
STATUTORY RULES OF NORTHERN IRELAND

2012 No. 255

HEALTH AND SAFETY

**The Health and Safety (Fees)
Regulations (Northern Ireland) 2012**

Made - - - - 27th June 2012

Coming into operation 30th July 2012

The Department of Enterprise, Trade and Investment(1), being the Department concerned(2), makes the following Regulations in exercise of the powers conferred by section 2(2) of the European Communities Act 1972(3) and Articles 40(2) and (4), 49 and 55(2) of the Health and Safety at Work (Northern Ireland) Order 1978(4).

The Department was designated(5) for the purposes of section 2(2) in relation to the control and regulation of genetically modified organisms.

The Regulations give effect without modifications to proposals submitted to it by the Health and Safety Executive for Northern Ireland under Article 13(1A) of the 1978 Order(6).

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Health and Safety (Fees) Regulations (Northern Ireland) 2012 and shall come into operation on 30th July 2012.

(2) In these Regulations—

“the 1978 Order” means the Health and Safety at Work (Northern Ireland) Order 1978;

“employment medical adviser” means an employment medical adviser appointed under Article 48(3) of the 1978 Order(7);

“the Executive” means the Health and Safety Executive for Northern Ireland; and

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- (1) Formerly the Department of Economic Development; *see* S.I. 1999/283 (N.I. 1), Article 3(5); that Department was formerly the Department of Manpower Services, *see* S.I. 1982/846 (N.I. 11), Article 3
- (2) *See* Article 2(2) of S.I. 1978/1039 (N.I. 9)
- (3) 1972 c. 68: the enabling powers conferred by section 2(2) were extended by virtue of section 1 of the European Economic Area Act 1993 (c. 51). Section 2(2) was further amended by section 27(1), and paragraphs 2 and 3 of Schedule 2 by section 27(2), of the Legislative and Regulatory Reform Act 2006 (C. 51).
- (4) S.I. 1978/1039 (N.I. 9)
- (5) S.I. 1991/755
- (6) Article 13(1) was substituted by S.I. 1998/2795 (N.I. 18), Article 4
- (7) Article 48(3) was amended by S.I. 1998/2795 (N.I. 18), Article 5(c)

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

(3) The Interpretation Act (Northern Ireland) 1954⁽⁸⁾ shall apply to these Regulations as it applies to an Act of the Northern Ireland Assembly.

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.

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⁽⁹⁾ or section 1(4) of the Petroleum (Transfer of Licences) Act (Northern Ireland) 1937⁽¹⁰⁾, 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 Executive by an employer in respect of a medical examination or medical surveillance of each of that employer’s 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 Regulations (Northern Ireland) 2012⁽¹¹⁾, that self-employed person shall pay fees to the Executive ascertained in accordance with paragraphs (2) and (3).

⁽⁸⁾ 1954 c. 33 (N.I.), as amended by S.I. 1999/663

⁽⁹⁾ 1929 c. 13 (N.I.); section 4 was amended by S.R. 1992 No. 396 and S.I. 1998/2795 (N.I. 18)

⁽¹⁰⁾ 1937 c. 4 (N.I.) (1 Edw. 8 & 1 Geo. 6); section 1(4) was amended by S.R. 1992 No. 396 and S.I. 1998/2795 (N.I. 18)

⁽¹¹⁾ S.R. 2012 No. 179

Fees payable for medical surveillance by an employment medical adviser under the Control of Lead at Work Regulations (Northern Ireland) 2003

5.—(1) Fees shall be payable in accordance with paragraph (2) by an employer to the Executive in respect of medical surveillance of any of that employer's employees by an employment medical adviser for the purposes of the Control of Lead at Work Regulations (Northern Ireland) 2003⁽¹²⁾.

(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.

Fees payable for various applications under the Control of Asbestos Regulations (Northern Ireland) 2012

6.—(1) A fee shall be payable by the applicant to the Executive on each application for a licence under the Control of Asbestos Regulations (Northern Ireland) 2012 ("the 2012 Regulations").

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

(3) Where the Executive refuses to grant an applicant a licence under the 2012 Regulations and offers to reassess whether to grant the application if shortcomings leading to the refusal are remedied, a fee shall be payable by the applicant to the Executive in respect of any such reassessment.

