STATUTORY INSTRUMENTS

2026 No. 1094

BUILDING AND BUILDINGS, ENGLAND AND WALES

The Building (Local Authority Charges and Amendments Relating to Charging) (England) Regulations 2026

Made - - - -	*14th October 2026*
Laid before Parliament	*15th October 2026*
Coming into force in accordance with regulation 1	

The Secretary of State makes these Regulations in exercise of the powers conferred by sections 1, 8(2), 35(2), 35B(7), 47(1) to (3A), 50(1D), (4), (6), (7A), 51(1) and (2), 51A(2), (3) and (5A), 53B(5), 53C(3), 105B and 120A(2) of, and paragraphs 1A, 1D and 1F and 10(2) of Schedule 1 to, the Building Act 1984(**a**) and section 41(2) of the Building Safety Act 2022(**b**).

In accordance with section 120B(3) of the Building Act 1984, the Secretary of State has consulted the Building Safety Regulator(**c**) and such other person as the Secretary of State considers appropriate.

Citation, extent, application and commencement

1.—(1) These Regulations may be cited as the Building (Local Authority Charges and Amendments Relating to Charging) (England) Regulations 2026.

(2) These Regulations extend to England and Wales.

(3) These Regulations apply to England.

(4) Subject to paragraph (5), these Regulations come into force on the date which is 22 days after the day on which they are laid before Parliament.

(5) Regulation 11 comes into force on—

(a) in relation to higher-risk buildings(**d**), 24th September 2027;

(**a**) 1984 c. 55. Section 1 was amended by section 1 of the Sustainable and Secure Buildings Act 2004 (c. 22); section 35 was amended by section 39 of the Building Safety Act 2022 (c. 30) ("the 2022 Act"); section 35B was inserted by section 38 of the 2022 Act; section 50 was amended by section 49 of the 2022 Act; section 51A was inserted, and section 52(1) was amended, by S.I. 1996/1905; section 51A was amended by sections 46(2) and 48(3) of, and paragraph 42 of Schedule 5 to, the 2022 Act; sections 53B and 53C were inserted by section 51 of the 2022 Act; sections 105B, 120A and 120B were inserted by section 57 of, and paragraph 77 of Schedule 5 to, the 2022 Act; paragraphs 1A, 1D and 1F of Schedule 1 were inserted by section 33 of the 2022 Act and paragraph 10 of Schedule 1 was substituted by paragraph 83 of Schedule 5 to the 2022 Act. See section 126 for the definition of "prescribed". There are other amendments not relevant to this instrument.

(**b**) 2022 c. 30.

(**c**) The Building Safety Regulator was established by the Building Safety Regulator (Establishment of New Body and Transfer of Functions etc.) Regulations 2026 (S.I. 2026/20).

(**d**) For the definition of "higher-risk building" see section 120D of the Building Act 1984. Section 120D was inserted by section 31 of the Building Safety Act 2022 (c. 30).

(b) in all other cases, 24th March 2027.

Interpretation

2. In these Regulations—

"the 1984 Act" means the Building Act 1984;

"application charge" means a charge for or in connection with the chargeable function set out in regulation 4(1)(a);

"building" has the same meaning as given in regulation 2 of the Principal Regulations;

"building notice" has the same meaning as given in regulation 2 of the Principal Regulations;

"building notice charge" means a charge for or in connection with the chargeable function set out in regulation 4(1)(c);

"building work" has the same meaning as given in regulation 3 of the Principal Regulations;

"chargeable function" means a function set out in regulation 4(1);

"charging scheme" has the meaning given in regulation 3(2);

"financial year" is the period of 12 months beginning with 1st April;

"inspection charge" means a charge for or in connection with the chargeable function set out in regulation 4(1)(b);

"officer" includes a person contracted by the local authority or a person employed by such a contractor, to perform a chargeable function or provide chargeable advice;

"the Principal Regulations" means the Building Regulations 2010(**a**);

"RBCA charge" means a charge for or in connection with the chargeable function set out in regulation 4(1)(d);

"the RBCA Regulations" means the Building (Registered Building Control Approvers etc.) (England) Regulations 2024(**b**);

"regularisation charge" means a charge for or in connection with the chargeable function set out in regulation 4(1)(f);

"reversion charge" means a charge for or in connection with the chargeable function set out in regulation 4(1)(e).

