
STATUTORY RULES OF NORTHERN IRELAND

1998 No. 125

HEALTH AND SAFETY

Health and Safety (Fees) Regulations (Northern Ireland) 1998

Made - - - - - *26th March 1998*

Coming into operation *5th May 1998*

The Department of Economic Development⁽¹⁾, in exercise of the powers conferred on it by Articles 49 and 55(2) of the Health and Safety at Work (Northern Ireland) Order 1978⁽²⁾ (“the 1978 Order”) and, being the Department concerned⁽³⁾, in exercise of the powers conferred on it by Articles 40(2) and (4) and 55(2) of the 1978 Order and of every other power enabling it in that behalf, after consultation in accordance with Article 46(1) of the 1978 Order with the Health and Safety Agency for Northern Ireland and such other bodies as appeared to the Department to be appropriate, hereby makes the following Regulations:

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Health and Safety (Fees) Regulations (Northern Ireland) 1998 and shall come into operation on 5th May 1998.

(2) In these Regulations—

“employment medical adviser” means an employment medical adviser appointed under Article 48(3) of the 1978 Order; and

“renewal of licence” means the granting of a licence to follow a previous licence without any amendment or gap in time.

Fees payable under the Petroleum (Consolidation) Act (Northern Ireland) 1929 and the Petroleum (Transfer of Licences) Act (Northern Ireland) 1937

2. The fee payable under each provision specified in column 1 of Schedule 1 for the purpose described in the corresponding entry in column 2 shall be that specified in the corresponding entry in column 3 of that Schedule.

(1) Formerly the Department of Manpower Services. See S.I. 1982/846 (N.I. 11), Article 3
(2) S.I. 1978/1039 (N.I. 9)
(3) See Article 2(2) of S.I. 1978/1039 (N.I. 9)

Date from which fees are payable under the Petroleum (Consolidation) Act (Northern Ireland) 1929 and the Petroleum (Transfer of Licences) Act (Northern Ireland) 1937

3. Notwithstanding the provisions of section 4 of the Petroleum (Consolidation) Act (Northern Ireland) 1929⁽⁴⁾ or section 1(4) of the Petroleum (Transfer of Licences) Act (Northern Ireland) 1937⁽⁵⁾, the fees specified in Schedule 1 shall be payable for any petroleum-spirit licence first having effect or any transfer or renewal of a licence first taking effect on or after the date of the coming into operation of these Regulations irrespective of the date of the application for that licence, transfer or renewal.

Fees payable for medical examination or surveillance by an employment medical adviser

4.—(1) A fee shall be payable to the Department by an employer in respect of a medical examination or medical surveillance of each of his employees by an employment medical adviser for the purposes of any provision specified in column 1 of Schedule 2.

(2) The fee payable under paragraph (1) shall be a basic fee for each examination or on each occasion when the surveillance is carried out together with additional fees for X-rays and laboratory tests where these are taken or carried out in connection with the examination or surveillance.

(3) For the purposes of paragraph (2), in the case of an examination or surveillance carried out for the purposes of a provision specified in column 1 of Schedule 2—

- (a) the basic fee shall be the amount specified in column 3 of that Schedule for that provision;
- (b) the additional fee for X-rays shall be the amount specified in column 4 of that Schedule for that provision and shall cover all X-rays taken in connection with any one examination or any one occasion when surveillance is carried out;
- (c) the additional fee for laboratory tests shall be the amount specified in column 5 of that Schedule for that provision and shall cover all such tests carried out in connection with any one examination or any one occasion when surveillance is carried out.

(4) Where an employment medical adviser carries out a medical examination of a self-employed person for the purposes of the Control of Asbestos at Work Regulations (Northern Ireland) 1988⁽⁶⁾, that self-employed person shall pay to the Department fees ascertained in accordance with paragraphs (2) and (3).