(4) The fee payable for the reassessment referred to in paragraph (3) shall be that specified in column 1 of Table 2 in Schedule 4.

(5) Where the Executive amends a licence granted under the 2012 Regulations and the amendment relates to a condition or the duration of the licence, a fee shall be payable to the Executive by the licensee.

(6) The fee payable under paragraph (5) shall be that specified in column 2 of Table 2 in Schedule 4.

(7) Where the Executive replaces a lost licence granted under the 2012 Regulations or amends a licence granted under those Regulations for reasons other than those referred to in paragraph (5), a fee shall be payable to the Executive by the licensee.

(8) The fee payable under paragraph (7) shall be that specified in column 3 of Table 2 in Schedule 4.

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

7.—(1) A fee shall be payable by the applicant to the Executive on each application for approval of a scheme or programme for examination of containers under the Freight Containers (Safety Convention) Regulations (Northern Ireland) 1992⁽¹³⁾.

(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 Genetically Modified Organisms (Contained Use) Regulations (Northern Ireland) 2001

8.—(1) The fee specified in column 2 of Schedule 6 shall be payable by a notifier to the competent authority on each such notification or application under the 2001 Regulations as is referred to in the corresponding entry in column 1 of that Schedule.

⁽¹²⁾ S.R. 2003 No. 35, amended by S.R. 2005 No. 165, S.R. 2006 No. 173, S.R. 2009 No. 238 and S.R. 2010 No. 160

⁽¹³⁾ S.R. 1992 No. 2, amended by S.R. 1998 No. 125 and S.R. 1999 No. 150

(2) No fee shall be returned to a notifier where the competent authority returns a notification pursuant to regulation 14(7) of the 2001 Regulations or the notifier withdraws a notification pursuant to regulation 15(7) of the 2001 Regulations.

(3) In this regulation, “the 2001 Regulations” means the Genetically Modified Organisms (Contained Use) Regulations (Northern Ireland) 2001(14) and “competent authority” has the same meaning as in those Regulations.

Fees payable in respect of offshore installations

9.—(1) A fee shall be payable to the Executive by the person referred to in column 2 of Schedule 7 for the performance by the Executive of such functions conferred on the Executive as are specified in column 1 of that Schedule.

(2) A fee shall be payable to the Executive by an operator or owner who has prepared a current safety case pursuant to the 2007 Regulations for the performance by or on behalf of the Executive, or by an inspector appointed by it, of any function conferred on the Executive or the inspector by the 1978 Order which relates to the enforcement of any of the relevant statutory provisions against one or more than one of the following—

- (a) that operator or owner in relation to the installation to which the current safety case relates; or
- (b) a contractor in relation to any work carried out by that contractor on or in connection with that installation.

(3) In this regulation, regulation 11 and Schedule 7, “the 2007 Regulations” means the Offshore Installations (Safety Case) Regulations (Northern Ireland) 2007(15) and “installation”, “current safety case”, “safety case”, “operator” and “owner” have the same meanings as in those Regulations.

Fees payable in respect of gas safety functions

10.—(1) A fee shall be payable to the Executive by the person referred to in column 2 of Schedule 8 for the performance by the Executive of such functions conferred on the Executive as are specified in column 1 of that Schedule.

(2) A fee shall be payable to the Executive by a person conveying gas who has prepared a safety case pursuant to the 1997 Regulations or by a network emergency co-ordinator for the performance by or on behalf of the Executive, or by an inspector appointed by it, of any function conferred on the Executive or the inspector by the 1978 Order which relates to the enforcement of any of the relevant statutory provisions against one or other or both of the following—

- (a) that person in relation to the network, including a pipeline that it is intended will form part of the network, to which the safety case relates; or
- (b) a contractor in relation to work carried out by that contractor on or in connection with that network including work on a pipeline that it is intended will form part of that network;

insofar as such enforcement is for the purpose of protecting persons from risks arising from the manner in which gas is or is to be conveyed or used.