Authorisation to recover charges and charging schemes

3.—(1) A local authority may recover charges for or in connection with the performance of their chargeable functions.

(2) The amount of any charge that is payable under these Regulations must be determined by a local authority in accordance with a scheme made and published by the local authority in accordance with these Regulations ("charging scheme").

(3) The authorisation in paragraph (1) is subject to the exception in regulation 9.

(**a**) S.I. 2010/2214, as amended by S.I. 2012/3119, 2013/1959, 2014/110, 2015/767, 2016/285, 2016/1274, 2018/1230, 2021/1391, 2022/608, 2023/520, 2023/911 and 2024/110. There are other amending instruments, but none is relevant to this instrument.

(**b**) S.I. 2024/110 as amended by S.I. 2024/474, 2025/1017, 2025/1236 and 2026/1034.

Chargeable functions

4.—(1) Each of the following is a chargeable function—

(a) the granting or rejection of an application for building control approval(**a**) in relation to proposed building work made to the local authority in accordance with the Principal Regulations;

(b) the inspection of—

(i) a site in relation to building work for which an application for building control approval has been made in accordance with the Principal Regulations (whether determined or not);

(ii) building work for which an application for building control approval has been granted in accordance with the Principal Regulations;

(c) the consideration of a building notice which has been given to the local authority in accordance with the Principal Regulations and the inspection of any building work to which that notice relates;

(d) the accepting or rejecting of—

(i) an initial notice(**b**),

(ii) an amendment notice(**c**),

(iii) a plans certificate(**d**),

(iv) a final certificate(**e**),

(v) a relevant transfer certificate and a transfer report,

which has been given to the local authority in accordance with the RBCA Regulations;

(e) the consideration of building work reverting to local authority control under the RBCA Regulations;

(f) the consideration of an application under regulation 18 of the Principal Regulations and the inspection of any building work to which that application relates;

(g) the consideration of an application under section 8 of the 1984 Act;

(h) any action taken by the local authority under section 19(2), (3) or (5)(a) of the 1984 Act;

(i) any action taken by the authority under section 22(1) or (3) of the 1984 Act;

(j) any action taken by the authority under section 25(3) of the 1984 Act;

(k) the exercise by the authority of their powers under section 33(1), (2) or (4) of the 1984 Act;

(l) the exercise by the authority of their powers under section 51C, 52, 52A, 53, 53A (including consideration of a completion notice under regulation 22A of the RBCA Regulations), 53B or 53D of the 1984 Act;

(m) any action taken by the authority under section 59, 60, 64, 65, 66 or 68 of the 1984 Act;

(n) any action taken by the authority under section 70, 72, 73 or 74 of the 1984 Act;

(**a**) For the definition of "building control approval" see paragraph 1B of Schedule 1 to the Building Act 1984. Paragraph 1B inserted by section 33 of the Building Safety Act 2022 (c. 30).
(**b**) For the definition of "initial notice" see section 47 of the Building Act 1984.
(**c**) For the definition of "amendment notice" see section 51A of the Building Act 1984.
(**d**) For the definition of "plans certificate" see section 50 of the Building Act 1984.
(**e**) For the definition of "final certificate" see section 51 of the Building Act 1984.

(o) the exercise by the authority of their powers under section 76, 79, 80 or 81 of the 1984 Act;

(p) the exercise by the authority of their powers in relation to seeking an order under section 77 of the 1984 Act;

(q) any action taken by the authority under section 84 or 85 of the 1984 Act;

(r) the exercise by an authorised officer of the powers conferred by section 95 of the 1984 Act;

(s) any action taken by the local authority with a view to or in connection with—

(i) securing compliance with a requirement imposed by the Principal Regulations or the 1984 Act, or

(ii) the imposition of a sanction in respect of a contravention of a requirement imposed by the Principal Regulations or the 1984 Act;

(t) the conduct of an appeal against a decision or action of a local authority under the 1984 Act or regulations made under that Act;

(u) any action taken in order to respond to an appeal against a decision of the local authority.