Fees payable for medical surveillance by an employment medical adviser under the Ionising Radiations Regulations (Northern Ireland) 1985

5.—(1) Fees shall be payable in accordance with paragraphs (2) and (3) by an employer to the Department in respect of medical surveillance of any of his employees by an employment medical adviser for the purposes of the Ionising Radiations Regulations (Northern Ireland) 1985⁽⁷⁾.

(2) Subject to paragraph (3), where the medical surveillance includes an examination of, or interview with, the employee, the fee shall be a basic fee for each examination or interview or combination thereof of £42 together with an additional fee of £47 in respect of all X-rays taken, and £28 in respect of all laboratory tests carried out, in connection with any one such examination or interview or combination thereof.

(3) Where the medical surveillance is confined to an examination of, and making of entries in, records, the fee shall be £26.

(4) 1929 c. 13 (N.I.); section 4 was amended by S.R. 1992 No. 396

(5) 1937 c. 4 (N.I.) (1 Edw. 8 & 1 Geo. 6); section 1(4) was amended by S.R. 1992 No. 396

(6) S.R. 1988 No. 74, as amended by S.R. 1993 No. 26

(7) S.R. 1985 No. 273

Fees payable for medical surveillance by an employment medical adviser under the Control of Lead at Work Regulations (Northern Ireland) 1986

6.—(1) Fees shall be payable in accordance with paragraph (2) by an employer to the Department in respect of medical surveillance of any of his employees by an employment medical adviser for the purposes of the Control of Lead at Work Regulations (Northern Ireland) 1986⁽⁸⁾.

(2) The fee payable for each item described in column 1 of Schedule 3 shall be that specified in the corresponding entry in column 2 of that Schedule.

Fee payable on application for a licence under the Asbestos (Licensing) Regulations (Northern Ireland) 1984

7.—(1) A fee shall be payable by the applicant to the Department on each application for a licence under the Asbestos (Licensing) Regulations (Northern Ireland) 1984⁽⁹⁾.

(2) The fee payable on application for a licence described in column 1 of Schedule 4 shall be that specified in column 2 of that Schedule.

Fee payable on application for approval under the Freight Containers (Safety Convention) Regulations (Northern Ireland) 1992

8.—(1) A fee shall be payable by the applicant to the Department on each application for approval of a scheme or programme for examination of containers under the Freight Containers (Safety Convention) Regulations (Northern Ireland) 1992⁽¹⁰⁾.

(2) The fee payable on application for the approval described in column 1 of Schedule 5 shall be that specified in column 2 of that Schedule.

Fees associated with notifications and applications under the Notification of New Substances Regulations (Northern Ireland) 1994

9.—(1) The fee fixed by column 2 of Schedule 6 shall be payable by a notifier to the Department on each such notification or application under the Notification of New Substances Regulations (Northern Ireland) 1994⁽¹¹⁾ as is referred to in the corresponding entry in column 1 of that Schedule.

(2) The Department shall repay to the notifier the amount of any rebate due to the notifier in the circumstances described in Schedule 6.

Fees associated with notifications under the Genetically Modified Organisms (Contained Use) Regulations (Northern Ireland) 1994

10.—(1) A fee shall be payable by a notifier to the Department on each notification of the intention to use premises for activities involving genetic modification for the first time and of individual activities involving genetic modification under the Genetically Modified Organisms (Contained Use) Regulations (Northern Ireland) 1994⁽¹²⁾.

(2) The fee payable for each notification described in column 1 of Schedule 7 shall be that specified in the corresponding entry in column 2 of that Schedule.

