transitional provisions

3. The fees authorised by these regulations shall not be payable in relation to a project for which plans were first deposited before 1st January 1983, notwithstanding that, on a subsequent occasion, plans for essentially the same project are or have been deposited.

Prescribed functions

4. The prescribed functions shall be the following functions—

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

(*b*) the inspection, in connection with the principal regulations, of work for which such plans have been deposited.

Authority to charge fees

5. Subject to the provisions of regulations 7 to 10, a district council is hereby authorised to charge—

(*a*) a fee (called in these regulations "the plan fee") for or in connection with the performance by it, of the function prescribed by regulation 4(*a*); and

(*b*) a fee (called in these regulations "the inspection fee") for or in connection with the function prescribed by regulation 4(*b*).

Ascertainment of amount of fees

6. 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

7. Where a plan fee has been paid and not refunded, a district council 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

8. 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 district council may not charge a plan fee in respect of plans deposited at any time before completion of the operation 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.

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

9. 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) for 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 district council 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).

Inspection fee: exemptions and work covered by fee

10.—(1) Only one inspection 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 may not charge a fee for the inspection on any subsequent occasion of that work or any other relevant work.

(2) In this regulation "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 or the installation of fittings in connection with the operation mentioned in head (i) where the plans for those works or fittings have been deposited before completion of that operation; or

(iii) the erection, in connection with the operation mentioned in head (i), of a garage or carport or both, where the plans for that garage or carport have been deposited before completion of that operation.

(*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) where the plans for those works or fittings have been deposited on the same occasion as the plans for that operation,

(*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) where the plans for those works or fittings have been deposited on the same occasion as the plans for that operation; or

(*d*) in all other cases, work the cost of which is included in the estimate referred to in regulation 12(*a*) or substantially the same work.

Payment of fees

11.—(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 district council carries out the inspection for which the fee is payable.

Estimates, etc., to be provided in certain cases

12. 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.

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

13. 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 these plans and, where regulation 12 applies, that regulation has been complied with.

Sealed with the Official Seal of the Department of the Environment for Northern Ireland on 29th November 1982.

(L.S.) *Harold Carson*
Assistant Secretary

SCHEDULE Regulation 6

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(2) 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 for the erection of a small domestic building, the plan fee shall, except as provided in paragraph 6 (two or more small domestic buildings in a multiple work scheme), be the amount specified in column (2) of Table 1 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 (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 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 for the erection of a small domestic building; 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,