(3) A fee shall be payable to the Executive by a person conveying gas who has prepared a safety case pursuant to the 1997 Regulations and a major accident prevention document pursuant to the Pipelines Safety Regulations (Northern Ireland) 1997(16) for the performance by or on behalf of the Executive, or by an inspector appointed by it, of any function conferred on the Executive or

(14) S.R. 2001 No. 295, amended by S.R. 2006 No. 524 and S.R. 2010 No. 343; revoked in part by S.R. 2003 No. 167 and S.R. 2003 No. 510

(15) S.R. 2007 No. 247, revoked in part by S.R. 2008 No. 21

(16) S.R. 1997 No. 193, amended by S.R. 1999 No. 150 and S.R. 2009 No. 238

the inspector by the 1978 Order which relates to the enforcement of any of the relevant statutory provisions against one or other or both of the following—

- (a) that person in relation to work relating to a major accident hazard pipeline, including the construction of a pipeline that it is intended will form part of the network, to which the major accident prevention document relates; or
 - (b) a contractor in relation to work carried out by that contractor relating to a major accident hazard pipeline, including the construction of a pipeline that it is intended will form part of the network, to which the major accident prevention document relates.
- (4) For the purposes of this regulation, regulation 11 and Schedule 8—
- (a) “the 1997 Regulations” means the Gas Safety (Management) Regulations (Northern Ireland) 1997⁽¹⁷⁾, and “network”, “network emergency co-ordinator” and “safety case” have the same meanings as in those Regulations; and
 - (b) “major accident hazard pipeline” has the same meaning as in the Pipelines Safety Regulations (Northern Ireland) 1997.

Provisions supplementary to regulations 9 and 10

11.—(1) Any fee referred to in regulations 9 and 10 shall—

- (a) not exceed the sum of the costs reasonably incurred by the Executive for the performance of the function referred to in the respective regulation; and
- (b) be payable within 30 days from the date of the invoice that the Executive has sent or given to the person who shall pay that fee, and such invoices shall include a statement of the work done and the costs incurred including the period to which the statement relates.

(2) No fee payable under regulations 9 and 10 shall include any costs connected with any—

- (a) criminal investigation or prosecution incurred (in either case) from the date any summons is obtained from a Magistrates’ Court; or
- (b) appeal pursuant to Article 26 of the 1978 Order (appeal against improvement or prohibition notice) and regulation 12(1) and (3)(c) of, and Schedules 1 and 5 to, the Industrial Tribunals (Constitution and Rules of Procedure) Regulations (Northern Ireland) 2005⁽¹⁸⁾.

(3) For the purposes of regulation 9 and paragraph (2)(a), an installation shall be treated as being in Northern Ireland if it is in the Northern Irish area within the meaning of Article 1 of the Civil Jurisdiction (Offshore Activities) Order 1987⁽¹⁹⁾.

(4) Any reference in regulation 9 to a person who has prepared a current safety case includes a reference to—

- (a) a person who shall prepare a safety case, and in that connection as if any reference in that regulation to the installation to which the current safety case relates were a reference to the installation to which the safety case would have related if it had been prepared in accordance with such requirement; and
- (b) a person who is treated as having prepared a current safety case by virtue of regulation 2(9) of the 2007 Regulations.

(5) Any reference in regulation 10 to a person who has prepared a safety case includes a reference to a person who shall prepare a safety case, and in that connection as if any reference in that regulation to the network to which the safety case relates were a reference to the network to which the safety case would have related if it had been prepared in accordance with such requirement.

⁽¹⁷⁾ S.R. 1997 No. 195, amended by S.R. 1999 No. 150 and S.R. 2000 No. 388

⁽¹⁸⁾ S.R. 2005 No. 150, amended by S.R. 2005 No. 376, S.R. 2005 No. 578, S.R. 2006 No. 261 and S.R. 2007 No. 340; revoked in part by S.R. 2006 No. 261

⁽¹⁹⁾ S.I. 1987 No. 2197

(6) Any reference in regulations 9 and 10 to work carried out by a contractor is a reference to work carried out for the benefit of the person by whom the fees are payable under that regulation by a contractor or a contractor's employees whether pursuant to an agreement or an arrangement which the contractor has made with that person or with another person.

