

**A CHARGING SCHEME
MADE UNDER SECTIONS
15(4) AND 28 OF THE
BUILDING SAFETY ACT
2022 AND SECTION 105B
OF THE BUILDING ACT
1984**

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Introduction

The Building Safety Regulator (BSR) is part of the building safety and construction division of 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 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 registered building inspectors.

BSR's building control functions apply to new-build and change of use buildings that meet the higher-risk building definition. 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 regime also provides assurance and supports shared learning across the built environment.

Sections 15(4) and 28 of the Building Safety Act¹ and section 105B of the Building Act 1984² provide the powers for BSR to charge a fee and recover charges in connection with the performance of a relevant function. These chargeable functions are defined in the proposed Building Safety (Fees and Charges) Regulations³ (the regulations). Under the powers outlined above, the fees and charges recoverable by BSR for performing the chargeable functions may be set out in a charging scheme. This document fulfils that requirement.

In accordance with Managing public money⁴, the costs of these services are recovered through fees and 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 fees and 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 [Building Safety Act 2022 \(legislation.gov.uk\)](https://www.legislation.gov.uk/ukpga/2022/53/section/15)

² www.legislation.gov.uk/ukpga/1984/55

³ [www.legislation.gov.uk/uksi/xxxx/xx/made]

⁴ www.gov.uk/government/publications/managing-public-money

Description of the charging scheme

The charging scheme schedules explain:

- the chargeable functions;
- the trigger for chargeable activity;
- who is required to pay for the chargeable activity (payees are 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 the annexes, which explain how the fees and 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 fee for the relevant functions. This means that the fees 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.

The reason for using a charging scheme is that it provides greater flexibility when updating fees and charges as it is not reliant on parliamentary time. The statutory instrument – the Building Safety (Fees and Charges) Regulations - will be remade as necessary to amend the chargeable functions, or in line with the five year review period.

The charging scheme provides the following benefits to BSR's stakeholders:

- transparency - the charging scheme sets out the principles embodied in the calculation of fees and charges, and what activity will incur a fee or charge.
- flexibility and fairness – the charging scheme offers greater flexibility to update fees and charges (as the scheme will be separate to the Building Safety (Fees and Charges) 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 and sets out how charges will be paid or invoiced, and how decisions can be appealed.

What functions will we charge for?

The following fees and charges schedules provide detail of the functions that will be charged for under the Building Safety (Fees and Charges) Regulations, who will pay, and the basis of the fees and charges.

SCHEDULE 1

Regulation 3(2)(a):

- the determination of a building control approval application submitted to the regulator

1 Description	2 Amount Payable	3 Payable by
Submission and consideration of a building control application, where BSR assesses whether the application is in accordance with building regulations and makes 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.	£xxx fee for application and £xxx per hour worked for BSR staff plus actual costs of relevant authorities and third parties. Payments to BSR will need to be up to date before the decision is notified	Client
Trigger: Submission of building control application for approval.		
To be introduced through building regulations made under the Building Act 1984		

SCHEDULE 2

Regulation 3(2)(b):

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

1 Description	2 Amount Payable	3 Payable by
Action which may be taken by the regulator under: - sub-sections (2), (3) or (5)(a) of section 19 of the Building Act 1984	£xxx per hour worked for BSR staff plus actual costs of relevant authorities and third parties.	Client
Trigger: the request to BSR to review acceptance of materials to be used in the construction, or a proposal for the construction, of a building using materials to which s.19 of the Building Act 1984 applies		
As provided for in section 19 of the Building Act 1984		

SCHEDULE 3

Regulation 3(2)(d):

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

1 Description	2 Amount Payable	3 Payable by
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.	£xxx per hour worked for BSR staff plus actual costs of relevant authorities and third parties.	Client
Trigger: assessment by the regulator that action on relevant drainage factors is appropriate		
As provided for in section 22 of the Building Act 1984		

SCHEDULE 4

Regulation 3(2)(f):

