POLICY NOTE

THE BUILDING (FEES) (SCOTLAND) AMENDMENT REGULATIONS 2025

SSI 2025/6

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 1 April 2025, as part of year 2 of a three 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. The increase will also be used to provide increased funding for the Scottish Building Standards Hub as agreed by COSLA.

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.

UN Convention on the Rights of the Child (Incorporation) (Scotland) Act 2024 Compatibility

In accordance with section 23(2) of the United Nations Convention on the Rights of the Child (Incorporation) (Scotland) Act 2024, the Scottish Ministers certify that, in their view, The Building (Fees)(Scotland) Amendment Regulations 2025 is compatible with the UNCRC requirements as defined by section 1(2) of the Act.

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 2023.

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 over a 3 year-period starting from 1 April 2024. This fee increase represents year 2 of the three year model.

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.
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. Proposed fee levels for year 2 (2025-26) were also reviewed and validated by an independent research contractor.

Proposed fee levels 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 2025. They are:

- Business and Regulatory Impact Assessment
- Equality Impact Assessment
- Fairer Scotland Duty Assessment
- Childs Rights and Wellbeing 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 cost for the application of a building warrant.

Scottish Government
Directorate for Housing

January 2025