



Building Safety Regulator charging scheme 1 October 2023

(made under the Building Safety (Regulator's Charges) Regulations 2023) and to come into force with those regulations on 1 October 2023

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Introduction

The Building Safety Regulator (BSR) has been established within the Health and Safety Executive (HSE). BSR undertakes three core functions, including implementing the new, more stringent regulatory regime for buildings which meet the higher-risk building (HRB) definition in the Building Safety Act, overseeing the safety and standards of all buildings, and assisting and encouraging competence among the built environment industry and the building control profession.

BSR's building control functions apply to new-build and change of use buildings that meet the higher-risk building definition¹. Its functions will be exercised to ensure that the safety of residents and others is central to the design and construction of higher-risk buildings. In occupation, BSR encourages action to reduce risks to the safety of people resulting from the spread of fire and structural failure. It helps building owners make decisions that are proportionate to the potential impact and associated costs, supporting the prevention, control, mitigation, and active management of risks. The oversight of building control as a regulated profession will monitor the performance of all building control bodies, and the competence of registered building inspectors and registered building control approvers, to ensure consistency and drive-up standards. The regime also provides assurance and supports shared learning across the built environment.

Sections 28 of the Building Safety Act² and 105B of the Building Act 1984³ provide the powers for BSR to make and recover charges in connection with the performance of a relevant function. These chargeable functions are defined in the Building Safety (Regulator's Charges) Regulations 2023⁴ (the regulations). Under the powers outlined above, the charges recoverable by BSR for performing the chargeable functions may be set out in a charging scheme. This document fulfils that requirement.

In line with HSE strategy⁵, the costs of these services 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.

BSR 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.

¹ As defined in the [Building Safety Act 2022 s4\(4\)](#)

² [Building Safety Act 2022 \(legislation.gov.uk\)](#)

³ [www.legislation.gov.uk/ukpga/1984/55](#)

⁴ <https://www.legislation.gov.uk/uksi/2023/965/introduction/made>

⁵ [HSE strategy 2022 to 2032 - About us - HSE](#)

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 Building Safety (Regulator's Charges) Regulations 2023)
- what the amount payable will be made up of
- the relevant legislation for that activity

The charging scheme Schedules are supplemented by the annexes, which explain how charges are calculated; how payments and repayments are processed; and the queries and disputes process.

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 BSR in relation to the chargeable functions.

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

The reason for using a charging scheme is that it provides greater flexibility when updating charges as it is not reliant on parliamentary time. The statutory instrument – the Building Safety (Regulator's Charges) Regulations 2023 - will be remade as necessary to amend the chargeable functions or other provisions.

The charging scheme provides the following benefits to BSR's 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 Building Safety (Regulator's Charges) Regulations 2023) 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 and sets out how charges will be requested or paid, and how decisions can be appealed

What functions will we charge for

The following Schedules provide detail of the functions that will be charged for under the Building Safety (Regulator’s Charges) Regulations 2023, who will pay, and the basis of the charges.

To note that the existing exemption for charging for building work solely required for disabled persons under [the Building \(Local Authority Charges\) Regulations 2010](#) is being retained and the new Building Safety (Regulator’s Charges) Regulations 2023 have extended this exemption to the BSR. The provision exempts building work solely required to facilitate/ improve the buildings use by disabled persons from Local Authority Building Control charges.

Schedule 1

Regulation 3(2)(a):

The determination of an application for building control approval

Description	Trigger	Amount Payable	Payable by
<p>Submission and consideration of a building control application for HRB work or stage of HRB work or other work where BSR is the Building Control authority.</p> <p>BSR will assess whether the application is in accordance with building regulations and make the decision to reject or approve the application. BSR assessment may include but is not limited to requesting further information such as plans, documents and prescribed documents for approval.</p> <p><i>(As provided for in Part 2 of the Building (Higher-Risk Buildings Procedures) (England) Regulations 2023 or under Regulations 12, 14 and 14A of the Building Regulations 2010, as applicable).</i></p>	<p>Submission to the regulator of a building control approval application for HRB work or stage of HRB work or other work where BSR is the Building Control authority.</p>	<p>£180 charge with application; plus £144 per hour worked for BSR staff; plus Any costs to BSR of relevant authorities and third parties.</p>	<p>Client</p>

Schedule 2

Regulation 3(2)(b):

The determination of an application under section 8(3A) of the Building Act 1984.

Description	Trigger	Amount Payable	Payable by
<p>Assessment of an application for a direction and decision to dispense with or relax a requirement where the regulator is the building control authority.</p> <p><i>(As provided for in section 8 of the Building Act 1984).</i></p>	<p>Submission to the regulator of an application for a direction under s8(3A) of the Building Act 1984.</p>	<p>£108 charge with application;</p> <p>plus</p> <p>£144 per hour worked for BSR staff;</p> <p>plus</p> <p>Any costs to BSR of relevant authorities and third parties.</p>	<p>Client</p>

Schedule 3

Regulation 3(2)(c):

Any action taken by the regulator under subsections (2), (3) or (5)(a) of section 19 of the Building Act 1984.