- any action taken by the regulator under section 25(3) of the Building Act 1984

1 Description	2 Amount Payable	3 Payable by
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.	£xxx per hour worked for BSR staff plus actual costs of relevant authorities and third parties.	Client
Trigger: 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.		
As provided for in section 25 of the Building Act 1984		

SCHEDULE 5

Regulation 3(2)(e):

- the determination of the status of a controlled change or a change control application

1 Description	2 Amount Payable	3 Payable by
Consideration of the status of a controlled change and/ or the determination of a change control application during the design and construction phase and decision to reject or approve the application.	£xxx fee for application and £xxx per hour worked for BSR staff plus actual costs of relevant authorities and third parties. Payments to BSR will need to be up to date before the decision is notified	Client
Trigger: receipt of notification of a notifiable change or receipt of a change control application		
To be introduced through the building regulations made under section 1(1) of, and Schedule 1 to the Building Act 1984		

SCHEDULE 6

Regulation 3(2)(g):

- the determination of a completion certificate application

1 Description	2 Amount Payable	3 Payable by
The consideration of a completion certificate application, once the relevant building work has finished, where BSR assesses the application and carries 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; then makes a decision to reject or approve the application and issue the certificate. (BSR's inspection could include, for example, inspecting supporting documentation.)	£xxx fee for application and £xxx per hour worked for BSR staff plus actual costs of relevant authorities and third parties. Payments to BSR will need to be up to date before the issue of a certificate	Client
Trigger: receipt of a completion certificate application		
To be introduced through building regulations under section 1(1) of, and Schedule 1 to the Building Act 1984		

SCHEDULE 7

Regulation 3(2)(c):

- the inspection and testing of any work to which building regulations are applicable, or of a building involving such work, to ensure that the work complies with the requirements of building regulations

1 Description	2 Amount Payable	3 Payable by
Inspections of any work to which building regulations are applicable, to check compliance with building regulations requirements including inspection of documents	£xxx per hour worked for BSR staff plus actual costs of relevant authorities and third parties.	Client
Trigger: 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.		
To be introduced under section 33 of the Building Act 1984 and through building regulations made under that Act		

SCHEDULE 8

Regulation 3(2)(c): Prescribed building work:

- The inspection and testing of services, fittings and equipment (including taking samples) provided in connection with buildings, whether in the design & construction or occupation (prescribed building work) phases

1 Description	2 Amount Payable	3 Payable by
Inspection and testing of services, fittings and equipment provided in connection with buildings where BSR needs to do so following completion of building work carried out under a competent person scheme or third-party certification.	£xxx per hour worked for BSR staff plus actual costs of relevant authorities and third parties.	Client during the design and construction. Principal accountable person (PAP) during occupation.
Trigger: any complaint, intelligence, incident, or submission of a building control approval application or safety case		
To be introduced through building regulations under section 1(1) of and Schedule 1 to the Building Act 1984		

SCHEDULE 9

Regulation 3(2)(m) to (n): Higher-risk building occupation phase
– the investigation, inspection and testing of an occupied building or dutyholder in response to an unplanned event.

1 Description	2 Amount Payable	3 Payable by
Investigation, inspection, testing and other activities relating to an occupied building or dutyholder, and management arrangements in response to an unplanned event outside the normal BSR inspection routine	£xxx per hour worked for BSR staff plus actual costs of relevant authorities and third parties.	Principal accountable person
Trigger: event meeting BSR selection criteria		
Introduced through section 98 and schedule 2 to the BSA 2022 to comply with the regulator's objective under section 3 of the Building Safety Act 2022		

SCHEDULE 10

Regulation 3(2)(m) to (n): Higher-risk building occupation phase
- the investigation, inspection and testing (including sampling) 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 at or around that building.