(7) Any reference in regulations 9 and 10 to a function conferred on an inspector by the 1978 Order which relates to enforcement against a person of any of the relevant statutory provisions includes a reference to any function conferred on an inspector by that Order which is exercised for the purpose of carrying into effect those provisions in relation to that person.

Estimate of cost of Work

12. Where any fee is to be assessed on the reasonable cost to the Executive of carrying out any work under regulation 11(1) or 11(2) the Executive shall—

- (a) on receipt of the application or request, as the case may be, prepare and send to the person making the application or request an estimate of that cost; and
- (b) before carrying out the work, obtain confirmation from the person making the application or request that that person wishes the work to be carried out on the basis of that estimate of cost.

Revocation

13.—(1) Subject to paragraph (2), the Health and Safety (Fees) Regulations (Northern Ireland) 2010 **(20)** are revoked.

(2) The Regulations referred to in paragraph (1) shall continue to apply in relation to any medical examination or medical surveillance carried out before 30th July 2012 as if these Regulations had not been made.

(3) The amendments made by regulation 12 of the Health and Safety (Fees) Regulations (Northern Ireland) 2009**(21)** shall continue to have effect as if paragraph (1) had not been made.

Sealed with the Official Seal of the Department of Enterprise, Trade and Investment on 27th June 2012.



Jackie Kerr
A senior officer of the Department of Enterprise,
Trade and Investment

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 (1929 c. 13)</i> | | |
| Section 4 (see notes 1 and 2) | Licence to keep petroleum-spirit of a quantity— | |
| | not exceeding 2,500 litres | £42 for each year of licence |
| | exceeding 2,500 litres but not exceeding 50,000 litres | £58 for each year of licence |
| | exceeding 50,000 litres | £120 for each year of licence |
| <i>Petroleum (Transfer of Licences) Act (Northern Ireland) 1937 (1937 c.4)</i> | | |
| Section 1(4) | Transfer of petroleum-spirit licence | £8 |

Notes:

1. In the case of a solid substance for which by virtue of an 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

| Column 1 <i>Provision</i> | Column 2 <i>Reference</i> | Column 3 <i>Basic Fee</i> | Column 4 <i>Fee for X-Rays</i> | Column 5 <i>Fee for Laboratory tests</i> |
|---|------------------------------|------------------------------|-----------------------------------|---|
| (a) Regulation 10 of the Work in Compressed Air Regulations (Northern Ireland) 2004 | S. R. 2004 No. 241 | £71 | £73 | £42 |

Status: This is the original version (as it was originally made).

| Column 1 <i>Provision</i> | Column 2 <i>Reference</i> | Column 3 <i>Basic Fee</i> | Column 4 <i>Fee for X- Rays</i> | Column 5 <i>Fee for Laboratory tests</i> |
|--|------------------------------|---|--|---|
| (b) Regulation 22 of the Control of Asbestos Regulations (Northern Ireland) 2012 | S. R. 2012 No. 179 | £71 | £73 | £42 |
| (c) Regulation 11 of the Control of Substances Hazardous to Health Regulations (Northern Ireland) 2003 | S.R. 2003 No. 34 | £71 | £73 | £42 |
| (d) Regulation 24 of the Ionising Radiations Regulations (Northern Ireland) 2000 | S.R. 2000 No. 375 | £38 where surveillance is confined to examination of, and making entries in, records. £71 in other cases | £73 | £42 |

SCHEDULE 3

Regulation 5

FEES PAYABLE FOR MEDICAL SURVEILLANCE BY AN
EMPLOYMENT MEDICAL ADVISER UNDER THE CONTROL OF
LEAD AT WORK REGULATIONS (NORTHERN IRELAND) 2003

| Column 1 <i>Item</i> | Column 2 <i>Fee</i> |
|--|------------------------|
| (a) On the first assessment of an employee (including any clinical medical examination and laboratory tests in connection with the assessment) | £71 |
| (b) On each subsequent assessment of an employee— | |
| (i) for laboratory tests where these are carried out | £42 |
| (ii) for a clinical medical examination where this is carried out | £42 |