Description	Trigger	Amount Payable	Payable by
<p>Action which may be taken by the regulator under sub-sections (2), (3) or (5)(a) of section 19 of the Building Act 1984.</p> <p><i>(As provided for in section 19 of the Building Act 1984).</i></p>	<p>Where the BSR is or becomes aware of the use of materials to which section 19 of the Building Act 1984 applies and determines action is appropriate under sub-sections (2), (3) or (5)(a).</p>	<p>£144 per hour worked for BSR staff;</p> <p>plus any costs to BSR of relevant authorities and third parties.</p>	<p>Client;</p> <p>or</p> <p>Principal Accountable Person if a certificate has been issued for the building/ relevant part of the building in accordance with regulation 6(2).</p>

Schedule 4

Regulation 3(2)(d):

Any action taken by the regulator under subsections (1) or (3) of section 22 of the Building Act 1984.

Description	Trigger	Amount Payable	Payable by
<p>Action that the regulator may take under subsections (1) or (3) of section 22 of the Building Act 1984 where it appears to the regulator that the drainage for two or more buildings may be dealt with more economically or advantageously in combination.</p> <p><i>(As provided for in section 22 of the Building Act 1984).</i></p>	<p>Assessment by the regulator that action on relevant drainage factors is appropriate.</p>	<p>£144 per hour worked for BSR staff;</p> <p>plus any costs to BSR of relevant authorities and third parties.</p>	<p>Client</p>

Schedule 5

Regulation 3(2)(e):

Any action taken by the regulator under section 25(3) of the Building Act 1984.

Description	Trigger	Amount Payable	Payable by
<p>Action taken by the regulator in connection with the giving of a notice or grant of a certificate under section 25(3) of the Building Act 1984.</p> <p><i>(As provided for in section 25 of the Building Act 1984).</i></p>	<p>Determination by the regulator that a proposal approved in a building control approval application for providing a supply of water has not been carried into effect or has not resulted in an appropriate water supply for the occupants of the house.</p>	<p>£144 per hour worked for BSR staff;</p> <p>plus any costs to BSR of relevant authorities and third parties.</p>	<p>Client</p>

Schedule 6

Regulation 3(2)(f)(i) and (iii):

The inspection and testing of any work to which building regulations are applicable, or of a building involving such work, including the testing of services, fittings and equipment (and taking samples) to ensure that the work complies with the requirements of building regulations.

Description	Trigger	Amount Payable	Payable by
<p>Inspections of any work to which building regulations are applicable, to check compliance with building regulations requirements; this may include any tests or sampling the regulator has required to be undertaken and may for example include inspection of documents.</p> <p><i>(As provided for under section 33(1) and (2) of the Building Act 1984 and regulation 46 of the Building (Higher-Risk Buildings Procedures) (England) Regulations 2023).</i></p>	<p>The receipt of a commencement notice, and/or the start of construction phase post building control application approval, and/or the acceptance of a regulator's notice under BA84 s91ZB by the relevant local authority.</p>	<p>£144 per hour worked for BSR staff;</p> <p>plus any costs to BSR of relevant authorities and third parties.</p>	<p>Client</p>

Schedule 7

Regulation 3(2)(f)(ii) and (iii):

The inspection of buildings including any testing or taking of samples, whether in the design & construction or occupation phases.

Description	Trigger	Amount Payable	Payable by
<p>Inspections of buildings including any testing or taking of samples where BSR needs to do so following completion of building work; this may include any tests or sampling the regulator has required to be undertaken.</p> <p><i>(As provided for under section 33(4) of the Building Act 1984 and under regulation 46 of the Building (Higher-Risk Buildings Procedures) (England) Regulations 2023).</i></p>	<p>Any complaint, relevant intelligence, incident, or submission of a building assessment or regularisation certificate application or safety case.</p>	<p>£144 per hour worked for BSR staff; plus any costs to BSR of relevant authorities and third parties.</p>	<p>Client; or PAP if a certificate has been issued for the building/ relevant part of the building in accordance with regulation 6(2).</p>

Schedule 8

Regulation 3(2)(g):

Any action taken by the regulator in relation to the notification of a notifiable change.

Description	Trigger	Amount Payable	Payable by
<p>Consideration of a notifiable change during the design and construction phase and any decision to specify a change as a notifiable change or a major change.</p> <p><i>(As provided for under regulations 18(3), 20 and 25 of The Building (Higher-Risk Buildings Procedures) (England) Regulations 2023).</i></p>	<p>Notification of a notifiable change.</p>	<p>£108 charge with notification to the regulator; plus £144 per hour worked for BSR staff; plus Any costs to BSR of relevant authorities and third parties.</p>	<p>Client</p>

Schedule 9

Regulation 3(2)(h):

The determination of a change control application.

