



# Atomic Energy Act 1989

## 1989 CHAPTER 7

### *Recovery of expenses by Health and Safety Executive*

#### **2 Recovery of expenses by Health and Safety Executive**

- (1) The following section shall be inserted after section 24 of the Nuclear Installations Act 1965—

#### **“24A Recovery of expenses by Health and Safety Executive**

- (1) This section applies to any expenses incurred by the Health and Safety Executive (“the Executive”) and any expenses incurred by the Health and Safety Commission (“the Commission”) which, in either case, the Executive may determine to be incurred wholly or partly in connection with—
- (a) the carrying into effect of such of the provisions of this Act as are mentioned in Schedule 1 to the Health and Safety at Work etc. Act 1974; or
  - (b) the carrying out of research into nuclear safety at the direction of the Commission.
- (2) Without prejudice to the generality of subsection (1) of this section, the reference in that subsection to expenses incurred by the Executive includes any sums paid by it by way of remuneration, allowances or other payments to inspectors appointed under the Health and Safety at Work etc. Act 1974.
- (3) In such cases and to such extent as it may appear to the Executive appropriate to do so, the Executive shall require a person who has applied for a nuclear site licence to repay to it so much of any expenses to which this section applies as may appear to it to be attributable to dealing with the application.
- (4) In such cases and to such extent as it may appear to the Executive to be appropriate to do so, the Executive shall require a person to whom a nuclear site licence has been granted to repay to it—

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*Status: This is the original version (as it was originally enacted).*

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- (a) so much of any expenses to which this section applies as may appear to it to be attributable to any nuclear installation in respect of which the licence has been granted; and
  - (b) so much of any expenses to which this section applies which are not otherwise recoverable under this section as it thinks fit.
- (5) A person shall comply with any requirement made of him under this section.
- (6) Any liability of a person in respect of sums payable by him under this section on account of pensions shall, if the Executive so determines, be satisfied by way of contributions calculated, at such rate as may be determined by the Treasury, by reference to remuneration.
- (7) Where the Executive anticipates that a person who has applied for or has been granted a nuclear site licence will become subject to a liability under this section, it may require him to make to it a payment or payments on account of the liability.
- (8) Where a person has made a payment under subsection (7) of this section on account of an anticipated liability, then—
  - (a) if he does not become subject to the liability, the Executive shall be liable to repay the payment to him; and
  - (b) if the amount of the liability to which he becomes subject is less than the amount paid under that subsection, the Executive shall be liable to repay the difference to him.”
- (2) Subject to subsection (3) below, section 24A(3) of the Nuclear Installations Act 1965 applies to an application made, and to expenses incurred, before the commencement of this section as well as to an application made, and to expenses incurred, after the commencement of this section.
- (3) That subsection does not apply to an application disposed of before the commencement of this section.
- (4) Where an application to which that subsection applies is made before the commencement of this section and is disposed of after the commencement of this section without a licence being granted, the Health and Safety Executive (or, in Northern Ireland, the Department of Economic Development) shall repay to the applicant any payment made under that subsection in respect of expenses attributable to dealing with the application which were incurred before the commencement of this section.
- (5) Section 24A(4) of the Nuclear Installations Act 1965 applies to expenses incurred before as well as to expenses incurred after the commencement of this section, except in the case of expenses of the description mentioned in subsection (1)(b) of that section.