

Local Government, Housing and Planning Committee

9th Meeting, 2024 (Session 6)

Tuesday 12 March 2024

SSI cover note for: Building (Fees) (Scotland) Amendment Regulations 2024

SSI 2024/46

Title of Instrument: Building (Fees) (Scotland) Amendment Regulations 2024

Type of Instrument: Negative

Laid Date: 9 February 2024

Circulated to Members: 15 February 2024

Meeting Date: 12 March 2024

Minister to attend meeting: No

Motion for annulment lodged: No

Drawn to the Parliament's attention by the Delegated Powers and Law Reform Committee? No

Reporting deadline: 25 March 2024

Recommendation

1. The Committee is invited to consider any issues which it wishes to raise on this instrument.
2. An electronic copy of the instrument is available at: <https://www.legislation.gov.uk/ssi/2024/46/contents/made>
3. Copies of the Scottish Government's Explanatory and Policy Notes are included in **Annexe A**.

Purpose

4. The purpose of the Regulations is to increase building warrant verification fees from the 01 April 2024, as part of a 3-year model to increase fees annually, allowing for an inflation uplift and dependent on monitoring and reporting. This is intended to support changes being introduced to strengthen the building standards system through the work of the Building Standards Futures Board Programme.

Delegated Powers and Law Reform Committee consideration

5. At its meeting on 27 February 2024¹ the DPLR Committee considered the instrument and agreed not to draw it to the attention of the relevant lead committee.

Procedure for Negative Instruments

6. Negative instruments are instruments that are “subject to annulment” by resolution of the Parliament for a period of 40 days after they are laid. All negative instruments are considered by the Delegated Powers and Law Reform Committee (on various technical grounds) and by the relevant lead committee (on policy grounds). Under Rule 10.4, any member (whether a member of the lead committee) may, within the 40-day period, lodge a motion for consideration by the lead committee recommending annulment of the instrument. If the motion is agreed to, the Parliamentary Bureau must then lodge a motion to annul the instrument for consideration by the Parliament.

7. If that is also agreed to, Scottish Ministers must revoke the instrument. Each negative instrument appears on a committee agenda at the first opportunity after the Delegated Powers and Law Reform Committee has reported on it. This means that, if questions are asked or concerns raised, consideration of the instrument can usually be continued to a later meeting to allow correspondence to be entered into or a Minister or officials invited to give evidence. In other cases, the Committee may be content simply to note the instrument and agree to make no recommendation on it.

**Clerks,
Local Government, Housing and Planning Committee**

Annexe A

Scottish Government Explanatory Note

These Regulations amend the Building (Fees) (Scotland) Regulations 2004 (“the Fees Regulations”).

Regulation 2 makes changes to the building warrant application fees and completion certificate submission fees payable under regulation 3 of the Fees Regulations. It substitutes new tables for those in the schedule to the Fees Regulations specifying the increased fees and discounts applying to those fees.

Policy Note

Building (Fees) (Scotland) Amendment Regulations 2024

The above instrument was made in exercise of the powers conferred by section 38 of the Building (Scotland) Act 2003. The instrument is subject to negative procedure.

Summary Box

The aim of this policy is to increase building warrant verification fees from the 01 April 2024, as part of a 3-year model to increase fees annually, allowing for an inflation uplift and dependent on monitoring and reporting. This will support changes being introduced to strengthen the building standards system through the work of the Building Standards Futures Board Programme.

Policy Objectives

The policy objective is to increase building warrant fees to facilitate the strengthening and improvement of service delivery within the building standards system in Scotland. The intended increase to building warrant fees will provide additional funding for local authorities to support the changes being introduced to the building standard system. It will also introduce a 3-year fees model and annual inflation uplift.

The existing funding that supports the running of Scottish Government's Building Standards Division (BSD) will be increased in line with inflation and will include funding to support other activity such as monitoring the implementation of the Futures Board recommendations and the introduction of enhanced monitoring and auditing controls for verification and certification.

EU Alignment Consideration

This instrument is not relevant to the Scottish Government's policy to maintain alignment with the EU.

Consultation

A public consultation on building warrant fees took place from 21 July 2023 to 24 October 2024.

As a result of that consultation, just under two thirds (65%) of all respondents agreed that building warrant fees should be increased to strengthen the building standards system in Scotland. Many suggested more funding through increased fees could ease current capacity and resourcing issues, and improve verification, compliance, and inspection services. As a result, the Scottish Government is undertaking work to increase building warrant fees from 01 April 2024.

A full list of those consulted and who agreed to the release of this information is published with consultation responses on the Scottish Government website. It includes Local Authority

Building Standards Scotland (LABSS), Scottish Property Federation, 28 Local Authorities, SELECT, SNIPEF, RIAS, Homes for Scotland, and various large developers.

Prior to Public Consultation, the development of proposals was undertaken through the Verification Delivery Model Working Group (WG), consisting of representatives from a variety of organisations such as CoSLA, LABSS, CIOB, Homes for Scotland and SNIPEF. Further development and engagement was undertaken through the Delivery Model Development Group (DMDG) comprised of Scottish Government Building Standards Officials, representatives of LABSS, Fife Council and Directors of the pilot Building Standards Hub.

Proposals created by these Groups were escalated to the Futures Board whose remit it is to provide advice and oversee the activities that will improve the performance, expertise and sustainability of building standard services across Scotland.

Impact Assessments

A total of 4 impact assessments were completed for the Building (Fees)(Scotland) Amendment Regulations 2024. They are:

- Business and Regulatory Impact Assessment
- [Equality Impact Assessment](#)
- [Fairer Scotland Duty Assessment](#)
- [Island Communities Impact Assessment](#)

Financial Effects

A Business and Regulatory Impact Assessment (BRIA) has been completed and laid with this SSI. The impact of this policy on business is an increased financial verification cost for the application of a building warrant.

Scottish Government

Local Government and Housing Directorate 29.01.2024