1 Description	2 Amount Payable	3 Payable by
Investigation, inspection, and testing of an occupied building or dutyholder, management arrangements and performance history, to deliver building safety.	£xxx per hour worked for BSR staff plus actual costs of relevant authorities and third parties.	Principal accountable person
Trigger: BSR becoming aware of the potential for building safety risks. This could be from a variety of internal and external sources, for example: intelligence (including, for example, from complaints and reports), poor performance issues, near-misses, and whistleblowing.		
Introduced through section 98 and schedule 2 to the Building Safety Act 2022 to comply with the regulator's objective under section 3 of the Building Safety Act 2022		

SCHEDULE 11

Regulation 3(2)(h): Higher-risk building occupation phase - the application for registration of a higher-risk building under section 78 of the Building Safety Act

1 Description	2 Amount Payable	3 Payable by
Registration of new and existing higher-risk buildings. This fee 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.	£xxx fee	Principal accountable person
Trigger: statutory requirement to register buildings meeting the higher-risk building's scope definition.		
To be introduced through regulations under section 78 of the Building Safety Act 2022.		

SCHEDULE 12

Regulation 3(2)(i): Higher-risk building occupation phase – the determination of an application for a building assessment certificate under section 79 of the Building Safety Act 2022

1 Description	2 Amount Payable	3 Payable by
Assessment of an application for a building assessment certificate for an in scope building – including the costs to BSR of assessing the safety case report, of carrying out any inspections required in connection with the application, and of establishing whether or not to grant the certificate.	£xxx per hour worked for BSR staff plus actual costs of relevant authorities and third parties.	Principal accountable person
Trigger: formal request to BSR to apply for a certificate		
Introduced through sections 79 to 81, and any regulations made under sections 80 or 81, of the Building Safety Act 2022		

SCHEDULE 13

Regulation 3(2)(j): 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

1 Description	2 Amount Payable	3 Payable by
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 12 above, or with the principal accountable person notifying BSR that they have updated the safety case report).	£xxx per hour worked for BSR staff plus actual costs of relevant authorities and third parties.	Principal accountable person
Trigger: BSR calls in the safety case report for review		
To be introduced through section 85 (and any regulations made under section 85(3)) of the Building Safety Act 2022		

SCHEDULE 14

Regulation 3(2)(m) to (n): Higher-risk building occupation phase
 - the investigation and inspection by BSR of the principal accountable person and/or accountable person(s), where the regulator considers it is necessary to intervene because it has identified, or has been made aware of, non-compliance with their duties.

1 Description	2 Fee	3 Payable by
Investigation and inspection of the principal accountable person and/or accountable person(s), management arrangements and performance history, to ensure compliance with duties and deliver building safety.	£xxx per hour worked for BSR staff plus actual costs of relevant authorities and third parties.	Principal accountable person and/ or accountable person(s) (as appropriate to case)
Trigger: 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,		
To be introduced under Part 4 of the Building Safety Act 2022		

SCHEDULE 15

Regulation 3(2)(k):

- The registration of a person as a building inspector and the maintenance of the register under section 58C of the Building Act 1984

1 Description	2 Amount Payable	3 Payable by
<p>Registration of any individual wishing to become registered as a building inspector.</p> <p>Fees will be applied at any time of registration (including any re-registration) and include initial administrative costs, assessment costs, system running costs, and then an annual maintenance fee applied for ongoing administrative costs, monitoring and updating of the register</p> <p>Trigger: registration request to BSR (or to a delegated body)</p> <p>Registration requirements introduced under new Part 2A, sections 58 C, of the Building Act 1984; (Section 58 D refers to the application for registration).</p>	<p>£xxx registration fee £xxx annual maintenance fee</p> <p>In accordance with Regulation 7(2) of the Building Safety (Fees and Charges) Regulations 202[x], BSR will consider refunding part of the registration fee 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 and will typically be given on compassionate grounds.</p>	<p>Applicant</p>

SCHEDULE 16

Regulation 3(2)(l):

- The registration of a person as a building control approver and the maintenance of the register under section 58O of the Building Act 1984

