
STATUTORY RULES OF NORTHERN IRELAND

2015 No. 325

The Control of Major Accident Hazards
Regulations (Northern Ireland) 2015

PART 9

FEES

Fees payable by operators to the competent authority

28.—(1) A fee is payable by the operator of an establishment to the competent authority for the performance by, or on behalf of, the competent authority of any function conferred on the competent authority by these Regulations.

(2) A fee is payable by the operator of an upper tier establishment to the competent authority 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 of the following—

- (a) the operator of the establishment; or
- (b) a contractor in relation to any work carried out by the contractor on or in connection with that establishment,

except in the case of an establishment where the presence of the dangerous substance at the establishment is, in the opinion of the competent authority, for a purpose ancillary to the main activity at the establishment.

(3) A fee under this regulation shall not exceed the sum of the costs reasonably incurred by the competent authority or the Executive in the performance of their functions in relation to the establishment concerned.

(4) A fee is payable within 30 days from the date of the invoice sent by or on behalf of the competent authority to the operator.

(5) An invoice shall include a statement of the work done and the costs incurred by or on behalf of the competent authority or the Executive, including the period to which the statement relates.

(6) Where a fee has been paid under paragraph (1) to the Executive, it shall pay to the Department of the Environment any fee or part of any fee it recovers as is attributable to work done by or on behalf of that Department or by an Article 16 inspector in performing that Department's functions.

(7) Where a fee has been paid under paragraph (1) or (2) to the Department of the Environment, it shall pay to the Executive any fee or part of any fee it recovers as is attributable to work done by or on behalf of the Executive or by an inspector in performing the Executive's functions.

(8) A fee payable under this regulation is recoverable only as a civil debt.

(9) A fee payable under this regulation shall not include any costs connected with—

- (a) any criminal investigation or prosecution incurred, in either case, from the date any summons is obtained from a Magistrates Court;

- (b) any appeal under Article 26 of the 1978 Order incurred from the date a claim is presented pursuant to the Industrial Tribunals (Constitution and Rules of Procedure) Regulations (Northern Ireland) 2005(1);
- (c) functions of the Department related to regulation 13.

(10) In this regulation any reference to work carried out by a contractor is a reference to work carried out by the contractor or by the contractor's employees for the benefit of the person by whom the fees are payable under this regulation, whether under an agreement or an arrangement made with that person or with another person.

Fees payable to Executive for arranging for the preparation, review and testing of external emergency plans

29.—(1) The Executive may charge the operator a fee for the performance of the functions under regulation 13 or 14.

(2) A fee under paragraph (1) may not exceed the sum of the costs reasonably incurred by the Executive in the performance of the functions referred to in that paragraph in relation to the establishment concerned.

(3) A fee may include any costs reasonably incurred by the Executive in arranging for the designated authorities to participate in the testing of the external emergency plan.

(4) A fee is payable within 30 days from the date of the invoice sent by or on behalf of the Executive to the operator.

(5) An invoice shall include a statement of the work done and the costs incurred by or on behalf of the Executive, including the period to which the statement relates.

(6) A fee payable under this regulation is recoverable only as a civil debt.

(1) S.R. 2005 No. 150, as amended by S.R. 2005 No. 376, S.R. 2005 No. 578, S.R. 2006 No. 261, S.R. 2007 No. 340, S.R. 2007 No. 494, 2009 c. 3, 2010 c. 3 (N.I.) and S.R. 2011 No. 161; revoked in part by S.R. 2006 No. 261