



BUILDING CONTROL ACT 1991

BUILDING (FEES) REGULATIONS 2011

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BUILDING CONTROL ACT 1991

BUILDING (FEES) REGULATIONS 2011

Approved by Tynwald 15 February 2011
Coming into operation 1 April 2011

The Department of Infrastructure makes these Regulations under section 1(1) of, and paragraphs 2 and 5 of Schedule 1, to the Building Control Act 1991¹.

1 Title

The title of these Regulations is the Building (Fees) Regulations 2011.

2 Commencement

If approved by Tynwald², these Regulations come into operation on 1 April 2011.

3 Interpretation

(1) In these Regulations —

"the Act" means the Building Control Act 1991;

"building" has the same meaning as in the principal Regulations, and includes a proposed building;

"cost of the work" means the cost of the work shown on the plans required to be deposited for the purposes of regulation 10 of the principal Regulations, as would be charged for the work by a person or company in business to carry out the building work, excluding any professional fees and any value added tax which may be chargeable;

"dwelling" includes a proposed dwelling;

¹ 1991 c.21

² As required by section 37(1) of the Act
Price £2.00 Price Code B

"dwelling-house" does not include a flat or maisonette or a building containing a flat or maisonette;

"exempt building" means a building to which regulation 9(1)(a) of the principal Regulations applies;

"inspection fee" means the fee authorised to be charged by regulation 5(1) or 6(2);

"plan fee" means the fee authorised to be charged by regulation 4(1) or 6(1);

"the principal Regulations" means the Building Regulations 2007³;

"unauthorised building works" has the same meaning as in regulation 18(2) of the principal Regulations;

"small domestic building" means a proposed new building used or intended to be used wholly for the purposes of one private dwelling-house with a total floor area not exceeding 300 square metres.

"work" means —

- (a) the erection or extension of a building;
- (b) the alteration of a building other than the insertion of insulating material into a cavity wall; or
- (c) the installation of a service or fitting.

(2) In these Regulations —

- (a) the total floor area of a building or extension is the total of the floor areas of all the storeys in it; and
- (b) the floor area of —
 - (i) any storey of a building or extension; or
 - (ii) a garage or carport,

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

4 Plan fees

- (1) Subject to paragraphs (6) to (9), a building authority may charge a fee (a "plan fee") for the passing or rejection by the authority in

³ SD 153/07

accordance with section 11 of the Act of plans of proposed work deposited with it, payable on the deposit of the plans.

- (2) Where the proposed work consists of work specified in column 1 of Schedule 1, the amount of the plan fee shall be the corresponding amount specified in column 2 of that Schedule.
- (3) Where the proposed work consists of the construction of a small domestic building, the amount of the plan fee shall be the amount specified in column 2 of Schedule 2, determined by reference to the date on which the plans for the work are deposited with the building authority.
- (4) Where paragraphs (2) and (3) do not apply, the amount of the plan fee shall be the amount specified in column 2 of Schedule 3, determined by reference to the estimated cost of the work.
- (5) Where the work in question comprises or includes the erection of more than one extension to a building used for the purposes of a single private dwelling, the total areas of all such extensions may, at the election of the person who intends to carry out the works, be aggregated in determining the fee payable in accordance with the table in Schedule 3.
- (6) Subject to paragraphs (7), (8) and (9) where a plan fee has been paid and not refunded, the authority may not charge a further plan fee in respect of plans subsequently deposited for substantially the same work.
- (7) When the plans have been passed—
 - (a) no plan fee is payable for the submission of the first set of amended plans; and
 - (b) any further amended plans submitted are then subject to an additional plan fee payable at 50% of the cost of the original plan fee up to maximum of £254 (for each resubmission).
- (8) When the original plans are rejected—
 - (a) no plan fee is payable for the first resubmission of plans provided they are submitted within 12 months of the date the original plans were deposited; and
 - (b) any subsequent resubmission shall be charged at the plan fee specified in the relevant Schedule.

- (9) A further plan fee is payable for any application which is required in cases where the original application has lapsed under section 15 of the Act (work on the original plans not commenced within 3 years from the deposit of plans).

5 Inspection fees

- (1) A building authority may charge a fee (an "inspection fee") for inspecting building work in respect of which notice is given to it under any provision of regulation 12 of the principal Regulations.
- (2) Where the work consists of work specified in column 1 of Schedule 1, the amount of the inspection fee shall be the corresponding amount specified in column 3 of that Schedule.
- (3) Where the work consists of the construction of a small domestic building, the amount of the inspection fee shall be the amount specified in column 3 of Schedule 2, determined by reference to the date on which the plans for the work are deposited with the building authority.
- (4) Where paragraphs (2) and (3) do not apply, the amount of the inspection fee shall be the amount specified in column 3 of Schedule 3, determined by reference to the estimated cost of the work.
- (5) Where the work comprises or includes the erection of more than one extension to a building used for the purposes of a single private dwelling, the total areas of all such extensions may, at the election of the person who intends to carry out the work, be aggregated in determining the fee payable in accordance with the table in Schedule 3.

