



BUILDING CONTROL (FEES) (NO. 2) REGULATIONS 2021

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Statutory Document No. 2021/0111

*Building Control Act 1991*

BUILDING CONTROL (FEES) (NO. 2) REGULATIONS 2021¹

Approved by Tynwald: 18 May 2021
Coming into Operation: 1 May 2021

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

1 Title

These Regulations are the Building Control (Fees) (No. 2) Regulations 2021.

2 Commencement

If approved by Tynwald, these Regulations come into operation on 1 June 2021¹.

3 Interpretation

(1) In these Regulations –

“**the Act**” means the Building Control Act 1991;

“**application inspection fee**” has the meaning given in regulation 6;

“**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;

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

“**exempt building**” means a building to which regulation 11(1)(a) of the principal Regulations applies;

“**inspection fee**” has the meaning given under regulation 5;

“**plan fee**” has the meaning given under regulation 4(1);

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

“**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 300 square metres;

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

“**unauthorised work fee**” has the meaning given under regulation 6(1);

“**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 that building 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) 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

² Amended by SD 2014/0165.

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 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 family 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 building 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 (for each resubmission).²
- (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 family 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 work

- (1) A building authority may charge a fee (an “unauthorised work fee”) for the consideration of an application for a regularisation certificate in respect of unauthorised work under regulation 26 of the principal Regulations.
- (2) A building authority may charge a fee (an “application inspection fee”) for inspecting building work in connection with an application for a regularisation certificate in respect of unauthorised work under regulation 26 of the principal Regulations.
- (3) An unauthorised work fee comprises a regularisation fee of £220 plus —
 - (a) for work consisting of work specified in column 1 of that Schedule, the sum specified in the corresponding entry of column 2 of Schedule 1 as the plan fee;
 - (b) for work consisting of the construction of a single family dwelling, the sum specified in the corresponding entry of column 2 of Schedule 2 as the plan fee; or
 - (c) for work to which sub-paragraph (a) or (b) does not apply, the sum specified in the relevant entry of column 2 of Schedule 3 as the plan fee.³
- (4) An application inspection fee comprises —
 - (a) for work consisting of work specified in column 1 of that Schedule, the sum specified in the corresponding entry in column 3 of Schedule 1 as the inspection fee;
 - (b) for work consisting of the construction of a single family dwelling, the sum specified in the corresponding entry in column 3 of Schedule 2 as the inspection fee; or
 - (c) for work to which sub-paragraph (a) or (b) does not apply, the sum specified in the relevant entry in column 3 of Schedule 3 as the inspection fee.

- (5) In the case of an unauthorised work fee to which paragraph (3)(b) applies and an application inspection fee to which paragraph (4)(b) applies, the date specified in column 1 of Schedule 2 is deemed to be a reference to the date an application is made to the building authority under regulation 26 of the principal Regulations.
- (6) An unauthorised work fee to which paragraph (3)(c) applies and an application inspection fee to which paragraph (4)(c) applies are determined by reference to the estimated costs of the work, subject to the maximum fee payable for each fee as specified in the table in Schedule 3.
- (7) If the work comprises or includes the erection of more than one extension to a building used for the purposes of a single family 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, subject to the maximum fees payable as specified in that table.
- (8) Subject to paragraphs (9) and (10), if an unauthorised work fee has been paid and not refunded, the authority may not charge a further unauthorised work fee in respect of any application subsequently deposited for substantially the same work.
- (9) When the application for unauthorised work has been approved —
 - (a) no unauthorised work fee is payable for the submission of the first set of amended plans associated with that application; and
 - (b) any further plans submitted in association with that application are then subject to an additional unauthorised work fee payable at 50% of the cost of the original unauthorised work fee (for each resubmission).⁴
- (10) When the application for a regularisation certificate in respect of unauthorised work under regulation 26 of the principal Regulations has been rejected the unauthorised work fee or application inspection fee in respect of any subsequent application must be calculated in accordance with this regulation.

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) have an impairment which limits their ability to walk or which requires them to use a wheelchair for mobility;
 - (b) have impaired hearing or sight; or
 - (c) considered disabled further to section 7 of, and Schedule 1 to, the Equality Act 2017.

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;
 - (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;
 - (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 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 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, inspection fee, unauthorised work fee or application inspection fee if it is satisfied that the work in question relates solely to the installation of one or more of —

- (a) solar thermal hot water technologies;
- (b) solar photovoltaic cells;
- (c) ground source heat technologies;
- (d) air source heat technologies; or
- (e) wind turbines,

within the curtilage of a building.

10 Payment of plan fee and unauthorised work fee

- (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.
- (2) An unauthorised work fee is payable by the applicant at the time the application is made.
- (3) If the amount of either fee is to be determined with regard to 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.
- (4) Plans must 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 (3) applies, that paragraph has been complied with.