⁽⁸⁾ S.R. 1986 No. 36, to which there are amendments not relevant to these Regulations

⁽⁹⁾ S.R. 1984 No. 205; relevant amending Regulations are S.R. 1991 No. 143 and S.R. 1997 No. 234

⁽¹⁰⁾ S.R. 1992 No. 2

⁽¹¹⁾ S.R. 1994 No. 6, to which the relevant amendment is S.R. 1997 No. 234, regulation 4 and Schedule

⁽¹²⁾ S.R. 1994 No. 143; the relevant amending Regulations are S.R. 1996 No. 250 and S.R. 1997 No. 234, regulation 5

Fee payable for vocational training certificates under the Carriage of Dangerous Goods by Road (Driver Training) Regulations (Northern Ireland) 1997

11.—(1) A driver may only be issued with a vocational training certificate in accordance with paragraph (1) of regulation 4 of the Carriage of Dangerous Goods by Road (Driver Training) Regulations (Northern Ireland) 1997⁽¹³⁾ where a fee of the sum specified in Schedule 8 has been paid to the Secretary of State.

(2) The validity of a vocational training certificate may only be extended in accordance with paragraph (6) of regulation 4 of the Carriage of Dangerous Goods by Road (Driver Training) Regulations (Northern Ireland) 1997 where, within the period of 12 months which precede the expiry of the original certificate or any extension of it granted in accordance with that paragraph, a fee of the sum specified in Schedule 8 has been paid to the Secretary of State.

(3) Nothing in this regulation shall be construed as making a fee payable by a person in any of the capacities specified in Article 40(4) of the 1978 Order.

Revocations

12.—(1) The Regulations specified in column 1 of Schedule 9 are hereby revoked to the extent specified in the corresponding entry in column 3 of that Schedule.

(2) Subject to paragraph (3), the Health and Safety (Medical Fees) Regulations (Northern Ireland) 1997⁽¹⁴⁾ are hereby revoked.

(3) The Regulations referred to in paragraph (2) shall continue to apply in relation to any medical examination or medical surveillance carried out before 5th May 1998 as if these Regulations had not been made.

Sealed with the Official Seal of the Department of Economic Development on

L.S.

26th March 1998.

Philip B. Strong
Assistant Secretary

⁽¹³⁾ S.R. 1997 No. 249

⁽¹⁴⁾ S.R. 1997 No. 225

SCHEDULE 1

Regulation 2

Fees relating to applications for petroleum-spirit licences

Column 1 <i>Provision under which a fee is payable</i>	Column 2 <i>Purpose of application</i>	Column 3 <i>Fee</i>
<i>Petroleum (Consolidation) Act (Northern Ireland) 1929 c. 13 (N.I.)</i>		
Section 4 (see notes 1 and 2)	Licence to keep petroleum-spirit of a quantity—	
	not exceeding 2,500 litres	£30·40 for each year of licence
	exceeding 2,500 litres but not exceeding 50,000 litres	£45 for each year of licence
	exceeding 50,000 litres	£88·40 for each year of licence
<i>Petroleum (Transfer of Licences) Act (Northern Ireland) 1937 c. 4 (N.I.)</i>		
Section 1(4)	Transfer of petroleum-spirit licence	£7·20

Note:

1. In the case of a solid substance for which by virtue of an Order in Council or order made under section 19 of the Petroleum (Consolidation) Act (Northern Ireland) 1929 a licence is required, the fee payable under this Schedule shall be calculated as if one kilogram of the substance were equivalent to one litre.
2. The fee payable for a licence of more or less than one year's duration shall be the fee set out above increased or decreased, as the case may be, proportionately according to the duration of the period for which the licence is granted or renewed.

SCHEDULE 2

Regulation 4

Fees payable for medical examination or surveillance by an employment medical adviser

Provision	Reference	Basic Fee	Additional fees where appropriate	
			Fee for X-Rays	Fee for laboratory tests
1	2	3	4	5
(a) Regulation 14 of the Work in Compressed Air Special Regulations (Northern	S.R. & O. (N.I.) 1963 No. 85 (relevant to amending Regulations are S.R. 1979 No. 187)	£43·65	£47	£28

