



Llywodraeth Cymru
Welsh Government

Welsh Government Building Control Profession Charging Scheme

24 January 2024

Made under the Building Control Profession (Charges) (Wales)
Regulations 2023

Mae'r ddogfen hon ar gael yn Gymraeg hefyd / This document is also available in Welsh
Rydym yn croesawu gohebiaeth a galwadau ffôn yn Gymraeg /
We welcome correspondence and telephone calls in Welsh

OGL © Crown Copyright 2024, Welsh Government,
WG49178, Digital ISBN 978-1-83577-436-6

Contents

Introduction	3
Description of the Charging Scheme	4
What functions we will charge for	5

Introduction

The Building Safety Act 2022 makes amendments to the Building Act 1984 which includes provision for the registration of building inspectors (individuals, to be known as Registered Building Inspectors) and building control approvers (Registered Building Control Approvers).

Section 105B of the [Building Act 1984](#) provides the Welsh Ministers with the power to make regulations to make and recover charges, in connection with the performance of relevant functions under the Building Act 1984. The chargeable functions in respect of the building control profession are outlined in the [Building Control Profession \(Charges\) \(Wales\) Regulations 2023](#) (“the Regulations”). Under the Regulations, the charges recoverable by the Welsh Ministers for performing the chargeable functions may be set out in a charging scheme. This document fulfils that requirement.

The Welsh Ministers have entered into an agreement to designate their functions under Part 2A of the Building Act 1984 to the Building Safety Regulator (“BSR”). Therefore references in this document to the Welsh Ministers should be read as including the BSR acting on Welsh Ministers’ behalf.

The costs of undertaking the functions, as determined by the BSR on behalf of the Welsh Ministers, are recovered through charges to make sure those benefiting from the service bear the cost. This ensures a proportionate approach where those whose activities need the highest level of intervention and oversight will pay the highest cost.

The charges and how they are to be calculated are as set out in this document unless it is replaced by a later published version of the charging scheme.

Description of the Charging Scheme

The charging scheme schedules explain:

- the chargeable functions;
- the trigger for each chargeable activity;
- who is required to pay for the chargeable activity (as defined within the Regulations);
- what the amount payable will be made up of; and
- the relevant legislation for that activity.

The charging scheme schedules are supplemented by further information which explains how charges are calculated; how payments and repayments are processed; and the queries and disputes process. As the Welsh Ministers have designated the chargeable functions, and recovery of the charges for those functions, to the BSR this information can be found in Annexes in the [BSR's charging scheme](#).

The calculated hourly rate for staff will be applied to the total time spent undertaking the functions and used to calculate a total charge for the relevant functions. This means that charges will be sufficient, taking one year with another, to cover such expenditure as may be incurred by or on behalf of the Welsh Ministers in relation to the chargeable functions.

Charges will apply as and when a chargeable function is performed. Where figures are provided for functions not yet in force then these are provided as indicative amounts only and are subject to change.

The charging scheme provides the following benefits to the Welsh Ministers' stakeholders:

- transparency - the charging scheme sets out the principles embodied in the calculation of charges, and what activity will incur a charge.
- flexibility and fairness – the charging scheme offers greater flexibility to update charges (as the scheme will be separate to the Regulations) to ensure they are an accurate reflection of costs – whether that means decreasing or increasing the rates.
- accountability – the charging scheme provides clarity to those being charged.

What functions we will charge for

The following schedules provide detail of the functions that will be charged for under the Regulations, who will pay, and the basis of the charges.

SCHEDULE 1

Regulation 3(2)(a):

- the determination of an application for registration of a person as a building inspector made under section 58D of the Act and maintenance of the register under section 58C of the Act, including the variation or cancellation of a registration under section 58E of the Act.

Description	Trigger	Amount Payable	Payable by
<p>Registration of an individual wishing to become registered as a building inspector.</p> <p>Charge will be applied at any point an application for registration is made (including any re-registration). The initial registration charge will include initial administrative costs, the Welsh Ministers' assessment costs, and system running costs arising from the assessment of the application. In addition, an annual maintenance charge will be applied for ongoing administrative and system costs, including monitoring and updating of the register. Charges also include any assessment and actions to vary the registration, including any change of class within the 4 year registration term.</p>	<p>Submission of an application for registration and/or cost of annual maintenance being due to the Welsh Ministers.</p>	<p>£336 charge with an application for registration (which applies for 4 years if given);</p> <p>plus</p> <p>£216 annual maintenance charge from year 2.</p> <p>In accordance with Regulation 8(5) of the regulations, the Welsh Ministers may consider refunding part of the registration charge, where the registered building inspector applies to cancel their registration ahead of its expiry date. Such refunds will be</p>	<p>Applicant</p> <p>Registration will not be complete unless the charge with an application has been paid.</p>

Description	Trigger	Amount Payable	Payable by
<i>(As provided for under Part 2A, sections 58C to 58E, of the Building Act 1984).</i>		determined on a case by case basis.	

SCHEDULE 2

Regulation 3(2)(b):

- the determination of an application for registration of a person as a building control approver made under section 58P of the Act and maintenance of the register under section 58O of the Act, including the variation or cancellation of a registration under section 58Q of the Act.