(2) A local authority are authorised by means of a charging scheme, to make a charge in relation to a request for advice as regards any particular case (in these Regulations called "chargeable advice") where such a charge is made in anticipation of the future exercise of their chargeable functions in relation to that case and the person requesting that advice must pay those charges.

(3) In this regulation, a relevant transfer certificate and a transfer report means a transfer certificate and a transfer report given in accordance with section 53B of the 1984 Act and considered under section 53C of that Act(**a**).

Charging schemes

5.—(1) A local authority must ensure that, taking one financial year with another, the charges payable under a charging scheme as far as possible equate to the costs incurred by the local authority in performing their chargeable functions and providing chargeable advice.

(2) A local authority may amend a charging scheme from time to time.

(3) The costs incurred by a local authority in performing their chargeable functions and providing chargeable advice may include a reasonable proportion of the authority's overheads, depreciation and the cost of capital.

(4) Not more than six months after the end of each financial year the local authority must publish on the authority's website a statement, in relation to that year, which sets the charges paid, the costs incurred and the amount of any surplus or deficit.

(5) The statement published under this regulation must—

(a) include data in accordance with any standard specified in a direction given by the Secretary of State, and

(b) be approved by the person having responsibility for the administration of the financial affairs of the local authority under section 151 of the Local Government Act 1972(**b**), or, in the case of the City of London, section 6 of the Local Government and Housing Act 1989(**c**).

(6) A local authority must, not less than seven days before the date on which a charging scheme, or an amendment to a charging scheme, is to come into effect—

(**a**) 1984 c. 55. Sections 53B and 53C were inserted by section 51 of the Building Safety Act 2022 (c. 30).
(**b**) 1972 c. 70.
(**c**) 1989 c. 42.

(a) publish a copy of the charging scheme, in the up-to-date form, on their website;

(b) publish in their area, in such manner as they consider appropriate, the fact that they have made the charging scheme or as the case may be the amendment, the date on which it comes into effect and the address where it may be inspected.

(7) A local authority must keep a copy of the charging scheme made by them in an up-to-date form, and must make it available for inspection free of charge to any member of the public on request and at any reasonable time at the address which is published in accordance with paragraph (6).

Charges to be paid by the client etc

6.—(1) The client must pay the charge for the chargeable functions under regulation 4(1)(a) to (n) which are performed in relation to the client's project.

(2) The owner of a building must pay the charge for the chargeable functions under regulation 4(1)(o) to (q) which are performed in relation to that building.

(3) A person must pay the charge arising from the performance of the chargeable functions under regulation 4(1)(r) and (s) if the local authority have reasonable grounds to believe that the person may contravene, is contravening or has contravened the 1984 Act or regulations made under that Act.

(4) A charge for the performance of a chargeable function under regulation 4(1)(r) or (s) must not include any costs which are connected with a criminal investigation or prosecution and which are incurred, in either case, after the date on which any information is laid by the local authority.

(5) A person who makes an appeal, against a decision or action of a local authority under the 1984 Act or regulations made under that Act, must—

(a) pay the charge for the performance of the chargeable function under regulation 4(1)(t), and

(b) if the person withdraws the appeal or the appeal confirms the decision or action of the local authority, also pay any charge for the performance of the chargeable function under regulation 4(1)(u).

(6) A person must pay—

(a) an application charge when the application is made to the local authority;

(b) an inspection charge on demand after the authority have given notice of that charge;

(c) a building notice charge when the notice is given to the authority;

(d) a RBCA charge when the notice or certificate, in respect of which the charge is payable, is given to the authority;

(e) a regularisation charge when the application is made to the authority in accordance with regulation 18 of the Principal Regulations;

(f) a reversion charge on the first occasion when plans are or have been given under regulation 22 of the RBCA Regulations;

(g) a charge for chargeable advice on demand after the authority have given notice of that charge;

(h) a charge in connection with a notice under section 80(2) of the 1984 Act when the notice is given to the authority;

(i) any other charge for or in connection with the performance of a chargeable function on demand after the authority have given notice of that charge;

(j) the amount of any value added tax if that tax is payable in respect of any charge which is payable to the authority.