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1	2	3	Additional fees where appropriate		
			4	5	
Provision	Reference	Basic Fee	Fee for X-Rays	Fee for laboratory tests	
	Ireland) 1963				
(b)	Regulation 16 of the Control of Asbestos at Work Regulations (Northern Ireland) 1988	S.R. 1988 No. 74 (relevant amending Regulations are S.R. 1993 No. 26)	£46.50	£47	£28
(c)	Regulation 11 of the Control of Substances Hazardous to Health Regulations (Northern Ireland) 1995	S.R. 1995 No. 51	£46.50	£47	£28

SCHEDULE 3

Regulation 6

Fees payable for medical surveillance by an employment medical adviser under the Control of Lead at Work Regulations (Northern Ireland) 1986

Column 1 Item	Column 2 Fee
(a) (a) On the first assessment of an employee (including any clinical medical examination and laboratory tests in connection with the assessment).	£47
(b) (b) On each subsequent assessment of an employee—	£28
(i) for laboratory tests where these are carried out	

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

Column 1 <i>Item</i>	Column 2 <i>Fee</i>
(ii) for a clinical medical examination where this is carried out	£29

SCHEDULE 4

Regulation 7

Fee payable on application for a licence under the Asbestos (Licensing) Regulations (Northern Ireland) 1984

Column 1 <i>Subject matter of licence</i>	Column 2 <i>Fee</i>
Licence for work with asbestos insulation or asbestos coating or renewal of original licence	£362

SCHEDULE 5

Regulation 8

Fee payable on application for approval under the Freight Containers (Safety Convention) Regulations (Northern Ireland) 1992

Column 1 <i>Subject matter of approval</i>	Column 2 <i>Fee</i>
Approval of scheme or programme for examination of containers	£75

SCHEDULE 6

Regulation 9

Fees associated with notifications and applications under the Notification of New Substances Regulations (Northern Ireland) 1994

Column 1 <i>Subject matter</i>	Column 2 <i>Fee</i>
For the evaluation of a notification under regulation 4 (“base set”) (see note 1)	£6,090 (plus £350 VAT)
For the evaluation of a notification under regulation 5(1)(a) (>10 tonnes per year)	£2,000
For the evaluation of a notification under regulation 5(1)(b) (>100 tonnes per year)	£4,200
For the evaluation of a notification under regulation 5(1)(c) (>1000 tonnes per year)	£3,500
For a notification under regulation 6 (see note 2)—	£1,170 (plus £87·50 VAT)

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Column 1 <i>Subject matter</i>	Column 2 <i>Fee</i>
(a) quantity of the new substance equal to or more than 100 kg (regulation 6(1))	
(b) (b) quantity of the new substance up to 100 kg (regulation 6(2))	£915 (plus £87.50 VAT)
For an application made by a notifier for an exemption relating to him under regulation 23	£2,000
Note 1.	£2,000 (plus £350 VAT)
Rebate where an adequate draft risk assessment is included	
Note 2.	£500 (plus £87.50 VAT)
Rebate where an adequate draft risk assessment is included	

SCHEDULE 7

Regulation 10

Fees associated with notifications under the Genetically Modified Organisms (Contained Use) Regulations (Northern Ireland) 1994

Column 1 <i>Description</i>	Column 2 <i>Fee</i>
(a) (a) Notification of intention to use premises for activities involving genetic modification for the first time under regulation 8, other than a case where a consent is required under regulation 8(3).	£111
(b) (b) Notification of the intention to use premises for activities involving genetic modification for the first time, where a consent is required under regulation 8(3).	£111
(c) (c) Notification of individual activities involving genetic modification under regulation 9, other than a case where a consent is required under regulation 9(5).	£125
(d) (d) Notification of individual activities involving genetic modification where a consent is required under regulation 9(5).	£240

SCHEDULE 8

Regulation 11

Fee payable for vocational training certificates under the Carriage of Dangerous Goods by Road (Driver Training) Regulations (Northern Ireland) 1997

Column 1 <i>Description</i>	Column 2 <i>Fee</i>
Issue or extension of vocational training certificate	£2.80