SCHEDULE 4

Regulation 6

FEES PAYABLE FOR VARIOUS APPLICATIONS UNDER THE CONTROL
OF ASBESTOS REGULATIONS (NORTHERN IRELAND) 2012**Table 1**

| Column 1 <i>Subject matter of licence</i> | Column 2 <i>Fee</i> |
|---|------------------------|
| Licence for work with asbestos or renewal of (original) licence | £3,236 |

Table 2

| Column 1 <i>Fee for re-assessment of licence application</i> | Column 2 <i>Fee for amendment of condition, or duration, of licence</i> | Column 3 <i>Fee for other amendment, or replacement, of a licence</i> |
|---|--|--|
| £741 | £741 | £80 |

SCHEDULE 5

Regulation 7

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 freight containers | £94 |

SCHEDULE 6

Regulation 8

FEES ASSOCIATED WITH NOTIFICATIONS AND APPLICATIONS
UNDER THE GENETICALLY MODIFIED ORGANISMS
(CONTAINED USE) REGULATIONS (NORTHERN IRELAND) 2001

| Column 1 <i>Description</i> | Column 2 <i>Fee</i> |
|---|------------------------|
| (a) Notification of the intention to use premises for the first time for the purpose of undertaking activities involving genetic modification under regulation 9(1) | £472 |
| (b) Notification of an activity involving genetic modification in class 2 under regulation 10(1) | £943 |

Status: This is the original version (as it was originally made).

| Column 1 <i>Description</i> | Column 2 <i>Fee</i> |
|---|------------------------|
| (c) Notification of the intention to use premises for the first time for the purpose of undertaking activities involving genetic modification under regulation 9(1) at the same time as notification of an activity involving genetic modification in class 2 under regulation 10(1) | £943 |
| (d) Notification of an activity involving genetic modification in class 3 under regulation 11(1) | £1,022 |
| (e) Notification of the intention to use premises for the first time for the purpose of undertaking activities involving genetic modification under regulation 9(1) at the same time as notification of an activity involving genetic modification in class 3 under regulation 11(1) | £1,022 |
| (f) Notification of an activity involving genetic modification in class 4 under regulation 11(1) | £1,178 |
| (g) Notification of the intention to use premises for the first time for the purpose of undertaking activities involving genetic modification under regulation 9(1) at the same time as the notification of an activity involving genetic modification in class 4 under regulation 11(1) | £1,178 |
| (h) Notification of an activity involving genetic modification of organisms other than micro-organisms under regulation 12(1) | £943 |
| (i) Notification of the intention to use premises for the first time for the purpose of undertaking activities involving genetic modification under regulation 9(1) at the same time as notification of an activity involving genetic modification of organisms other than micro-organisms under regulation 12(1) | £943 |
| (j) Notification of additional information under regulation 15(3) | £706 |
| (k) Application for the written agreement of the competent authority under regulation 18(2) where the application is made after a notification has been submitted pursuant to regulation 9(1), 10(1), 11(1) or 12(1) | £706 |

SCHEDULE 7

Regulation 9

FEES PAYABLE IN RESPECT OF OFFSHORE INSTALLATIONS

| Column 1 <i>Function</i> | Column 2 <i>Person by whom fee is payable</i> |
|--|--|
| Assessing a design notification (sent to the Executive pursuant to regulation 6(1) or 9(1) of the 2007 Regulations) for the purpose of deciding whether to raise matters relating to health and safety and raising such matters | The operator or owner who sent the design notification to the Executive pursuant to that provision |
| Assessing a relocation notification (sent to the Executive pursuant to regulation 6(2) of the 2007 Regulations) for the purpose of deciding whether to raise matters relating to health and safety and raising such matters | The operator who sent the relocation notification to the Executive pursuant to that provision |
| Assessing a safety case or a revision to a current safety case (sent to the Executive pursuant to any provision of the 2007 Regulations) for the purpose of deciding whether to accept that safety case or revision and accepting any such safety case or revision | The operator or owner who sent the safety case or revision to the Executive pursuant to that provision |
| Providing advice with respect to the preparation of a safety case or a revision to a current safety case which is proposed to be sent to the Executive pursuant to any provision of the 2007 Regulations | The operator or owner who has requested that advice |
| Assessing whether to grant an exemption pursuant to regulation 23 of the 2007 Regulations and granting any such exemption | The operator or owner who has requested the exemption |

