



BUILDING (FEES) (NO. 2) REGULATIONS 2016

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Statutory Document No. 2016/0164

*Building Control Act 1991***BUILDING (FEES) (NO. 2) REGULATIONS 2016***Approved by Tynwald:**Coming into Operation:**1 August 2016*

The Department of Environment, Food and Agriculture makes the following Regulations under section 1(1) of, and paragraph 5 of Schedule 1 to, the Building Control Act 1991.

1 Title

These Regulations are the Building (Fees) (No. 2) Regulations 2016.

2 Commencement

If approved by Tynwald, these Regulations come into operation on 1 August 2016¹.

3 Interpretation

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 12 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;

“**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 11(1)(a) of the principal Regulations applies;

¹ Tynwald approval is required by section 37 of the Building Control Act 1991

“**inspection fee**” has the meaning given under regulation 7 or 8(2);

“**plan fee**” has the meaning given under regulation 6(1) or 8(1);

“**the principal Regulations**” means the Building Regulations 2014²;

“**unauthorised building works**” has the same meaning as in regulation 26(1) of the principal Regulations;

“**Single family dwelling**” 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 400 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 accordance with section 13 of the Act of plans of proposed work deposited with it, payable on the deposit of the plans.
- (2) If the proposed work consists of work specified in column 1 of Schedule 1, the amount of the plan fee is the corresponding amount specified in column 2 of that Schedule.
- (3) If the proposed work consists of the construction of a single family dwelling, the amount of the plan fee is 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) If paragraphs (2) and (3) do not apply, the amount of the plan fee is the amount specified in column 2 of Schedule 3, determined by reference to

² SD 2014/0165

the estimated cost of the work, subject to a maximum plan fee as set down in the table in Schedule 3.

- (5) If 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, subject to a maximum plan fee as set down in the table in Schedule 3.
- (6) Subject to paragraphs (7), (8) and (9) if 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 £400 (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 14 of the principal Regulations.
- (2) If the work consists of work specified in column 1 of Schedule 1, the amount of the inspection fee is the corresponding amount specified in column 3 of that Schedule.
- (3) If the work consists of the construction of a single family dwelling, the amount of the inspection fee is 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) If paragraphs (2) and (3) do not apply, the amount of the inspection fee is the amount specified in column 3 of Schedule 3, determined by reference

to the estimated cost of the work, subject to a maximum inspection fee as set down in the table in Schedule 3.

- (5) If 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, subject to a maximum inspection fee as set down in 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 26 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 26 of the principal Regulations.
- (3) If the work consists of work specified in column 1 of Schedule 1, the amount of the plan fee is the corresponding amount specified in column 2 of that Schedule and the amount of the inspection fee is the corresponding amount specified in column 3 of that Schedule.
- (4) If the work consists of the construction of a single family dwelling, the amount of the plan fee is the amount specified in column 2 of Schedule 2, and the amount of the inspection fee is the amount specified in column 3 of Schedule 2, both fees are determined by reference to the date on which the plans for the work are deposited with the building authority.
- (5) If paragraphs (3) and (4) do not apply, the amount of the plan fee is the amount specified in column 2 of Schedule 3, and the amount of the inspection fee is the amount specified in column 3 of Schedule 3, both fees are determined by reference to the estimated cost of the work, subject to a maximum plan fee and inspection fee as set down in the table in Schedule 3.
- (6) If 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) If 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 if 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 —
- (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 single family dwellings etc.

- (1) Subject to paragraph (4), if —
- (a) plans have been deposited for the erection of a single family dwelling; 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 not exceeding 50m².
- (2) Subject to paragraph (4), if —
- (a) plans have been deposited for the execution of works of drainage in connection with the erection of a single family dwelling; 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 single family dwelling; 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), if —
 - (a) plans have been deposited for works consisting of extensions or alterations or both to —
 - (i) a single family dwelling; or
 - (ii) a building (other than a single family dwelling) 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 —
 - (i) the execution of works or
 - (ii) 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 single family dwelling 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 if it is satisfied that the work in question relates solely to the installation of solar thermal hot water technologies, solar photovoltaic cells, ground and air source heat technologies and wind turbines within the curtilage of a building.

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 26 of the principal Regulations at the time the application is made.
- (2) If the amount of any fee is to be determined in accordance with Schedule 3, the deposited plans must 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, if 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 14 of the principal Regulations in respect of the work or, for unauthorised works, by the applicant under regulation 26 of the principal Regulations on the first inspection of the work carried out by an authorised officer of the building authority.
- (2) If the amount of any inspection fee is to be determined in accordance with Schedule 3, the deposited plans must 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 2012³ and the Building (Fees) (Amendment) Regulations 2013⁴ and the Building (Fees) Regulations 2016⁵ are revoked.