1 Description	2 Amount Payable	3 Payable by
<p>Registration of any person or organisation wishing to become registered as a building control approver.</p> <p>Fees will be applied at any time of registration (including any re-registration) and include initial administrative costs, assessment costs, system running costs, and then an annual maintenance fee applied for ongoing administrative costs, monitoring and updating of the register.</p> <p>Trigger: registration request to BSR (or to a delegated body).</p> <p>Registration requirements introduced under new Part 2A, section 58 O, of the Building Act 1984.</p>	<p>£xxx registration fee £xxx annual maintenance fee</p> <p>In accordance with Regulation 7(3) of the Building Safety (Fees and Charges) Regulations 202[x], BSR will consider refunding part of the registration fee 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 and will typically be given on compassionate grounds.</p>	<p>Applicant</p>

SCHEDULE 17

Regulation 3(2)(m) to (n):

- Oversight of building control profession/ registered building inspectors – regulatory investigations and enforcement

1 Description	2 Amount Payable	3 Payable by
Investigations by BSR (or delegated body) into professional misconduct or any contravention of the code of conduct for registered building inspectors, including taking the necessary enforcement or disciplinary action (including varying, suspending or cancelling an inspector's registration).	£xxx per hour worked for BSR staff plus actual costs of relevant authorities and third parties.	The building control body (the local authority or registered building control approver) employing the registered building inspector. To note: In accordance with regulation 8(3) of the Building Safety (Fees and Charges) Regulations 202[x], an employer must pay any enforcement-related fees and charges that are payable by a person who was acting in their capacity as an employee
Trigger: BSR becomes aware of potential misconduct, breach or contravention		
Investigation and sanction provisions introduced under new Part 2A of the Building Act 1984		

SCHEDULE 18

Regulation 3(2)(n):

- Oversight of building control profession/ building control bodies – regulatory investigations and enforcement

1 Description	2 Amount Payable	3 Payable by
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 taking the necessary enforcement or disciplinary action.	£xxx per hour worked for BSR staff plus actual costs of relevant authorities and third parties.	The building control body (local authority or registered building control approver)
Trigger: BSR becomes aware of potential misconduct, breach or contravention		
Investigation and sanction provisions introduced under Part 2A of the Building Act 1984		

SCHEDULE 19

Regulation 3(2)(q):

- 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.
regulatory inspections

1 Description	2 Amount Payable	3 Payable by
Inspections (audits) by BSR of building control bodies (local authorities or registered building control approvers)	£xxx per hour worked.	The building control body (local authority or registered building control approver)
Trigger: inspection (audit) by BSR on a periodic or proactive basis		
Inspection powers introduced under Part 2A of the Building Act 1984		

SCHEDULE 20

Regulation 3(2)(o): Higher-risk building function:

- the review, under section 25 of the Building Safety Act 2022, of a prescribed decision of the regulator.

1 Description	2 Amount Payable	3 Payable by
<p>Review of any BSR prescribed decision within scope of section 25. Such decisions include but are not limited to:</p> <ul style="list-style-type: none"> - BSR's removal of a building from the register of higher-risk buildings (under section 78(3) of the Building Safety Act); - BSR giving a direction requiring the assessment of building safety risks (under section 83(2)); - BSR's refusal of the following: <ul style="list-style-type: none"> • a building control approval application; • a change control application; • a completion certificate application; • a request to vary a requirement under the building regulations; • an application to register a higher-risk building (under section 78(1)); • an application for a building assessment certificate (under section 79(2)); • an application for building inspector registration (under section 58D of the Building Act 1984); • an application for building control approver registration (under section 58P of the Building Act 1984). 	<p>£xxx fee and £xxx per hour worked for BSR staff plus actual costs of relevant authorities and third parties.</p> <p>Note: should the review find in favour of the applicant, any costs charged by BSR in bringing the review would be exempted or refunded in whole or part.</p>	Applicant for a review
Trigger: request to BSR for a review		
Introduced under section 25 of the Building Safety Act 2022.		

SCHEDULE 21

Regulation 3(2)(p): Oversight function:

- The conduct of an appeal against decisions or actions of a local authority or registered building control approver, as permitted under sections 20(5), 39 and 50(2) of the Building Act 1984.