(7) An application for building control approval which is made without payment of the application charge is not validly made for the purposes of the Principal Regulations.

(8) A building notice given without payment of the building notice charge is not validly given for the purposes of the Principal Regulations.

(9) An application under regulation 18 of the Principal Regulations which is made without payment of the regularisation charge is not validly made for the purposes of the Principal Regulations.

(10) Plans given under regulation 22 of the RBCA Regulations without payment of the reversion charge are not validly given for the purposes of the RBCA Regulations.

(11) A notice given to a local authority under section 80(2) of the 1984 Act without payment of the charge referred to in paragraph (6)(h) is not validly given for the purposes of section 80.

(12) In this regulation—

"client" means any person for whom a project is carried out;

"project" means a project that includes or will include any work for which the local authority is the building control authority and includes all planning work, design work, management or other work involved in the project until the authority issue a certificate in relation to the work following its completion.

Refunds and supplementary charges

7.—(1) If a local authority do not give notice, within the period required under the Principal Regulations, of the granting or rejection of an application for building control approval, they must refund any application charge paid.

(2) If a local authority do not give notice, within the period required under Part 3 of the RBCA Regulations, accepting or rejecting—

(a) an initial notice,

(b) an amendment notice,

(c) a plans certificate,

(d) a final certificate,

they must refund any RBCA charge paid in relation to that notice or certificate.

(3) If a local authority do not give notice, within the period required by the 1984 Act, accepting or rejecting a transfer certificate and a transfer report, they must refund any RBCA charge paid in relation to the certificate.

(4) If on the conclusion of an appeal against any decision of a local authority, the appeal is determined in favour of the appellant, the local authority—

(a) must refund any charges in relation to the appeal paid by the appellant, and

(b) must not recover any further charges relating to the appeal.

(5) If, in relation to the determination of a charge—

(a) the amount of work required of an officer of a local authority is less than that which was estimated, and

(b) payment has been made of the charge as determined under the charging scheme,

the authority must make a refund of an amount equal to the charge attributable to work that was not required.

(6) If, in relation to the determination of a charge—

(a) the amount of work required of an officer of a local authority is more than that which was estimated, and

(b) payment has been made only of the charge as determined under the charging scheme,

the authority must raise a supplementary charge in respect of the additional work.

(7) A local authority are not liable to pay a refund under paragraph (1), (2) or (3) if—

(a) they are prohibited from giving notice under paragraph (1), (2) or (3) by regulation 33(5) or (7) of the Building Safety (Responsible Actors Scheme and Prohibitions) Regulations 2023(**a**), or

(b) the person, by whom or on whose behalf the application was made or notice was given, failed to supply information requested by the authority a reasonable time before the date on which the authority reasonably required the information in order to comply with the Principal Regulations or the 1984 Act.

(8) A local authority are not required to pay a refund or raise a supplementary charge if the authority are satisfied that the amount is less than the administrative costs which the authority would incur in paying the refund or raising the charge.

(9) In respect of an application for building control approval which is made to a local authority under the Principal Regulations, the application charge and inspection charge may be aggregated for the purpose of calculating any refund or supplementary charge.

(10) Any payment of a refund or request for a supplementary charge must be accompanied by a statement setting out the basis for the refund or supplementary charge and, in the case of the latter, a calculation of that charge.

Contravention of regulations not to be an offence or to be subject to a compliance notice

8. Each of the provisions of these Regulations is prescribed for the purposes of sections 35(2) and 35B(7)(a) of the 1984 Act.

Exception for building work solely required for disabled persons

9.—(1) Subject to paragraph (2), in relation to an existing dwelling which is, or is to be, occupied by a disabled person as their permanent residence, a local authority must not fix or recover any charges where the whole of the building work in question is solely—

(a) for the purpose of providing means of access for the disabled person by way of entrance or exit to or from the dwelling or any part of it, or

(b) for the purpose of providing accommodation or facilities designed to secure the greater health, safety, welfare or convenience of the disabled person.