Description	Trigger	Amount Payable	Payable by
<p>Consideration of and the determination of a change control application (including any preparation for, notification, and consultation undertaken by the BSR) and decision to reject or approve the application.</p> <p><i>(As provided for under regulations 21 to 25 of The Buildings (Higher-Risk Buildings Procedures) (England) Regulations 2023).</i></p>	Submission of a change control application	<p>£180 charge with application;</p> <p>plus</p> <p>£144 per hour worked for BSR staff;</p> <p>plus</p> <p>Any costs to BSR of relevant authorities and third parties.</p>	Client

Schedule 10

Regulation 3(2)(i):

The determination of a completion certificate application or a partial completion certificate application.

Description	Trigger	Amount Payable	Payable by
<p>The consideration of a completion certificate application, or partial completion certificate application, once the relevant building work has finished. BSR will assess the application and may carry out an inspection to determine whether the work has been carried out in accordance with building regulations and is consistent with the as-built plans submitted as part of the application. BSR will then make a decision to reject or approve the application and issue the certificate. (The inspection could include, for example, inspecting supporting documentation).</p>	Submission of a partial completion certificate application or completion certificate application.	<p>£216 charge with application;</p> <p>plus</p> <p>£144 per hour worked for BSR staff;</p> <p>plus</p> <p>Any costs to BSR of relevant authorities and third parties.</p>	Client

Description	Trigger	Amount Payable	Payable by
<i>(As provided for under regulations 40 to 45 of the Building (Higher-Risk Buildings Procedures) (England) Regulations 2023 or under regulations 17 or 17A of Building Regulations 2010, as applicable)</i>			

Schedule 11

Regulation 3(2)(j):

The determination of a regularisation certificate application.

Description	Trigger	Amount Payable	Payable by
<p>The consideration of a regularisation certificate application, where relevant building work has been completed without building control approval. BSR will assess the application and may carry out an inspection(s) to determine whether the work has been carried out in accordance with building regulations; then makes a decision to issue the certificate or a direction for further work to secure compliance. (BSR's inspection could include, for example, inspecting supporting documentation).</p> <p><i>(As provided for under regulation 47 of The Building (Higher-Risk Buildings Procedures) (England) Regulations 2023).</i></p>	<p>Submission of a regularisation certificate application.</p>	<p>£144 charge with application; plus £144 per hour worked for BSR staff; plus Any costs to BSR of relevant authorities and third parties.</p>	<p>Client; or Principal accountable person (PAP) or Accountable Person, if a certificate has been issued for the building/ relevant part of the building in accordance with regulation 6(3).</p>

Schedule 12

Regulation 3(2)(k):

Any action taken by the regulator in relation to:

- i. the giving of a notice under paragraph 2(4), 4(7) (including where paragraph 4(7) is applied by paragraph 8(4) or 5(7) (including where paragraph 5(7) is applied by paragraph 10(4) or 11(4)) of Schedule 3 to the HRB Regulations;
- ii. any notice or document submitted to the regulator under paragraph 2(3), 2(5), 4(5) (including where paragraph 4(5) is applied by paragraph 8(4)), 5(5) (including where paragraph 5(5) is applied by paragraph 10(4) or 11(4)), 9(3) or 9(4) of Schedule 3 to the HRB Regulations.

Description	Trigger	Amount Payable	Payable by
<p>Any action taken by the regulator where the regulator is the Building Control Authority by virtue of the Transitional, supplementary and savings provisions of Schedule 3 of The Building (Higher-Risk Buildings Procedures (England) Regulations 2023, including the consideration of any notice, document or information submitted to the regulator in accordance with those provisions.</p> <p><i>(As provided for under Schedule 3 to The Building (Higher-Risk Buildings Procedures) (England) Regulations 2023).</i></p>	<p>Where the regulator becomes the building control authority under the provisions above.</p>	<p>£144 per hour worked for BSR staff;</p> <p>plus</p> <p>Any costs to BSR of relevant authorities and third parties.</p>	<p>Client.</p>

Schedule 13

Regulation 3(2)(l):

Any action undertaken by the regulator in relation to the giving of a regulator’s notice or to work that has been prescribed under section 91ZB of the Building Act 1984 where the regulator is the building control authority for that work pursuant to a regulator’s notice.

Description	Trigger	Amount Payable	Payable by
<p>Work carried out in connection with the giving of a regulator’s notice including the consideration of and any issue of such a notice, and / or exercising the function of the building control authority (BCA) for non-higher-risk buildings where the regulator is the BCA by virtue of a regulators notice.</p> <p><i>(As provided for under sections 91ZB and 91ZC of the Building Act and building regulations under the Building Act 1984).</i></p>	<p>Submission of a request to the BSR to consider a regulator’s notice under BA84 s91ZB.</p>	<p>£144 per hour worked for BSR staff;</p> <p>plus any costs to BSR of relevant authorities and third parties.</p>	<p>Client.</p>

Schedule 14**Regulation 3(2)(m):**

The application for registration of a higher-risk building under section 78 of the Building Safety Act.