1 Description	2 Amount Payable	3 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) where a local authority takes action under section 20 of the Building Act 1984 (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). 	<p>£xxx fee and £xxx per hour worked for BSR staff plus actual costs 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 would be exempted or refunded in whole or part.</p>	<p>The appellant</p>
<p>Trigger: appeal to BSR</p>		
<p>Introduced through each of the provisions mentioned in the title above</p>		

SCHEDULE 22

Regulation 3(2)(m) to (n):

- any regulatory intervention undertaken by BSR to secure compliance with or in connection with the imposition of a sanction in response to a contravention of a building enactment or requirement imposed by virtue of such an enactment

1 Description	2 Amount Payable	3 Payable by
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, suspensions, de-registration, and placing bodies into special measures.)	£xxx per hour worked for BSR staff plus actual costs of relevant authorities and third parties.	The regulated party
Trigger: non-compliance or suspected non-compliance identified		
Introduced through the building enactment which applies in each case.		

SCHEDULE 23

Regulation 3(2)(n):

- Prosecutions under any of the following provisions: sections 23, 24, 76, 77, 79, 82, 87, 90, 99, 101, and paragraph 6 of Schedule 2, of the Building Safety Act 2022, and sections 3, 11, 19, 20, 23, 25, 35, 35B, 35C, 52A, 54B, 57, 58L, 58M, 58W, 58X, 58Z1, 58Z5, 99 and 112 of the Building Act 1984

1 Description	2 Amount Payable	3 Payable by
Any prosecution arising from BSR conducting regulatory duties where the tests in the code for crown prosecutors are met, meaning: there is sufficient admissible evidence to give a reasonable prospect of conviction; and prosecution is in the public interest.	£xxx per hour worked for BSR staff plus actual costs of relevant authorities and third parties.	The regulated party (Where a prosecution is taken through the courts, costs will be recovered up to the point of laying information. After this, costs will be claimed through the bill of costs submitted to the courts in the normal way, subject to regulation 8(3) of the Building Safety (Fees and Charges) Regulations 202[x])
Trigger: decision to prosecute		
Introduced through each of the provisions mentioned in the title above		

Annex A: calculation of BSR 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 fees for more uniform regulatory activity such as the registration of building inspectors and building control approvers. Where fixed fees are charged, the fee will reflect the average (forecast) effort to deliver the function.
- limit the scope of BSR's fees and charges to cost recovery, other than where it acts in an advisory capacity on the specific request of a customer, in a discretionary commercial arrangement.

Four step process

To set fees and 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 fee rate is provided the fee will reflect the average effort forecast to deliver an approval/certificate multiplied by the full cost per hour rate. Fixed fees 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 actual cost to HSE of the service will be recovered. This will be shown as a separate item on the invoice 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 guidance⁵.

[to note: details of the rates for the local authorities and fire and rescue authorities that may potentially participate in MDTs will be made available at a later date]

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, or registered building control approvers as defined in the Building Safety Act.

"Approved inspectors" will be remunerated for their MDT work in accordance with procurement contracts drawn up by HSE with the Association of Consulting Approved Inspectors (ACAI) and National House Building Council (NHBC).

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.

⁵ LA Building Control Accounting Guidance | CIPFA

Annex C: payments and repayments

Where a fee is payable to BSR in relation to performance of the relevant chargeable functions included in this charging scheme it is payable within 30 days from (i) the date of the invoice or (ii) notification through the digital portal.

The invoice 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 fee or charge is payable.

An application for registration of a higher-risk building, registration on the register of building control approvers or the register of building inspectors must be accompanied by the fee payable under the regulation. These fees are non-refundable if registration is declined.

Fees and charges payable under these regulations are recoverable only 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" provide assistance to BSR, they will be included in the costs charged, in accordance with procurement contracts drawn up.

Repayments

Where fees are charged and paid but subsequently determined repayable (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 fees and 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 invoice which could include:

- composition of charges
- amount of the invoice (not the hourly rates charged)
- method of payment
- terms of payment
- invoicing arrangements
- the propriety of the charge.

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

HSE will consider queries promptly and provide the dutyholder with a response within 10 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 invoiced to 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 invoice 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 invoiced to the dutyholder reflect the costs reasonably incurred by HSE in carrying out a chargeable function.