SCHEDULE 8

Regulation 10

FEES PAYABLE IN RESPECT OF GAS SAFETY FUNCTIONS

| Column 1 <i>Function</i> | Column 2 <i>Person by whom fee is payable</i> |
|---|--|
| Assessing a safety case or a revision of a safety case (sent to the Executive pursuant to any provision of the 1997 Regulations) for the purpose of deciding whether to accept that safety case or revision, and accepting any such safety case or revision | The person conveying gas, the person intending to convey gas or the network emergency co-ordinator who has prepared the safety case or revision pursuant to that provision |
| Providing advice with respect to the preparation of a safety case or revision to a safety case which is proposed to be sent to the Executive pursuant to any provision of the 1997 Regulations | The person conveying gas, the person intending to convey gas or the network co-ordinator who has requested that advice |

Status: This is the original version (as it was originally made).

| Column 1 <i>Function</i> | Column 2 <i>Person by whom fee is payable</i> |
|---|---|
| Assessing whether to grant an exemption pursuant to regulation 11 of the 1997 Regulations | The operator or owner who has requested the exemption |

EXPLANATORY NOTE

(This note is not part of the Regulation)

1. These Regulations revoke and re-enact the Health and Safety (Fees) Regulations (Northern Ireland) 2010 (S.R. 2010 No. 60) (“the 2010 Regulations”). They update fees to be charged and fix or determine the fees payable by an applicant to, in most cases, the Health and Safety Executive for Northern Ireland (“the Executive”), in respect of an application made for—

- (a) a licence under the Petroleum (Consolidation) Act (Northern Ireland) 1929 (1929 c. 13 (N.I.)) and for the transfer of a licence under the Petroleum (Transfer of Licences) Act (Northern Ireland) 1937 (1937 c. 4 (N.I.)) (*regulation 2 and Schedule 1*);
- (b) a licence under the Control of Asbestos Regulations (Northern Ireland) 2012 (S.R. 2012 No. 179) and for the re-assessment of whether to grant an application for an asbestos licence and for amendments to, and replacements of lost, asbestos licences (*regulation 6 and Schedule 4*);
- (c) an approval of a scheme or programme under the Freight Containers (Safety Convention) Regulations (Northern Ireland) 1992 (S.R. 1992 No. 2) (*regulation 7 and Schedule 5*);

and in respect of—

- (d) a notification or application under the Genetically Modified Organisms (Contained Use) Regulations (Northern Ireland) 2001 (S.R. 2001 No. 295) (*regulation 8 and Schedule 6*).

2. The Regulations fix fees to be paid in respect of medical examinations and surveillance by an employment medical adviser, which are required under certain of the relevant statutory provisions (*regulations 4 and 5 and Schedules 2 and 3*).

3. The Regulations determine fees payable by specified persons in respect of the performance by the Executive of certain functions specified in the Offshore Installations (Safety Case) Regulations (Northern Ireland) 2007 (*regulation 9 and Schedule 7*).

4. These Regulations determine fees payable by specified persons in respect of the performance by the Executive of the following functions specified in the Gas Safety (Management) Regulations (Northern Ireland) 1997—

- (a) assessing a safety case or a revision of a safety case;
- (b) providing advice with respect to the preparation of a safety case; and
- (c) assessing whether to grant an exemption (*regulation 10 and Schedule 8*)

5. These Regulations determine fees payable, in respect of the performance by or on behalf of the Executive or by an inspector appointed by it of any function conferred on the Executive or the inspector by the Health and Safety at Work (Northern Ireland) Order 1978 which relates to the enforcement of any of the relevant statutory provisions—

- (a) in relation to an offshore installation, by the operator or owner who has prepared a current safety case pursuant to the Offshore Installations (Safety Case) Regulations (Northern Ireland) 2007 (*regulation 9*);
- (b) by—
- (i) a person conveying gas who has prepared a safety case pursuant to the Gas Safety (Management) Regulations (Northern Ireland) 1997 or by a network emergency co-ordinator, in relation to a network (including a pipeline that it is intended will form part of the network) to which the safety case relates; and
- (ii) a person conveying gas who has prepared a safety case pursuant to the Gas Safety (Management) Regulations (Northern Ireland) 1997 and a major accident prevention document pursuant to the Pipelines Safety Regulations (Northern Ireland) 1997 in relation to work relating to a major accident hazard pipeline (including the construction of a pipeline that it is intended will form part of the network) to which the major accident prevention document relates (*regulation 10*).

