

Fee Remission Explained:

Exemption from BUILDING REGULATION CHARGES

Applications for Building Regulations are normally subject to a fee being paid on submission. Charges are not payable in respect of work that is carried out for the benefit of a disabled person in accordance with Regulation 4 of the Building (Local Authority Charges) Regulations 2010.

In summary, this means that RBC Building Control (or any other Local Authority) is able to offer fee remission through grounds of disability 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) b) for the purpose of providing accommodation or facilities (either new or adapted) within the building which are incapable of being use (or used without assistance) by the disabled person.

Examples of work which may be exempt can include the provision of 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, or
- (ii) for the storage of medical equipment for the use of the disabled person, or
- (iii) to provide necessary accommodation (bedroom) or facility (bathroom) that could not be used by the disabled person.

Note: 'disabled person' means a person who is within any of the descriptions of persons to whom Section 29(1) of the National Assistance Act 1948, as extended by virtue of Section 8(2) of the Mental Health Act 1959, applied but disregarding the amendments made by paragraph 11 of Schedule 13 to the Children Act 1989. The words in section 8(2) of the Mental Health Act 1959 which extend the meaning of disabled person in section 29(1) of the National Assistance Act 1948, are prospectively repealed by the National Health Service and Community Care Act 1990, section 66(2), Schedule 10, as from a day to be appointed

Proof of entitlement as identified above may be requested prior to a Building Regulation application being accepted without a fee. If you are unsure about whether or not you need to pay a fee with a Building Regulation application, please contact us.

In order to be reasonably satisfied, RBC Building Control will seek to be provided with one of the following proofs of disability:

- a) A copy of a Disability Facilities Grant (DFG) form from the Local Authority
- b) A copy of an Occupational Therapists (OT) report stating that the works proposed are required in order for the disabled person(s) to continue living within their existing dwelling.
- c) That the works are solely for the use of the disabled person(s). In some circumstances partial fee remission may be given in the event that part of a project relates solely but another part does not.

Each application is assessed on its individual merits but either of the above proofs will be required. A GP letter may suffice in exceptional circumstances but proof of disability benefits alone cannot be used to claim fee remission.