11 Payment of inspection fee and application inspection fee

- (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.
- (2) An application inspection fee is payable by the applicant who has submitted application for a regularisation certificate in respect of unauthorised work under regulation 26 of the principal Regulations on first inspection of the work carried out by an authorised officer of the building authority.
- (3) If the amount of any application inspection fee is to be determined in accordance with Schedule 3, the deposited plans submitted with the application must be accompanied by a reasonable estimate of the cost of the work shown on the plans which is subject to control under the principal Regulations.

12 Transitional

- (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.
- (2) Nothing in these Regulations applies to an application for a regularisation certificate in respect of unauthorised work under regulations 26 of the principal Regulations that is deposited with a building authority before the coming into operation of these Regulations.

13 Revocation

The following are revoked –

- (a) Building Fees (No. 2) Regulations 2016³; and
- (b) Building Control (Fees) Regulations 2021⁴.

MADE 28 APRIL 2021

³ SD 2016/0164 as amended by SD 2019/0040.

⁴ SD 2021/0061.

SCHEDULE 1

[Regulations 4, 5 and 6]

FIXED FEES⁵

Column 1	Column 2	Column 3
Type of work	Plan fee from 1 May 2023 £	Inspection fee from 1 May 2023 £
1. Erection of a detached building which consists of a garage or carport or both, having a floor area not exceeding 50m ² in total and intended to be used in common with an existing building, and which is not an exempt building.	65	140
2(a). Erection of an attached building which consists of a garage or carport or both, having a floor area not exceeding 50m ² in total and intended to be used in common with an existing building, and which is not an exempt building. ⁶	65	140
2(b). Erection of an extension to an attached building which consists of a garage or carport or both, having a floor area not exceeding 50m 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.	65	140
3. Installation of an unvented 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 where the authority carries out an inspection.	Nil	130
4. Any extension of a dwelling the floor area of which does not exceed 70m ² , including means of access and work in connection with that extension.	145	350
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 70m ² including means of access.	145	350

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 a relevant self-certification Scheme under Regulation 28 of the principal Regulations.	110	265
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Note: VAT is not payable on plan or inspection fees.

SCHEDULE 2

[Regulations 4, 5 and 6]

FIXED FEES FOR NEW SINGLE FAMILY DWELLINGS UP TO 300M² TOTAL
FLOOR AREA⁷

Column 1	Column 2	Column 3
Date of deposit of plans	Plan fee £	Inspection fee £
From 1 May 2023	325	310

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

SCHEDULE 3

[Regulations 4, 5 and 6]

FEES BASED ON ESTIMATED COST OF WORK

PART 1

FEES WITH EFFECT FROM 1 MAY 2023^{8 9}

Column 1		Column 2	Column 3
Estimated cost of work		Plan fee	Inspection fee
Exceeding	Not exceeding	£	£
0	£2,000	65	85
£2,000	£4,000	85	120
£4,000	£6,000	105	140
£6,000	£10,000	140	225
£10,000	£14,000	155	340
£14,000	£18,000	170	390
£18,000	£24,000	195	500
£24,000	£30,000	200	550
£30,000	£40,000	295	900
£40,000	£50,000	340	985
£50,000	£60,000	435	1,310
£60,000	£100,000	535	1,600
£100,000	£140,000	670	1,945
£140,000	£180,000	840	2,520
£180,000	£240,000	1,060	3,125
£240,000	£300,000	1,310	3,865
£300,000	£380,000	1,545	4,625
£380,000	£480,000	1,965	5,885
£480,000	£680,000	2,310	6,875
£680,000	£1,000,000	2,990	8,910
£1,000,000	£1,100,000	3,180	9,500
Plus for each £100,000 or part thereof above £1,100,000 up to the maximum specified below:		515	1,515
Maximum fee payable		43,880	131,625

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

PART 2¹⁰

ENDNOTES

Table of Endnote References

¹ The format of this legislation has been changed as provided for under section 75 of, and paragraph 2 of Schedule 1 to, the Legislation Act 2015. The changes have been approved by the Attorney General after consultation with the Clerk of Tynwald as required by section 76 of the Legislation Act 2015.

² Subpara (b) amended by SD2023/0035.

³ Para (3) amended by SD2023/0035.

⁴ Subpara (b) amended by SD2023/0035.

⁵ Table substituted by SD2023/0035.

⁶ Editorial correction. [SD2023/0035 incorrectly referred to 5m² instead of 50m².]

⁷ Table substituted by SD2023/0035.

⁸ Heading amended by SD2023/0035.

⁹ Table substituted by SD2023/0035.

¹⁰ Part 2 revoked by SD2023/0035.