6. These Regulations contain a saving provision to ensure that regulation 12 of the Health and Safety (Fees) Regulations (Northern Ireland) 2009 ([S.R. 2009 No. 132](#)) continues to have effect (*regulation 13(3)*).

7. An estimate of the costs associated with these Regulations has been prepared by the Executive and is held at its offices at 83 Ladas Drive, Belfast, BT6 9FR, from where a copy may be obtained on request.

8. The new fees compared with those fixed by or determined under the previous fee-charging provisions are as follows:

Table

| <i>Provision of these Regulations which fixes or determines the fees</i> | <i>Previous Fee</i> | <i>New Fee</i> | <i>Percentage Increase</i> |
|--|-------------------------------|-------------------------------|----------------------------|
| Regulation 2 and Schedule 1 | | | |
| Licence to keep petroleum-spirit of a quantity— | | | |
| —not exceeding 2,500 litres | £41 for each year of licence | £42 for each year of licence | 2.44 |
| —exceeding 2,500 litres but not exceeding 50,000 litres | £57 for each year of licence | £58 for each year of licence | 1.75 |
| —exceeding 50,000 litres | £118 for each year of licence | £120 for each year of licence | 1.69 |
| Transfer of petroleum-spirit licence | £8 | £8 | |

Status: This is the original version (as it was originally made).

| Provision of these Regulations which fixes or determines the fees | Previous Fee | | | New Fee | | | Percentage Increase | | |
|--|--------------|--------|------------------|---------|--------|------------------|---------------------|--------|------------------|
| | Basic | X-Rays | Laboratory Tests | Basic | X-Rays | Laboratory Tests | Basic | X-Rays | Laboratory Tests |
| Regulation 4 and Schedule 2 | | | | | | | | | |
| Medical examination or surveillance by an employment medical adviser under the— | | | | | | | | | |
| Work in Compressed Air Regulations (Northern Ireland) 2004 | £70 | £72 | £41 | £71 | £73 | £42 | 1.43 | 1.39 | 2.44 |
| Control of Asbestos Regulations (Northern Ireland) 2012 | £70 | £72 | £41 | £71 | £73 | £42 | 1.43 | 1.39 | 2.44 |
| Control of Substances Hazardous to Health Regulations (Northern Ireland) 2003 | £70 | £72 | £41 | £71 | £73 | £42 | 1.43 | 1.39 | 2.44 |
| Ionising Radiation Regulations (Northern Ireland) 2000 | | | | | | | | | |
| (a) where surveillance is confined to examination of, and making entries in, records | £37 | £72 | £41 | £38 | £73 | £42 | 2.70 | 1.39 | 2.44 |
| (b) in other cases | £70 | £72 | £41 | £71 | £73 | £42 | 1.43 | 1.39 | 2.44 |
| Regulation 5 and Schedule 3 | | | | | | | | | |
| Medical surveillance by an employment medical adviser under the— | | | | | | | | | |
| Control of Lead at Work Regulations | | | | | | | | | |

| <i>Provision of these Regulations which fixes or determines the fees</i> | <i>Previous Fee</i> | <i>New Fee</i> | <i>Percentage Increase</i> |
|--|---------------------|----------------|----------------------------|
| (Northern Ireland) 2003 | | | |
| (a) on the first assessment of an employee (including any clinical medical examination and laboratory tests in connection with the assessment) | £70 | £71 | 1.43 |
| (b) on each subsequent assessment of an employee— | | | |
| (i) for laboratory tests where these are carried out | £41 | £42 | 2.44 |
| (ii) for a clinical medical examination where this is carried out | £41 | £42 | 2.44 |
| Regulation 6 and Schedule 4 | | | |
| Applications under the Control of Asbestos Regulations (Northern Ireland) 2012 | | | |
| Table 1 | | | |
| Licence for work with asbestos or renewal of (original) licence | £1,160 | £3,236 | 178.97 |
| Table 2 | | | |
| Re-assessment of licence application | £300 | £741 | 147.00 |