SCHEDULE 9

Regulation 12

Revocations

Column 1 <i>Title of Regulations</i>	Column 2 <i>Reference</i>	Column 3 <i>Extent of Revocation</i>
Asbestos (Licensing) Regulations (Northern Ireland) 1984	S.R. 1984 No. 205 (The relevant amending Regulations are S.R. 1991 No. 143 and S.R. 1997 No. 234)	Regulation 4(6).
Freight Containers (Safety Convention) Regulations (Northern Ireland) 1992	S.R. 1992 No. 2	Regulation 7(3).
Notification of New Substances Regulations (Northern Ireland) 1994	S.R. 1994 No. 6 (The relevant amending Regulations are S.R. 1997 No. 234)	Regulation 24 and Schedule 4.
Genetically Modified Organisms (Contained Use) Regulations (Northern Ireland) 1994	S.R. 1994 No. 143 (The relevant amending Regulations are S.R. 1996 No. 250 and S.R. 1997 No. 234)	Regulation 22.
Health and Safety (Petroleum-Spirit Licence Fees) Regulations (Northern Ireland) 1997	S.R. 1997 No. 29	The whole Regulations.
Health and Safety (Miscellaneous Fees Amendment) Regulations (Northern Ireland) 1997	S.R. 1997 No. 234 (The relevant amending Regulations are S.R. 1997 No. 249)	The whole Regulations.
Carriage of Dangerous Goods by Road (Driver Training) Regulations (Northern Ireland) 1997	S.R. 1997 No. 249	Regulation 4(3)(c) and (6)(c).

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EXPLANATORY NOTE

(This note is not part of the Regulations.)

1. These Regulations revoke and re-enact, in some cases with increases in rates of fees, the provisions listed in regulation 12 and Schedule 9.

2. The Regulations—

- (a) increase the rates of fees previously fixed by the Health and Safety (Petroleum-Spirit Licence Fees) Regulations (Northern Ireland) 1997 (S.R. 1997 No. 29) for the grant or transfer of petroleum-spirit licences under the Petroleum (Consolidation) Act (Northern Ireland) 1929 (1929 c. 4 (N.I.)) and the Petroleum (Transfer of Licences) Act (Northern Ireland) 1937 (1937 c. 4 (N.I.)) (regulation 2 and Schedule 1);
- (b) require the payment to the Department of Economic Development (“the Department”) of, and increase the rates of all but two of, the fees previously fixed by the Health and Safety (Medical Fees) Regulations (Northern Ireland) 1997 (S.R. 1997 No. 225) for medical examinations and surveillance by an employment medical adviser which are required under certain health and safety legislation (regulations 4, 5 and 6 and Schedules 2 and 3);
- (c) require (without increase) the payment to the Department of the fee previously fixed by the Asbestos (Licensing) Regulations (Northern Ireland) 1984 (S.R. 1984 No. 205) (“the 1984 Regulations”), as amended by the Asbestos (Licensing) (Fees Amendment) Regulations (Northern Ireland) 1991 (S.R. 1991 No. 143), and as amended by the Health and Safety (Miscellaneous Fees Amendment) Regulations (Northern Ireland) 1997 (S.R. 1997 No. 234) (“the 1997 Regulations”) and payable on application for a licence under the 1984 Regulations (regulation 7 and Schedule 4);
- (d) require (without increase) the payment to the Department of the fee previously fixed by the Freight Containers (Safety Convention) Regulations (Northern Ireland) 1992 (S.R. 1992 No. 2) and payable for the approval under those Regulations of an examination scheme or programme (regulation 8 and Schedule 5);
- (e) require (without increase) the payment to the Department of the fees previously fixed by the Notification of New Substances Regulations (Northern Ireland) 1994 (S.R. 1994 No. 6) (“the NONS Regulations”), as amended by the 1997 Regulations, in respect of a notification or application under the NONS Regulations (regulation 9 and Schedule 6);
- (f) require the payment to the Department of, and increase the rates of, fees previously fixed by the Genetically Modified Organisms (Contained Use) Regulations (Northern Ireland) 1994 (S.R. 1994 No. 143) (“the GMO Regulations”), as amended by the 1997 Regulations, in respect of notifications under the GMO Regulations (regulation 10 and Schedule 7);
- (g) re-enact (without an increase in fees) regulation 4(3)(c) and (6)(c) of the Carriage of Dangerous Goods by Road (Driver Training) Regulations (Northern Ireland) 1997 (S.R. 1997 No. 249) which provides for the payment of fees in respect of vocational training certificates under those Regulations (regulation 11 and Schedule 8).