Description	Trigger	Amount Payable	Payable by
<p>Registration of new and existing higher-risk buildings. This charge will be applied at any time of registration (including any re-registration) and include the costs to BSR of maintaining the register, making the information publicly available, and updating the registration details over time.</p> <p><i>(As provided for under section 78 of the Building Safety Act 2022 and The Building Safety (Registration of Higher-Risk Buildings and Review of Decisions) (England) Regulations 2023)</i></p>	<p>Submission of an application to register a relevant higher-risk building.</p>	<p>£251 charge with application for registration.</p> <p>In accordance with The Building Safety (Registration of Higher-Risk Buildings and Review of Decisions) (England) Regulations 2023, BSR may consider refunding part or the whole of the registration charge where registration is withdrawn. Any such refund will be at the regulator's discretion</p>	<p>Principal accountable person.</p> <p>The regulator will not register a higher-risk building unless the charge with application has been paid.</p>

Schedule 15**Regulation 3(2)(n):**

The determination of an application for a building assessment certificate under section 81 of the Building Safety Act 2022.

Description	Trigger	Amount Payable	Payable by
<p>Assessment of an application (including any accompanying documents) for a building assessment certificate for an in scope building – including the costs to BSR of carrying out any inspections required in connection with the application, and of establishing whether or not to grant the certificate.</p> <p><i>(As provided for under sections 79 to 81, and any regulations made under sections 80 or 81, of the Building Safety Act 2022).</i></p>	<p>Submission of an application for a building assessment certificate.</p>	<p>£288 charge with application; plus £144 per hour worked for BSR staff; plus Any costs to BSR of relevant authorities and third parties.</p>	<p>Principal accountable person.</p>

Schedule 16

Regulation 3(2)(o):

Higher-risk building occupation phase - The review of a safety case report prepared by the principal accountable person under section 85 of the Building Safety Act.

Description	Trigger	Amount Payable	Payable by
<p>Review of the safety case report as may from time to time be required by BSR (i.e. not necessarily connected with either the building assessment certificate process at Schedule 15 above, or with the principal accountable person notifying BSR that they have updated the safety case report).</p> <p><i>(As provided for under section 85 (and any regulations made under section 85(3)) of the Building Safety Act 2022).</i></p>	<p>BSR calls in the safety case report for review.</p>	<p>£144 per hour worked for BSR staff; plus any costs to BSR of relevant authorities and third parties.</p>	<p>Principal accountable person.</p>

Schedule 17

Regulation 3(2)(p):

The determination of an application for registration of a person as a building inspector and maintenance of the register under section 58C of the Building Act 1984, including the variation or cancellation of a registration under section 58E of that 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, BSR assessment costs, and system running costs. 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><i>(As provided for under new Part 2A, sections 58 C to 58(E), of the Building Act 1984).</i></p>	<p>Submission of an application for registration and/ or cost of annual maintenance being due to BSR.</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 11(5) of the Building Safety (Regulator’s Charges) Regulations 2023, BSR 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 determined on a case by case basis.</p>	<p>Applicant</p> <p>Registration will not be complete unless the charge with an application has been paid.</p>

Schedule 18

Regulation 3(2)(q):

The determination of an application for registration of a person as a building control approver and maintenance of the register under section 58O of the Building Act 1984, including the variation or cancellation of a registration under section 58Q of that 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 and system running costs. 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 new Part 2A, section 58 O to 58 Q, of the Building Act 1984).</i></p>	<p>Application for registration and/or cost of annual maintenance being due to BSR.</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 for BSR staff for undertaking the assessment;</p> <p>plus</p> <p>£3,439 annual maintenance charge from year 2.</p> <p>In accordance with Regulation 11(5) of the Building Safety (Regulator's Charges) Regulations 2023, BSR 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 19**Regulation 3(2)(r):**

Oversight of building control bodies - The inspection by the regulator of a local authority or a registered building control approver under section 58Z8 of the Building Act 1984.

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

Schedule 20**Regulation 3(2)(s) to (t):**

Higher-risk building occupation phase- The investigation and inspection by BSR of the principal accountable person and/or accountable person(s), where necessary because the regulator has identified, or has been made aware of, potential non-compliance with their duties.

Description	Trigger	Amount Payable	Payable by
Investigation and inspection of the principal accountable person and/or accountable person(s), including for example assessments of the building, management arrangements and performance history, to ensure compliance with duties and deliver building safety. <i>(As provided for under section 98 and Schedule 2 to the Building Safety Act 2022 to comply with the regulator's objective under section 3 of that Act).</i>	BSR becoming aware of potential non-compliance by the Principal Accountable Person and/or Accountable Person(s). This could be by a variety of internal and external sources, for example: intelligence (including, for example, from complaints and reports), poor performance issues, near-misses, and whistleblowing.	£144 per hour worked for BSR staff; plus any costs to BSR of relevant authorities and third parties.	Principal accountable person and/or accountable person(s) (as appropriate to case).