Description	Trigger	Amount Payable	Payable by
<p>Registration of any person or organisation wishing to become registered as a building control approver.</p> <p>Charges will be applied when an application for registration is made (including any re-registration). The initial registration charge will include initial administrative costs the Welsh Ministers' assessment costs, and system running costs arising from the assessment of the application. Charges are also applied at an hourly rate for the assessment of the application.</p> <p>In addition, an annual maintenance charge will be applied for ongoing administrative and system costs, including monitoring and updating of the register. The application charge and annual maintenance charge also include any assessment and actions to vary the registration within the 5 year registration term.</p> <p><i>(As provided for under Part 2A, section 58O to 58Q, of the Building Act 1984).</i></p>	<p>Application for registration and/or cost of annual maintenance being due to the Welsh Ministers.</p>	<p>£4,494 charge with application for registration (which applies for 5 years if given);</p> <p>plus</p> <p>£124 per hour worked in undertaking the assessment;</p> <p>plus</p> <p>£3,439 annual maintenance charge from year 2.</p> <p>In accordance with Regulation 8(5) of the regulations, the Welsh Ministers may consider refunding part of the charge on application for registration where the registered building control approver applies to cancel their registration ahead of its expiry date. Such refunds will be determined on a case by case basis.</p>	<p>Applicant</p> <p>Registration will not be complete unless the charge with the application has been paid.</p>

SCHEDULE 3

Regulation 3(2)(h):

- oversight of building control bodies
- the inspection by the Welsh Ministers of a local authority or a registered building control approver under section 58Z8 of the Building Act 1984.

Description	Trigger	Amount Payable	Payable by
<p>Inspections (audits) by the Welsh Ministers of building control bodies (local authorities or registered building control approvers).</p> <p><i>(Inspection powers under section 58Z8 of the Building Act 1984).</i></p>	<p>Inspection (audit) by the Welsh Ministers on a periodic or proactive basis</p>	<p>£124 per hour worked.</p>	<p>The building control body (local authority or registered building control approver)</p>

SCHEDULE 4

Regulations 3(2)(c) and (f):

- Oversight of building control profession/ registered building inspectors – monitoring and regulatory intervention to ensure compliance

Description	Trigger	Amount Payable	Payable by
<p>Investigations by the Welsh Ministers into professional misconduct or any contravention of the code of conduct for registered building inspectors under regulation 3(2)(c), and any regulatory intervention to ensure compliance (including, but not limited to, varying, suspending or cancelling an inspector's registration) under regulation 3(2)(f).</p>	<p>The Welsh Ministers become aware of potential misconduct, breach or contravention</p>	<p>£124 per hour worked; plus any additional costs to the Welsh Ministers of third parties such as experts.</p> <p>Payable if the Welsh Ministers conclude that such misconduct, breach</p>	<p>The building control body (the local authority or registered building control approver) employing the registered</p>

Description	Trigger	Amount Payable	Payable by
<i>(As provided for under Part 2A of the Building Act 1984).</i>		or contravention has occurred.	building inspector. To note: In accordance with regulation 6(3) of the regulations, an employer must pay any compliance-related charges that are payable by a person who was acting in their capacity as an employee

SCHEDULE 5

Regulation 3(2)(d) to (f):

- oversight of building control profession/ building control bodies – monitoring and regulatory intervention to ensure compliance

Description	Trigger	Amount Payable	Payable by
Investigations by the Welsh Ministers into professional misconduct or any contravention	The Welsh Ministers become	£124 per hour worked; plus any additional costs to the Welsh Ministers of	The building control

Description	Trigger	Amount Payable	Payable by
<p>of the operational standards rules and the professional conduct rules applicable to local authorities or registered building control approvers under regulations 3(2)(d) and 3(2)(e), and any regulatory intervention to ensure compliance under regulation 3(2)(f).</p> <p><i>(As provided for under Part 2A of the Building Act 1984).</i></p>	<p>aware of potential misconduct, breach or contravention.</p>	<p>third parties such as experts.</p> <p>Payable if the Welsh Ministers conclude that such misconduct, breach or contravention has occurred.</p>	<p>body (local authority or registered building control approver).</p>

SCHEDULE 6

Regulation 3(2)(f):

- any action taken with a view to or in connection with securing compliance with Part 2A of the Act or a requirement imposed under it, or the imposition of a sanction in respect of a contravention of Part 2A of the Act or a requirement imposed under it

Description	Trigger	Amount Payable	Payable by
<p>Any regulatory intervention undertaken by Welsh Ministers to secure compliance with, or in response to a contravention of, Part 2A of the Building Act 1984 or requirement imposed under it, other than for professional misconduct or contraventions listed in</p>	<p>The identification of non-compliance or suspected non-compliance.</p>	<p>£144 per hour worked; plus any costs to Welsh Ministers of third parties such as experts.</p>	<p>The regulated party.</p>

Description	Trigger	Amount Payable	Payable by
<p>schedules 4 and 5 of this charging scheme.</p> <p><i>(As provided for under Part 2A of the Building Act 1984).</i></p>			

SCHEDULE 7

Regulation 3(2)(g):

- any action taken in order to respond to an appeal against a decision of the Welsh Ministers made under Part 2A of the Act.

Description	Trigger	Amount Payable	Payable by
<p>Work done in preparation for and during the course of any appeal against a decision of the Welsh Ministers, including any engagement with the appellant to resolve the dispute.</p> <p><i>(As provided for under section 56 of the Building Safety Act 2022 and Schedule 6 to that Act).</i></p>	<p>Submission of an appeal against a decision by the Welsh Ministers.</p>	<p>£144 per hour worked; plus any costs to the Welsh Ministers of third parties such as experts.</p> <p>To note: Payable if the appeal is unsuccessful or withdrawn.</p>	<p>The Appellant</p>