3. Where these Regulations increase the fees fixed by the previous fee-charging provisions the details of those increases are set out in the Table.

4. An estimate of the costs associated with these Regulations has been prepared by the Department and is held at the Department’s offices at 83 Ladas Drive, Belfast, BT6 9FJ, from where a copy may be obtained on request.

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TABLE

<i>Provision of these Regulations which fixes or determines the fees</i>	<i>Previous Fee</i>			<i>New Fee</i>		
Regulation 2 and Schedule 1						
Licence to keep petroleum spirit of a quantity—	£29.60 for each year of licence			£30.40 for each year of licence		
not exceeding 2,500 litres						
exceeding 2,500 litres but not exceeding 50,000 litres	£43.75 for each year of licence			£45 for each year of licence		
exceeding 50,000 litres	£86.05 for each year of licence			£88.40 for each year of licence		
Transfer of petroleum spirit licence	£7.05			£7.20		
	Basic	X-rays	Laboratory tests	Basic	X-rays	Laboratory tests
Regulation 4 and Schedule 2						
Work in Compressed Air Special Regulations (Northern Ireland) 1963	£43.65	£46.50	£27.90	No change in rate of fee	£47	£28

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<i>Provision of these Regulations which fixes or determines the fees</i>	<i>Previous Fee</i>			<i>New Fee</i>		
Control of Asbestos at Work Regulations (Northern Ireland) 1988	£45.65	£46.50	£27.90	£46.50	£47	£28
Control of Substances Hazardous to Health Regulations (Northern Ireland) 1995	£45.65	£46.50	£27.90	£46.50	£47	£28
Regulation 5						
Ionising Radiations Regulations (Northern Ireland) 1985:	£24.90			£26		
(a) where surveillance is confined to examination of, and making entries in, records						
(b) in other cases	£40.60	£46.50	£27.90	£42	£47	£28
Regulation 6 and Schedule 3						
Control of Lead						

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<i>Provision of these Regulations which fixes or determines the fees</i>	<i>Previous Fee</i>	<i>New Fee</i>
at Work Regulations (Northern Ireland) 1986:		
On the first assessment of an employee (including any clinical medical examination and laboratory tests in connection with the assessment)	£47	No change in rate of fee
On each subsequent assessment of an employee—	£27.90	£28
(i) for laboratory tests where these are carried out		
(ii) for a clinical medical examination where this is carried out	£28	£29
Regulation 10 and Schedule 7		

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<i>Provision of these Regulations which fixes or determines the fees</i>	<i>Previous Fee</i>	<i>New Fee</i>
Genetically Modified Organisms (Contained Use) Regulations (Northern Ireland) 1994:		
Notification of intention to use premises for activities involving genetic modification for the first time under regulation 8, other than a case where a consent is required under regulation 8(3)	£54.50	£111
Notification of intention to use premises for activities involving genetic modification for the first time, where a consent is required under regulation 8(3)	£58.90	£111
Notification of individual activities	£62.40	£125

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<i>Provision</i>	<i>Previous Fee</i>	<i>New Fee</i>
<i>of these Regulations which fixes or determines the fees</i> involving genetic modification under regulation 9, other than in a case where a consent is required under regulation 9(5)		
Notification of individual activities involving genetic modification where a consent is required under regulation 9(5)	£120.20	£240