MADE 20/06/2016



R RONAN

Minister for Environment, Food and Agriculture

³ SD 0631/2012

⁴ SD 0143/2013

⁵ SD 2016/0077

SCHEDULE 1

[Regulation 4, 5 and 6]

FIXED FEES

PART 1 – FEES WITH EFFECT FROM 1 AUGUST 2016

<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 m ² in total and intended to be used in common with an existing building, and which is not an exempt building.	45	105
2. (a) Erection of an attached building which consists of a garage or carport or both having floor area not exceeding 50 m ² in total and intended to be used in common with an existing domestic building, and which is not an exempt building.	45	105
(b) Erection of an extension to an attached building which consists of a garage or carport or both having floor area not exceeding 50 m ² (when added together) in total and intended to be used in common with an existing domestic building, and which is not an exempt building.	45	105
3. Installation of un-vented hot water system in accordance with Part G3 of Schedule 1 to the principal Regulations, if the installation is not part of a larger project and if the authority carries out an inspection.	Nil_	100
4. Any extension of a dwelling the floor area of which does not exceed 70 m ² including means of access and work in connection with that extension.	110	280
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 m ² including means of access.	110	280
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 28 of the Principal Regulations.	80	215

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

PART 2 - FEES WITH EFFECT FROM 1 AUGUST 2017

<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 m ² in total and intended to be used in common with an existing building, and which is not an exempt building.	50	110
2. (a) Erection of an attached building which consists of a garage or carport or both having floor area not exceeding 50 m ² in total and intended to be used in common with an existing domestic building, and which is not an exempt building.	50	110
(b) Erection of an extension to an attached building which consists of a garage or carport or both having floor area not exceeding 50 m ² (when added together) in total and intended to be used in common with an existing domestic building, and which is not an exempt building.	50	110
3. Installation of un-vented hot water system in accordance with Part G3 of Schedule 1 to the principal Regulations, if the installation is not part of a larger project and if the authority carries out an inspection.	Nil	105
4. Any extension of a dwelling the floor area of which does not exceed 70 m ² including means of access and work in connection with that extension.	115	290
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 m ² including means of access.	115	290
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 28 of the Principal Regulations.	85	220

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

SCHEDULE 2

[Regulation 4, 5 and 6]

FIXED FEES FOR NEW SINGLE FAMILY DWELLINGS**PART 1 – FEES WITH EFFECT FROM 1 AUGUST 2016**

(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.	165	245

PART 2 – FEES WITH EFFECT FROM 1 AUGUST 2017

(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.	170	250

SCHEDULE 3

[Regulation 4, 5 and 6]

FEES BASED ON ESTIMATED COST OF WORK

PART 1 – FEES WITH EFFECT FROM 1 AUGUST 2016

Estimated cost of work		Plan Fee	Inspection fee
<i>Exceeding</i>	<i>not exceeding</i>	£	£
0	£2,000	45	60
£2,000	£4,000	60	90
£4,000	£6,000	75	105
£6,000	£10,000	105	180
£10,000	£14,000	120	270
£14,000	£18,000	135	320
£18,000	£24,000	150	405
£24,000	£30,000	155	450
£30,000	£40,000	235	735
£40,000	£50,000	275	800
£50,000	£60,000	350	1,065
£60,000	£100,000	435	1,305
£100,000	£140,000	540	1,590
£140,000	£180,000	685	2,060
£180,000	£240,000	865	2,555
£240,000	£300,000	1,065	3,170
£300,000	£380,000	1,260	3,785
£380,000	£480,000	1,605	4,825
£480,000	£680,000	1,885	5,635
£680,000	£1,000,000	2,450	7,305
£1,000,000		2,600	7,785
plus for each £100,000 or thereof above £1,000,000, up to the maximum specified below		420	1,235
Maximum fee payable		36,000	108,000

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

PART 2 – FEES WITH EFFECT FROM 1 AUGUST 2017

Estimated cost of work		Plan Fee	Inspection fee
<i>Exceeding</i>	<i>not exceeding</i>	£	£
0	£2,000	50	65
£2,000	£4,000	65	95
£4,000	£6,000	80	110
£6,000	£10,000	110	185
£10,000	£14,000	125	280
£14,000	£18,000	140	320
£18,000	£24,000	155	415
£24,000	£30,000	160	460
£30,000	£40,000	240	750
£40,000	£50,000	285	820
£50,000	£60,000	360	1,090
£60,000	£100,000	445	1,335
£100,000	£140,000	555	1,625
£140,000	£180,000	700	2,105
£180,000	£240,000	885	2,610
£240,000	£300,000	1,090	3,235
£300,000	£380,000	1,290	3,865
£380,000	£480,000	1,640	4,925
£480,000	£680,000	1,925	5,750
£680,000	£1,000,000	2,500	7,455
£1,000,000		2,655	7,945
plus for each £100,000 or thereof above £1,000,000, up to the maximum specified below		430	1,260
Maximum fee payable		36,720	110,160

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations are made under section 1(1) of, and paragraph 5 of Schedule 1 to the Building Control Act 1991 and revoke the Building (Fees) Regulations 2012 (SD 0631/2012), the Building (Fees) (Amendment) Regulations 2013 (SD 0143/2013) and the Building (Fees) Regulations 2016 (SD 2016/077).

The Regulations set out the various fees to be charged by Building Control authorities for checking plans and inspecting work under the Building Regulations 2014 (SD 2014/0165).

The fee increased will come into effect in 2 phases as set out in Schedules 1 to 3. The first scheme will be effective from 1ST August 2016 and the second increase from 1ST August 2017.