Status: This is the original version (as it was originally made).

| <i>Provision of these Regulations which fixes or determines the fees</i> | <i>Previous Fee</i> | <i>New Fee</i> | <i>Percentage Increase</i> |
|---|---------------------|----------------|----------------------------|
| Amendment of condition, or duration, of licence | £300 | £741 | 147.00 |
| Other amendment, or replacement, of a licence | £80 | £80 | |
| Regulation 7 and Schedule 5 | | | |
| Approval under the Freight Containers (Safety Convention) Regulations (Northern Ireland) 1992 | | | |
| Approval of scheme or programme for examination of freight containers | £92 | £94 | 2.17 |
| Regulation 8 and Schedule 6 | | | |
| Genetically Modified Organisms (Contained Use) Regulations (Northern Ireland) 2001 | | | |
| Notification of the intention to use premises for the first time for the purpose of undertaking activities involving genetic modification under regulation 9(1) | £465 | £472 | 1.51 |
| Notification of an activity involving genetic modification in class 2 under regulation 10(1) | £929 | £943 | 1.51 |
| Notification of the intention to use | £929 | £943 | 1.51 |

| <i>Provision of these Regulations which fixes or determines the fees</i> | <i>Previous Fee</i> | <i>New Fee</i> | <i>Percentage Increase</i> |
|--|---------------------|----------------|----------------------------|
| premises for the first time for the purpose of undertaking activities involving genetic modification under regulation 9(1) at the same time as notification of an activity involving genetic modification in class 2 under regulation 10(1) | | | |
| Notification of an activity involving genetic modification in class 3 under regulation 11(1) | £1,007 | £1,022 | 1.49 |
| Notification of the intention to use premises for the first time for the purpose of undertaking activities involving genetic modification under regulation 9(1) at the same time as notification of an activity involving genetic modification in class 3 under regulation 11(1) | £1,007 | £1,022 | 1.49 |
| Notification of an activity involving genetic modification in class 4 under regulation 11(1) | £1,161 | £1,178 | 1.46 |
| Notification of the intention to use premises for the first time for the purpose of undertaking activities involving genetic modification under regulation 9(1) at the same time as notification of an activity involving | £1,161 | £1,178 | 1.46 |

Status: This is the original version (as it was originally made).

| <i>Provision of these Regulations which fixes or determines the fees</i> | <i>Previous Fee</i> | <i>New Fee</i> | <i>Percentage Increase</i> |
|---|---------------------|----------------|----------------------------|
| genetic modification in class 4 under regulation 11(1) | | | |
| Notification of an activity involving genetic modification of organisms other than micro-organisms under regulation 12(1) | £929 | £943 | 1.51 |
| Notification of the intention to use premises for the first time for the purpose of undertaking activities involving genetic modification under regulation 9(1) at the same time as notification of an activity involving genetic modification of organisms other than micro-organisms under regulation 12(1) | £929 | £943 | 1.51 |
| Notification of additional information under regulation 15(3) | £696 | £706 | 1.44 |
| Application for the written agreement of the competent authority under regulation 18(2) where the application is made after a notification has been submitted pursuant to regulation 9(1), 10(1), 11(1) or 12(1) | £696 | £706 | 1.44 |
| Regulation 9 and Schedule 7 | | | |

| <i>Provision of these Regulations which fixes or determines the fees</i> | <i>Previous Fee</i> | <i>New Fee</i> | <i>Percentage Increase</i> |
|--|--|--|----------------------------|
| Offshore Installations | Sum of the costs reasonably incurred by the Executive for the function performed | Sum of the costs reasonably incurred by the Executive for the function performed | |
| Regulation 10 and Schedule 8 | | | |
| Gas Safety Functions | Sum of the costs reasonably incurred by the Executive for the function performed | Sum of the costs reasonably incurred by the Executive for the function performed | |