Schedule 21

Regulation 3(2)(s) to (t):

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

Description	Trigger	Amount Payable	Payable by
<p>Investigations by BSR (or delegated body) into professional misconduct or any contravention of the code of conduct for registered building inspectors, and any regulatory intervention to ensure compliance (including, but not limited to, varying, suspending or cancelling an inspector's registration).</p> <p><i>(Provisions to be introduced under new Part 2A of the Building Act 1984.)</i></p>	<p>BSR becomes aware of potential misconduct, breach or contravention</p>	<p>£124 per hour worked for BSR staff;</p> <p>plus any costs to BSR of relevant authorities and third parties.</p> <p>Payable if BSR concludes that such misconduct, breach or contravention has occurred.</p>	<p>The building control body (the local authority or registered building control approver) employing the registered building inspector.</p> <p>To note: In accordance with regulation 8(3) of the Building Safety (Regulator's Charges) Regulations 2023, an employer must pay any enforcement-related charges that are payable by a person who was acting in their capacity as an employee</p>

Schedule 22

Regulation 3(2)(s) to (t):

Oversight of building control profession/ building control bodies – monitoring and regulatory intervention to ensure compliance.

Description	Trigger	Amount Payable	Payable by
<p>Investigations by BSR (or delegated body) into professional misconduct or any contravention of the operational standards rules and the professional conduct rules applicable to local authorities or registered building control approvers, including any regulatory intervention to ensure compliance.</p> <p><i>(Provisions to be introduced under Part 2A of the Building Act 1984).</i></p>	<p>BSR becomes aware of potential misconduct, breach or contravention.</p>	<p>£124 per hour worked for BSR staff;</p> <p>plus any costs to BSR of relevant authorities and third parties.</p> <p>Payable if BSR concludes that such misconduct, breach or contravention has occurred.</p>	<p>The building control body (local authority or registered building control approver).</p>

Schedule 23

Regulation 3(2)(s) to (t):

Investigation, inspection and testing (including sampling) activities carried out by BSR, where the regulator considers it is necessary to intervene because it has identified, or has been made aware of the potential for building safety risks or safety occurrences at or around that building.

Description	Trigger	Amount Payable	Payable by
<p>Investigation, inspection, of a building or dutyholder, management arrangements and performance history, to deliver building safety (including any testing).</p> <p><i>(As provided for under section 98 and Schedule 2 to the Building Safety Act 2022 to comply with the regulator's objective under section 3 of that Act, and under regulations 32 to 34 of the Buildings (Higher-Risk Buildings Procedures) (England) Regulations 2023)</i></p>	<p>BSR becoming aware of the potential for building safety risks or safety occurrences. This could be from a variety of internal and external sources, for example intelligence (including from complaints and reports, such as mandatory occurrence reporting (MOR) criteria, poor performance issues, near-misses, and whistleblowing).</p>	<p>£144 per hour worked for BSR staff;</p> <p>plus any costs to BSR of relevant authorities and third parties.</p>	<p>Client;</p> <p>or</p> <p>Principal Accountable Person if a certificate has been issued for the building/ relevant part of the building in accordance with regulation 6(2)</p>

Schedule 24

Regulation 3(2) (s) to (t):

Investigation, inspection and testing (including sampling) activities carried out by BSR in response to an unplanned event.

Description	Trigger	Amount Payable	Payable by
<p>Investigation, inspection, testing, and other activities relating to a building or dutyholder, and management arrangements in response to an unplanned event outside the normal BSR inspection routine.</p> <p><i>As provided for under section 98 and Schedule 2 to the Building Safety Act 2022 to comply with the regulator's objective under section 3 of that Act, and under regulations 32 to 34 of the Buildings (Higher-Risk Buildings Procedures) (England) Regulations 2023.</i></p>	<p>All events meeting the mandatory occurrence reporting (MOR) criteria, and/or reported through complaints (within the scope of the BSR) or other intelligence received or gathered by BSR.</p>	<p>£144 per hour worked for BSR staff;</p> <p>plus any costs to BSR of relevant authorities and third parties.</p>	<p>Client;</p> <p>or</p> <p>Principal Accountable Person if a certificate has been issued for the building/</p> <p>relevant part of the building in accordance with regulation 6(2).</p>

Schedule 25

Regulation 3(2)(t):

Any regulatory intervention undertaken by BSR to secure compliance with a building enactment or requirement imposed by virtue of such an enactment, or the imposition of a sanction in respect of a contravention of such enactment or requirement.