(2) Building work does not fall within paragraph (1)(b) unless the local authority are satisfied that the work consists of—

(a) the adaptation or extension of existing accommodation or an existing facility or the provision of alternative accommodation or an alternative facility where the existing accommodation or facility could not be used by the disabled person or could be used by the disabled person only with assistance, or

(b) the provision or extension of a room which is or will be used solely—

(i) for the carrying out for the benefit of the disabled person of medical treatment which cannot reasonably be carried out in any other room in the dwelling,

(ii) for the storage of medical equipment for the use of the disabled person, or

(**a**) S.I. 2023/753. Regulation 33 was amended by S.I. 2023/909 and 2026/509.

(iii) to provide sleeping accommodation for a carer where the disabled person requires 24-hour care.

(3) In this regulation—

"disabled person" means a person who has a disability within the meaning given by section 6 of the Equality Act 2010(**a**);

"dwelling" includes a dwelling-house and a flat; and "dwelling-house" and "flat" have the same meanings as in the Principal Regulations.

Amendment of the Building (Registered Building Control Approvers etc.) (England) Regulations 2024

10.—(1) The Building (Registered Building Control Approvers etc.) (England) Regulations 2024(**b**) are amended as follows.

(2) In regulation 6(4), after "the day on which the notice is given" insert "or the day on which charges in relation to the notice are paid, whichever is later".

(3) In regulation 8(4), after "the day on which the notice is given" insert "or the day on which charges in relation to the notice are paid, whichever is later".

(4) In regulation 11(4), after "the day on which the certificate is given" insert "or the day on which charges in relation to the certificate are paid, whichever is later".

(5) In regulation 13(3), after "the day on which the certificate is given" insert "or the day on which charges in relation to the certificate are paid, whichever is later".

(6) In regulation 22A(1) for "relevant authority" substitute "local authority for the area in which the building is situated".

(7) In regulation 25, in paragraph (d), after sub-paragraph (iv) insert—

"(iva) the charges in relation to this certificate have been paid to the local authority, and".

(8) In Schedule 1—

(a) in paragraph 11 of Form 1, at the end insert—

"(f) the charges in relation to this notice have been paid to the local authority.";

(b) in paragraph 11 of Form 2, at the end insert—

"(f) the charges in relation to this notice have been paid to the local authority.";

(c) in paragraph 8 of Form 3, at the end insert—

"(f) the charges in relation to this certificate have been paid to the local authority.";

(d) in paragraph 15 of Form 4, at the end insert—

"(f) the charges in relation to this notice have been paid to the local authority.";

(e) after paragraph 14 of Form 5, insert—

"14A. (**2**) hereby confirms the charges in relation to this certificate have been paid to the local authority.";

(f) after paragraph 2 of Form 8, insert—

(**a**) 2010 c. 15.
(**b**) S.I. 2024/110 as amended by S.I. 2024/474, 2025/1017, 2025/1236 and 2026/1034.

"3. (**2**) hereby confirms the charges in relation to this notice have been paid to the local authority.".

(9) In Schedule 2, after paragraph 1, insert—

"1A. The charges in relation to the notice have not been paid.".

(10) In Schedule 3, after paragraph 1, insert—

"1A. The charges in relation to the certificate have not been paid.".

(11) In Schedule 4, after paragraph 1, insert—

"1A. The charges in relation to the certificate have not been paid.".

(12) In Schedule 5, after paragraph 1, insert—

"1A. The charges in relation to the transfer certificate have not been paid.".

Revocation and amendment in relation to certain requirements of the Building Regulations 2010

11.—(1) The Building (Amendment) Regulations 2013(**a**) are revoked in relation to England.

(2) The Building Regulations 2010(**b**) are amended as follows.

(3) In regulation 11, for paragraph (3) substitute—

"(3) Sub-sections (1) to (5) of section 8 of the Act (relaxation of building regulations) do not apply to regulation 23(1)(a) and paragraph R1 (in-building physical infrastructure for high-speed electronic communications networks) of Schedule 1.".