6 Unauthorised Building works

- (1) Subject to paragraph (7), a building authority may charge a fee (a "plan fee") for the passing or rejection of plans by the authority in accordance with regulation 18 of the principal Regulations.
- (2) A building authority may charge a fee (an "inspection fee") for inspecting building work in respect of an application that has been made under regulation 18 of the principal Regulations.
- (3) Where the work consists of work specified in column 1 of Schedule 1, the amount of the plan fee shall be the corresponding
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amount specified in column 2 of that Schedule and the amount of the inspection fee shall be the corresponding amount specified in column 3 of that Schedule.

- (4) Where the work consists of the construction of a small domestic building, the amount of the plan fee shall be the amount specified in column 2 of Schedule 2, and the amount of the inspection fee shall be the amount specified in column 3 of Schedule 2, both of which shall be determined by reference to the date on which the plans for the work are deposited with the building authority.
- (5) Where paragraphs (3) and (4) do not apply, the amount of the plan fee shall be the amount specified in column 2 of Schedule 3, and the amount of the inspection fee shall be the amount specified in column 3 of Schedule 3, both determined by reference to the estimated cost of the work.
- (6) Where the work comprises or includes the erection of more than one extension to a building used for the purposes of a single private dwelling, the total areas of all such extensions may, at the election of the applicant, be aggregated in determining the fees payable in accordance with the table in Schedule 3.
- (7) Where a plan fee has been paid and not refunded, the authority may not charge a further plan fee in respect of plans subsequently deposited for substantially the same work.

7 Exemption for work for disabled people

- (1) A building authority may not charge a plan fee or an inspection fee where it is satisfied that the work in question —
 - (a) is solely for the purpose of providing means of access to enable disabled people to get into a building and to any part of it, or of providing facilities designed to secure their greater health, safety, welfare or convenience; and
 - (b) is to be, or has been, carried out in relation to —
 - (i) a building to which members of the public are admitted (whether on payment or otherwise); or
 - (ii) a dwelling which is, or is to be, occupied by a disabled person.
 - (2) In this regulation "disabled people" means people who have —
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- (a) an impairment which limits their ability to walk or which requires them to use a wheelchair for mobility; or
- (b) impaired hearing or sight.

8 Exemption for small domestic buildings etc.

(1) Subject to paragraph (4), where -

- (a) plans 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 building 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 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) Subject to paragraph (4), where —

- (a) plans have been deposited for the execution of works of drainage in connection with the erection of a small domestic building; and
- (b) a plan fee has been paid in respect of those plans,

a building authority may not charge a plan fee in respect of plans deposited later for —

- (i) the erection of that small domestic building; or
- (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 building consisting of a garage or carport or both.

(3) Subject to paragraph (4), where —

- (a) plans have been deposited for works consisting of extensions or alterations or both to —

- (i) a small domestic building; or
 - (ii) a building (other than a small domestic building) which consists of flats or maisonettes or both; or
 - (iii) a building consisting of a garage or carport or both, which is occupied in common with a building of the kind described in head (i) or (ii) above; and
- (b) a plan fee is payable or has been paid in respect of those plans,

a building authority may not charge a plan fee in respect of plans deposited on the same occasion or later for the execution of works or the installation of services or fittings in connection with those works.

- (4) Nothing in paragraph (1), (2) or (3) prevents a building authority from charging a plan fee in respect of plans deposited at any time after completion of the erection of the small domestic building in question, or the completion of the works in question, as the case may be.

9 Exemption for works relating to conservation of fuel and power

A building authority may not charge a plan fee or an inspection fee where it is satisfied that the work in question relates solely to the installation of solar thermal hot water technologies, solar photovoltaic cells and wind turbines within the curtilage of a dwelling-house.

10 Payment of plan fees

- (1) A plan fee is payable by the person by whom or on whose behalf the work is to be or is being carried out, on the first occasion on which the plans of the work are deposited, or, for unauthorised works, by the applicant under regulation 18 of the principal Regulations at the time the application is made.
- (2) Where the amount of any fee is to be determined in accordance with Schedule 3, the deposited plans shall be accompanied by a reasonable written estimate of the cost of the work shown on the plans which is subject to control under the principal Regulations.