Description	Trigger	Amount Payable	Payable by
<p>Any regulatory intervention undertaken by BSR to secure compliance with, or in response to a contravention of, a building enactment or requirement imposed by virtue of such an enactment. (For example, this may include, but is not limited to, compliance notices, stop-notices, removal or alteration of offending work, investigations, and suspensions.)</p> <p><i>(As provided for by the building enactment which applies in each case).</i></p>	<p>The identification of non-compliance or suspected non-compliance.</p>	<p>£144 per hour worked for BSR staff;</p> <p>plus any costs to BSR of relevant authorities and third parties.</p>	<p>The regulated party.</p>

Schedule 26

Regulation 3(2)(u):

The review of a decision of the regulator which, pursuant to section 25 of the Building Safety Act 2022, is a prescribed decision.

Description	Trigger	Amount Payable	Payable by
<p>Review of any BSR prescribed decision within scope of section 25. Such decisions include but are not limited to:</p> <p>Under the Building (Higher-Risk Buildings Procedures) (England) Regulations 2023:</p> <p>a. a decision by the Regulator to reject a:</p> <ul style="list-style-type: none"> • building control approval application for HRB work • building control approval application for a stage of HRB work • building control approval application for work to existing HRB • change control application • completion certificate application 	<p>Submission of a request to BSR for a review.</p>	<p>£288 charge with request;</p> <p>plus</p> <p>£144 per hour worked for BSR staff;</p> <p>plus</p> <p>Any costs to BSR of relevant authorities and third parties.</p>	<p>Applicant for a review.</p>

Description	Trigger	Amount Payable	Payable by
<ul style="list-style-type: none"> • partial completion certificate application • regularisation certificate application <p>b. a decision to specify a controlled change as being a major change or a notifiable change under regulation 25 (change control: regulator power to specify notifiable changes and major changes);</p> <p>c. a decision to refuse a request to vary a requirement under regulation 30 (a variation of a requirement imposed on a building control approval).</p> <p>For the Building Control Profession, under the Building (Approved Inspectors etc and Review of Decisions) (England) Regulations 2023, a decision by the Regulator that is:</p> <p>a. a decision not to register an individual as a registered building inspector under section 58C(3) of the Act;</p> <p>b. a decision, on the registration of a registered building inspector, for the registration to have effect in relation to work of a description which is different to that requested in the application;</p> <p>c. a decision, on the registration of a registered building inspector, for the registration to be subject to a condition;</p> <p>d. a decision not to register a person as a registered building control approver under section 58O(2) of the Act;</p> <p>e. a decision, on the registration of a registered building control approver, for the registration to have effect in relation to work of a description which is different to that requested in the application;</p>		<p>Note: should the review find in favour of the applicant, any costs charged by BSR for the review would be exempted or refunded.</p>	

Description	Trigger	Amount Payable	Payable by
<p>f. a decision, on the registration of a registered building control approver, for the registration to be subject to a condition.</p> <p>In Higher-Risk Buildings in occupation, under The Building Safety (Registration of Higher-Risk Buildings and Review of Decisions) (England) Regulations 2023, a decision by the Regulator that is a decision:</p> <ul style="list-style-type: none"> • not to register a higher-risk building • to remove a building from the register • to refuse to remove a building from the register • to refuse an application for a building assessment certificate • to give a direction for assessment of building safety risk pursuant to section 83(2)(c) of the Building Safety Act 2022 <p><i>(As provided for under section 25 of the Building Safety Act 2022).</i></p>			

Schedule 27

Regulation 3(2)(v):

Oversight function - The conduct of an appeal against a decision or an action of a local authority or registered building control approver under the Building Act 1984 or regulations made under that Act.

Description	Trigger	Amount Payable	Payable by
<p>The conduct of an appeal against decisions or actions taken by a local authority, or by a registered building control approver, in the following circumstances:</p> <ul style="list-style-type: none"> • appeals under section 20(5) of the Building Act 1984 where a local authority takes action under section 20 of that Act (governing the use of materials unsuitable for permanent building). • appeals under section 39 of the Building Act 1984 against a local authority’s refusal to dispense with or relax building regulations. • appeals to be made under building regulations, where the local authority refuses an application for building control approval. • where a registered building control approver has withheld a “plans certificate” under s50(2) of the Building Act 1984 (i.e. a certificate stating that the registered building control approver has checked the plans of the building work and considers them to be compliant with building regulations). • Appeals under regulation 14B(1) of the Building Regulations 2010 where the local authority has rejected an application for building control approval. appeals under regulation 18A(1) of the Building Regulations 2010 where the local authority has rejected an application for a relevant certificate. <p><i>(As provided for under each of the provisions mentioned in the description above).</i></p>	<p>Submission of a request for an appeal to BSR.</p>	<p>£288 charge with request for appeal; plus £144 per hour worked for BSR staff; plus Any costs to BSR of relevant authorities and third parties.</p> <p>To note: should the appeal find in favour of the applicant, any costs charged by BSR in conducting the appeal will be exempted or refunded.</p>	<p>The Appellant</p>

Schedule 28

Regulation 3(2)(w):

Any action taken in order to respond to an appeal against a decision of the regulator.