Other revocations

12. The following are revoked in relation to England—

(a) the Building (Local Authority Charges) Regulations 2010(**c**);

(b) paragraph 1 of Schedule 6 to the Building Regulations 2010(**d**);

(c) regulation 33 of the Building Regulations &c. (Amendment) Regulations 2012(**e**);

(d) paragraph 31 of the Schedule to the Care Act 2014 (Consequential Amendments) (Secondary Legislation) Order 2015(**f**);

(e) regulation 18 of the Building Regulations etc. (Amendment) (England) Regulations 2023(**g**);

(f) regulation 37 of the Building (Registered Building Control Approvers etc.) (England) Regulations 2024(**h**).

(**a**) S.I. 2013/1105.
(**b**) S.I. 2010/2214 which was amended by S.I. 2011/1515, 2012/718, 2012/3119, 2013/181, 2013/1105, 2016/285, 2016/490 and 2018/558. There are other amendments not relevant to this instrument.
(**c**) S.I. 2010/404.
(**d**) S.I. 2010/2214.
(**e**) S.I. 2012/3119.
(**f**) S.I. 2015/643.
(**g**) S.I. 2023/911.
(**h**) S.I. 2024/110.

Transitional and saving provisions

13.—(1) Subject to paragraph (2), any charging scheme made in accordance with the Building (Local Authority Charges) Regulations 2010 continues in force and has effect as if it were made in accordance with these Regulations.

(2) Notwithstanding paragraph (1), a free hour provision in any charging scheme referred to in paragraph (1) ceases to apply on the commencement date.

(3) Paragraph (4) applies where—

(a) an authority first make a charging scheme under these Regulations, and

(b) that scheme first takes effect at any time other than at the beginning of a financial year.

(4) Where this paragraph applies, in determining the charges under their charging scheme, an authority must have regard to any estimated surplus or deficit arising for that part of the financial year for which any existing scheme made under the Building (Local Authority Charges) Regulations 2010 continues to have effect.

(5) In this regulation—

"commencement date" means the date referred to in regulation 1(4);

"free hour provision" means a provision in a charging scheme under which no charge is made for the first hour of time spent by an officer of the local authority in providing advice in relation to a chargeable function.

Signed by authority of the Secretary of State for Housing, Communities and Local Government

Blake
Parliamentary Under Secretary of State for Building Safety, Fire and Resilience
Ministry of Housing, Communities and Local Government

14th October 2026

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations set out provisions in relation to charges of local authorities for or in connection with certain building related functions.

Regulation 3 provides that a local authority may recover charges for or in connection with the chargeable functions which are set out in regulation 4.

Regulation 5 provides that the amount of any charge must be determined by the local authority in accordance with a scheme which the authority make and published on their website. Regulation 7 makes provision for refunds and additional charges.

Regulation 6 sets out who is required to pay charges and when the payment of a charge has to be made.

Regulation 8 provides that a contravention of the requirements of these Regulations is not a criminal offence and a compliance notice cannot be issued for a breach.

Regulation 9 provides for an exemption from charges for building work carried out to an existing dwelling solely for disabled persons.

Regulation 10 amends the Building (Registered Building Control Approvers etc.) (England) Regulations 2024 ("the RBCA Regulations").

Regulation 11 makes a revocation and amendment as respects England in connection with regulation 11 of the Building Regulations 2010 ("the 2010 Regulations"). S.I. 2013/1105 is revoked, under the power in section 41(2) of the Building Safety Act 2022 (c. 30). This tidies up regulation 34 of the 2010 Regulations, it has the effect of omitting the reference to regulation 11(3) from regulation 34. Regulation 11 of the 2010 Regulations has never applied to buildings falling with regulation 34. Where applicable, the substituted regulation 11(3) of the 2010 Regulations enables dispensations and relaxations to be possible in relation to regulations 25A, 25B and 26 of the 2010 Regulations. There is no need to remake the amendments made to Schedule 3 to the 2010 Regulations by S.I. 2013/1105 as those amendments were superseded when the whole of Schedule 3 was substituted by S.I. 2015/767.

Regulation 12 revokes the Building (Local Authority Charges) Regulations 2010 as respects England and related amending provisions.

Regulation 13 makes transitional and saving provisions.

A full impact assessment of the effect that this instrument will have on the costs of business, and the public sector is published alongside this instrument on www.legislation.gov.uk.

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