



Draft Building (Fees) Regulations 2013

**A Consultation Document
February 2013**



**Isle of Man
Government**

Reiltys Ellan Vannin

Contents

Minister’s Introduction	3
Executive Summary	4
How to Respond	4
Background	5
Draft Building (Fees) Regulations	5
Stakeholders Engagement	5
Cost and Impact Assessment	6
Conclusion	6
Next Step	6
Draft Order	Appendix

Minister's Introduction

I am pleased to introduce this consultation paper on Draft Building (Fees) Regulation for period of 2013/14 to 2015/16.

This regulation is just one of a number of proposed changes to the Building Regulations and subordinate legislation aimed at increasing customer focus, improving efficiency and delivering better value for money during these difficult economic times. A separate consultation papers on Service Performance Standards for Building Control Authorities and the consultation on the new Draft Building Regulations will be issued later in 2013.

I would therefore urge everyone who has an opinion about building regulations fees on the Island to consider and respond to this consultation document.

David Cretney MHK
Minister for Infrastructure

Executive Summary

This consultation concerns a proposal, by the Department of Infrastructure, for set of new Building (Fees) Regulations based on policy of the developer pays principle; in this way over time making the Building Control Service self financing and reduce the cost to tax payers and those of rate payers in Douglas Borough Council and Onchan District Commissioners (where they are Building Control Authorities). The consultation seeks the views of stakeholders concerning the framework and fees proposed.

The consultation does not encompass matters concerning Building Regulations and Service Performance Standards which will be under separate consultation processes at a later date.

How to Respond

The Department welcomes responses from anyone affected by the proposals in this document.

We will assume, unless you notify us to the contrary, that you are content for your name and/or organisation to be published in any subsequent public review document. Submissions, marked clearly 'Draft Building (Fees) Regulations 2013 Consultation' should be sent by post or email to;

Department of Infrastructure
Building Control Manager
Murray House
Mount Havelock
Douglas
Isle of Man
IM1 2SF

or e-mail: Siamack.Rowaichi@gov.im

An electronic version of this consultation can be found at

<http://www.gov.im/Consultations.gov>

This consultation begins on 14th February 2013 and will close on 3rd April 2013.

1. Background

- 1.1 Following a recent review of building regulations and services provided by the Island three building control authorities (Department of Infrastructure, Douglas and Onchan Commissioners), the Department is of the view that we cannot afford any longer subsidising the service provided by the Building Control Authorities through taxes and rates, and that there needs to be a greater level of cost recovery from developers themselves.
- 1.2 The Department, Douglas and Onchan Building Control Authorities have primary responsibility for enforcing legislation in relation to Building Regulations. Schedule 1 of the Building Control Act 1991 authorises a building authority to charge prescribed fees for or in connection with performance of prescribed functions of the authority relating to building regulations.
- 1.3 Concerns have been expressed regarding the level of fees charged and that Government is subsidising the service through taxes, however other building control authorities' residents also paying for their building control service through their rates to a level which is no longer sustainable in the present economic climate.

2. Draft Building (Fees) Regulations 2013

- 2.1 The overall aim of the draft regulations is establish a level of fees where an increase proportion of costs are recovered from applicants who will benefit from the works proposed.
- 2.2 A copy of the draft Regulations attached for information which include level of fees as proposed for the next three years. The Department will be looking to increase the number of exempt building works in future so as to reduce the burden of regulations on smaller works where no application for approval will be required.
- 2.3 Level of fees as shown in Schedule 1, 2 and 3 of proposed Building (Fees) Regulations 2013 has been increased by three and half percent (rounded to the nearest £5.00) to that of the Building (Fees) Regulations 2012.

3. Stakeholder Engagement

- 3.1 The Department considers that working with stakeholders is essential to delivering effective safeguards for protection of health, safety and welfare for people in and around buildings. To do this building control service would need to be reasonably resourced to carry out its function, but ultimately without reliance on the public purse. The Department would like your full participation on this consultation so as to be able to strike a balance between what is acceptable in the present economic climate and that of the future.

4. Costs and Impact Assessment

- 4.1 The Department is fully mindful of the current economic climate and the need to ensure that any costs incurred by the proposals outlined in this document are kept to a minimum. The additional fees collected over a three yearly rolling programme would go towards future self financing of the service.
- 4.2 Draft fees as proposed still a very good value for service provided and it will still be cheaper than fees currently payable in England & Wales, Scotland, Northern Ireland, and Islands of Jersey and Guernsey

5 Conclusion

- 5.1 Construction industry is the largest employer in the Isle of Man and it is Department's intention for Building Control Authorities to become self financing, reasonably resourced to carry out their work effectively and reduce the burden on the rate and tax payers.

Next Steps

After publishing this paper we will;

- Publish a summary of matters raised in the consultation with responses where appropriate
- Work with representative groups, after the formal deadline has passed, in order to further inform our work, as appropriate
- Make changes to the attached draft order as appropriate for the consideration of Tynwald

Thank you for taking the time to read this consultation document.

Statutory Document No.