Description	Trigger	Amount Payable	Payable by
<p>Work done in preparation for and during the course of any appeal against a decision of the regulator, including any engagement with the appellant to resolve the dispute.</p> <p><i>(As provided for under sections 56 and 103 to 106 of the Building Safety Act 2022 and Schedule 6 to that Act).</i></p>	<p>Submission of an appeal against a BSR decision.</p>	<p>£144 per hour worked for BSR staff;</p> <p>plus any costs to BSR of relevant authorities and third parties.</p> <p>To note: Payable if the appeal is unsuccessful or withdrawn.</p>	<p>The Appellant</p>

Annex A: Calculation of fees and charges

In setting cost recovery rates, HSE follows HM Treasury's guidance as outlined in Managing Public Money (MPM). That means we pay particular consideration to:

- clarity and transparency: the approach must be simple enough to provide transparency to those being charged
- seeking to recover the full cost of activities: a basic principle of setting charges is to recover the full cost of the activity, which includes a cost of capital
- basing rates on sound forecasts of cost and activity levels: these are supported
- by activity-based plans to minimise the risk of material deficits or surpluses on activities

Principles

The principles of this approach are for BSR to cost recover (including costs of external expertise and assistance where engaged) based on the following:

- apply hourly rates as a cost-effective and equitable cost recovery basis in situations where the amount of regulatory effort may vary (such as the regulation of higher-risk buildings and other buildings in scope)- these will be a blended (meaning they will include administration and management time) hourly rate which seeks to recover the full cost of delivering the function
- apply fixed charges for more uniform regulatory activity such as the registration of building inspectors and building control approvers- where fixed charges are applied, the charge will reflect the average (forecast) effort to deliver the function
- limit the scope of BSR's charges to cost recovery (including where it acts in an advisory capacity on the specific request of a customer, in a discretionary commercial arrangement)

Four step process

To set charges HSE follows a four-step activity-based costing process to cost the direct time required to deliver the relevant direct recoverable activities.

Step 1 – salary costs

Identify the total forecast volume of effort and total payroll cost (salary, employers' national insurance and employers' superannuation) of the individuals involved in the **direct** delivery of the activity. This is calculated as an average hourly rate per grade and assumes a total of 220 available days in a working year allowing for weekends, leave and other absences.

Step 2 – attributable costs

This is costed staff effort that is directly linked to the chargeable activity and is material enough to justify direct attribution of the costs (for example, training and development effort linked to a specific capability, management oversight, guidance, cost of travel time, and direct administrative and management support).

Step 3 – indirect costs

Identify expenditure that can be clearly linked to specific direct activities (for example, travel and subsistence costs and training costs). These are included in the hourly rates rather than charged on an actual basis to each project.

Step 4 – overheads

This category includes all the usual overheads such as:

- infrastructure costs (for example, information technology/desktop services and estates/facilities management)
- corporate services (for example, finance, procurement, HR, corporate learning and development, legal services, IT services, communications, senior management)
- depreciation and impairments of relevant fixed assets

The sum of the costs identified through steps 1 to 4 divided by the total forecast direct hours provides a full cost per hour rate for delivery of a specific cost recovery regime. This is a blended rate (meaning it includes administration and management time rather than these being charged separately) which seeks to recover the full cost of operating the regime.

The accuracy of the activity assumptions and forecasts are reviewed annually and reported through a memorandum trading account in the HSE annual report and accounts which is audited by the National Audit Office.

Where a fixed charge is applied the charge will reflect the average effort forecast to deliver an approval/certificate multiplied by the full cost per hour rate. Fixed charges will be used where the activity is relatively uniform in nature and hence there is limited risk of cross-subsidisation.

Relevant authorities and third-party involvement

Where BSR requests (or directs) the expertise and/or assistance of other 'relevant authorities' (local authorities and fire and rescue authorities), or where work is contracted to a third party or science and engineering support is sought, the cost to BSR of the service will be recovered. This will be shown as a separate item on the request for payment and the cost recovery rate will differ from BSR's hourly rate. HSE has management arrangements to ensure that the quality and duration of the work of third parties is properly controlled and monitored to provide value for money.

Further details are given in annex B.

Annex B: Cost recovery rates for relevant authorities and third parties

Relevant authorities

Section 13 of the Building Safety Act provides for a relevant authority (local authority or fire and rescue authority) to provide assistance to BSR in delivering a function. This assistance will be delivered through a multi-disciplinary team (MDT) convened by BSR.