- (3) Plans shall not be treated as deposited in accordance with the principal Regulations for the purposes of section 11 of the Act unless the building authority has received any plan fee payable in respect of those plans and, where paragraph (2) applies, that paragraph has been complied with.

11 Payment of inspection fees

- (1) An inspection fee is payable by the person by whom or on whose behalf the building work is to be or is being carried out, on the first inspection of the work carried out by an authorised officer of the building authority after the giving of the first notice under any provision of regulation 12 of the principal Regulations in respect of the work or, for unauthorised works, by the applicant under regulation 18 of the principal Regulations on the first inspection of the work carried out by an authorised officer of the building authority.
- (2) Where the amount of any inspection fee is to be determined in accordance with Schedule 3, the deposited plans shall be accompanied by a reasonable written estimate of the cost of the work shown on the plans which is subject to control under the principal Regulations.

12 Transitional provision

Nothing in these Regulations applies to building work, the plans for which, in accordance with the principal Regulations, are deposited with a building authority before the coming into operation of these Regulations.

13 Revocation

The Building (Fees) Regulations 2009⁴ are revoked.

MADE 19 January 2011

P A Gawne
Minister for Infrastructure

⁴ SD 46/09

SCHEDULE 1

[Regulations 4, 5 and 6]

FIXED FEES

<i>Type of work</i>	<i>Plan fee</i>	<i>Inspection fee</i>
1. Erection of a detached building which consists of a garage or carport or both having floor area not exceeding 50 square metres in total and intended to be used in common with an existing building, and which is not an exempt building.	£24	£72
2.(a) Erection of an attached building which consists of a garage or carport or both having floor area not exceeding 50 square metres in total and intended to be used in common with an existing building, and which is not an exempt building.	£24	£72
(b) Erection of an extension to an attached building which consists of a garage or carport or both having floor area not exceeding 50 square metres (when added together) in total and intended to be used in common with an existing building, and which is not an exempt building.	£24	£72
3. Installation of un-vented hot water system in accordance with Part G3 of Schedule 1 to the principal Regulations, where the installation is not part of a larger project and where the authority carries out an inspection.	–	£66
4. Any extension of a dwelling the floor area of which does not exceed 70 square metres , including means of access and work in connection with that extension.	£77	£204
5. Any extension or alteration of a dwelling consisting of the provision of one or more rooms in a roof space, the area of which does not exceed 70 square metres including means of access.	£77	£204
6. Any electrical installation proposed which is not part of any other application submitted for approval and it is not to be installed by a member of relevant self certification Scheme under Regulation 20 of the Principal Regulations.	£53	£159

Note: VAT is not payable on plan or inspection fees.

SCHEDULE 2

[Regulations 4, 5 and 6]

FIXED FEES FOR NEW DWELLINGS SMALL DOMESTIC BUILDINGS

(up to 300 square metre total floor area)

<i>Date of deposit of plans</i>	<i>Plan fee</i>	<i>Inspection fee</i>
After the commencement of these Regulations	£120	£179

Note: VAT is not payable on plan or inspection fees.

SCHEDULE 3
[Regulations 4, 5 & 6]

FEES BASED ON ESTIMATED COST OF WORK

<i>Estimated cost of work</i>		<i>Plan Fee</i>	<i>Inspection fee</i>
<i>Exceeding</i>	<i>not exceeding</i>		
0	£2,000	£24	£37
£2,000	£4,000	£36	£60
£4,000	£6,000	£48	£80
£6,000	£10,000	£73	£133
£10,000	£14,000	£85	£193
£14,000	£18,000	£96	£233
£18,000	£24,000	£109	£296
£24,000	£30,000	£114	£329
£30,000	£40,000	£169	£543
£40,000	£50,000	£199	£597
£50,000	£60,000	£260	£784
£60,000	£100,000	£318	£965
£100,000	£140,000	£392	£1,171
£140,000	£180,000	£506	£1,519
£180,000	£240,000	£636	£1,887
£240,000	£300,000	£784	£2,348
£300,000	£380,000	£933	£2,804
£380,000	£480,000	£1,187	£3,569
£480,000	£680,000	£1,392	£4,172
£680,000	£1,000,000	£1,814	£5,407
£1,000,000	—	£1,923	£5,768
plus for each £100,000 or thereof above £1,000,000: —		£306	£913

Note: VAT is not payable on plan or inspection fees.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations revoke the Building (Fees) Regulations 2009 and make provision for inflationary increases to the various fees for plans and inspections of building work under the Building Regulations 2007.