BUILDING CONTROL ACT 1991

BUILDING (FEES) REGULATIONS 2013

INDEX

1. Title
2. Commencement
3. Interpretation
4. Plan fees
5. Inspection fees
6. Unauthorised Building works
7. Exemption for work for disabled people
8. Exemption for small domestic buildings etc
9. Exemption for works relating to conservation of fuel and power
10. Payment of plan fees
11. Payment of inspection fees
12. Transitional provision
13. Revocation

Schedule 1 — Fixed fees

Schedule 2 — Fixed fees for small domestic buildings

Schedule 3 — Fees based on estimated cost of work

Statutory Document No.



BUILDING CONTROL ACT 1991

BUILDING (FEES) REGULATIONS 2013

Approved by Tynwald 2013
Coming into operation 2013

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 2013.

2 Commencement

If approved by Tynwald², these Regulations come into operation on the 1st day of month after date of approval by Tynwald, and on 1st April in subsequent years of 2014 and 2015.

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

¹ 1991 c.21

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

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 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 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 SD 153/07

- (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 £320 (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 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 —
 - (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

- (1) 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, and on 1st April in subsequent years of 2014, and 2015.

13 Revocation

The Building (Fees) Regulations 2012⁴ are revoked.

MADE

David Cretney MHK
Minister for Infrastructure

SCHEDULE 1

[Regulations 4, 5 and 6]

FIXED FEES

<i>Type of work</i>	<i>Plan fee 2013</i>	<i>Inspection Fee 2013</i>	<i>Plan fee 2014</i>	<i>Inspection Fee 2014</i>	<i>Plan fee 2015</i>	<i>Inspection fee 2015</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.	£30	£90	£35	£95	£40	£100
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.	£30	£90	£35	£95	£40	£100
(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.	£30	£90	£35	£95	£40	£100
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.	-	£85	-	£90	-	£95
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.	£95	£250	£100	£260	£105	£270
5. Any extension or alteration of a dwelling consisting of the	£95	£250	£100	£260	£105	£270

Consultation on Draft Building (Fees) Regulations 2013

provision of one or more rooms in a roof space, the area of which does not exceed 70 square metres including means of access.						
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.	£65	£195	£70	£200	£75	£210

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 2013</i>	<i>Inspection fee 2013</i>	<i>Plan Fee 2014</i>	<i>Inspection Fee 2014</i>	<i>Plan Fee 2015</i>	<i>Inspection Fee 2015</i>
After the commencement of these Regulations	£150	£220	£155	£230	£160	£240

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

SCHEDULE 3

[Regulations 4, 5 & 6]

FEEs BASED ON ESTIMATED COST OF WORK

Estimated cost of work		<i>Plan</i> <i>Fee 2013</i>	<i>Inspection</i> <i>Fee 2013</i>	<i>Plan</i> <i>fee 2014</i>	<i>Inspection</i> <i>Fee 2014</i>	<i>Plan</i> <i>Fee 2015</i>	<i>Inspection</i> <i>Fee 2015</i>
<i>Exceeding</i>	<i>not exceeding</i>						
0	£2,000	£30	£45	£35	£50	£40	£55
£2,000	£4,000	£45	£75	£50	£80	£55	£85
£4,000	£6,000	£60	£100	£65	£105	£70	£110
£6,000	£10,000	£90	£165	£95	£170	£100	£175
£10,000	£14,000	£105	£240	£110	£250	£115	£260
£14,000	£18,000	£120	£290	£125	£300	£130	£310
£18,000	£24,000	£135	£365	£140	£380	£145	£395
£24,000	£30,000	£140	£410	£145	£425	£150	£440
£30,000	£40,000	£210	£670	£220	£695	£230	£720
£40,000	£50,000	£245	£740	£255	£765	£265	£780
£50,000	£60,000	£320	£970	£330	£1,005	£340	£1,040
£60,000	£100,000	£395	£1,190	£ 410	£1,230	£425	£1,275
£100,000	£140,000	£485	£1,450	£505	£1,500	£525	£1,555
£140,000	£180,000	£625	£1,880	£650	£1,945	£670	£2,015
£180,000	£240,000	£785	£2,335	£815	£2,415	£845	£2,500
£240,000	£300,000	£970	£2,900	£1,005	£3,000	£1,040	£3,105
£300,000	£380,000	£1,155	£3,465	£1,195	£3,585	£1,235	£3,710
£380,000	£480,000	£1,465	£4,415	£1,515	£4,570	£1,570	£4,730

Consultation on Draft Building (Fees) Regulations 2013

£480,000	£680,000	£1,720	£5,155	£1,780	£5,335	£1,845	£5,520
£680,000	£1,000,000	£2,240	£6,680	£2,320	£6,915	£2,400	£7,160
£1,000,000	—	£2,375	£7,120	£2,460	£7,370	£2,545	£7,630
plus for each £100,000 or thereof above £1,000,000:—		£380	£1,130	£395	£1,170	£410	£1,210

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 2012 and make provision for increases to the various fees for plans and inspections of building work under the Building Regulations 2007 and subsequent amended Building Regulations.