BSR reimbursement rates for local authorities and fire and rescue authorities are determined independently. These relevant authorities are responsible for calculating their own hourly rates for BSR's reimbursement purposes in line with the relevant elements of Managing Public Money and the *Chartered Institute of Public Finance and Accountancy* (CIPFA) local authority building control accounting guidance⁶.

Local Authorities have been asked to make their rates available to the public. The National Fire Chiefs Council have published [hourly rates for Fire and Rescue Services in England](#).

Third parties

Under its general powers (notably new section 11A Health and Safety at Work etc Act 1974) BSR can also secure expertise from the private sector (where appropriate) to support the work of an MDT. This private sector expertise will be provided by 'approved inspectors', meaning registered building inspectors and or registered building control approvers as defined in the Building Safety Act 1984.

'Approved inspectors' will be remunerated for their MDT work in accordance with procurement contracts drawn up by HSE.

Third party costs, such as legal costs and specialist consultancy, may also be incurred by BSR or by a 'relevant authority' or private sector body who BSR may ask for assistance.

Apart from setting up the MDTs, BSR will work closely with relevant authorities and other public authorities and wider stakeholders in other ways to develop guidance and put in place the expertise, regulators, and systems to deliver the regulatory and oversight functions effectively.

⁶ [LA Building Control Accounting Guidance | CIPFA](#)

Annex C: Payments and repayments

Where a charge is payable to BSR in relation to performance of the relevant chargeable functions included in this charging scheme it is payable either:

- as an upfront cost with the application, notification or request as set out above; or
- within 30 days from the date of the payment request (on paper or online).

The charging scheme sets out where charges for applications, notifications or requests must accompany that application, notification or request. Such charges are non-refundable if the application or request is declined, other than as specified in the Schedules above.

A request for payment (other than for upfront charges) will include:

- a statement of the work done, and the costs incurred by or on behalf of BSR (this will include detail of any relevant authority, private sector, and/or third-party costs as explained at annex B);
- the period to which the statement relates; and
- the provision of the charging scheme under which the charge is payable.

Payments to BSR may need to be up to date before a decision is notified.

Charges payable under these regulations are recoverable as a civil debt. Debt recovery is in accordance with HSE's Debt Strategy which is aligned to and conforms with the government's debt functional standard (GovS014).

Reimbursement

In accordance with annex B, where relevant authorities provide assistance to BSR, they will be included in the costs charged, at their published rates.

Remuneration

In accordance with annex B, where third party "approved inspectors" or other third parties provide assistance to BSR, the costs to BSR of this assistance will be included in the costs charged, in accordance with procurement contracts drawn up.

Repayments

Where charges are applied and paid but subsequently determined repayable by the regulator (for example: if they have been paid in error; if an appeal against the action taken by the regulator is upheld; or following query/dispute) the repayment must be made by BSR within 30 days of the repayment decision.

Annex D: Queries and disputes process

The following outlines the procedure for answering queries and resolving disputes regarding charges made by BSR.

This procedure aims to ensure that queries and disputes are resolved promptly, transparently and fairly.

Level 1 – routine queries

Queries from regulated parties about information contained in the request for payment which could include:

- composition of charges
- amount of the request (not the rates as included in the charging scheme)
- method of payment
- terms of payment
- the process of requests and payment
- the propriety of the charge

Queries should be raised by the dutyholder as soon as possible after receipt of the request for payment and no later than 30 working days after the date of that request.

HSE will consider queries promptly and provide the dutyholder with a response within 21 working days of receipt. The cost recovery team will trigger liaison with BSR's operational team to provide the level 1 response.

Level 2 – queries not resolved at level 1

If the dutyholder is not satisfied with the response under level 1, they should send their reasons to HSE within 10 working days of the level 1 response.

HSE's cost recovery team will acknowledge receipt of the submission within five working days and confirm the name of the person dealing with the level 2 query. This will be a senior manager in the BSR division, who has not been involved in the work giving rise to the query.

The nominated senior manager will consider, as appropriate, whether:

- the work was done in accordance with the relevant policies and procedures
- the costs requested from the dutyholder reflect the costs reasonably incurred in carrying out a chargeable function

The senior manager will set out the reasons for the decision taken, including whether the queried payment request is upheld, cancelled, or varied. The decision will be sent to the dutyholder no later than 15 working days following receipt of the dutyholder's case.

Level 3 – dispute panel

If the dutyholder is not satisfied with the level 2 response, they may refer the matter to a dispute panel.

The level 3 dispute panel will consist of:

- an independent external member from the building industry as chair
- an independent external member from another industry as a panel member
- the head of the relevant BSR division as a panel member

Any HSE staff involved in level 1 or 2 will be precluded from the level 3 dispute panel. The dutyholder will be informed of the composition of the panel prior to the case being considered.

The panel will determine, where applicable, whether:

- the work was done in accordance with the relevant policies and procedures
- the costs requested from the dutyholder reflect the costs reasonably incurred by HSE in carrying out a chargeable function



Further information

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