
STATUTORY INSTRUMENTS

2006 No. 336

The Health and Safety (Fees) Regulations 2006

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Health and Safety (Fees) Regulations 2006 and shall come into force on 6th April 2006.

(2) In these Regulations—

“approval” includes the amendment of an approval, and “amendment of an approval” includes the issue of a new approval replacing the original incorporating an amendment;

“employment medical adviser” means an employment medical adviser appointed under section 56(1) of the 1974 Act;

“the mines and quarries provisions” means such of the relevant statutory provisions as relate exclusively to—

(a) mines within the meaning of section 180 of the Mines and Quarries Act 1954 ^{M1};

(b) tips and quarries within the meaning of regulations 2(1) and 3 respectively of the Quarries Regulations 1999 ^{M2}; and

(c) tips within the meaning of section 2(1) of the Mines and Quarries (Tips) Act 1969 ^{M3};

and includes regulations, rules and orders relating to a particular mine (whether they are continued in force by regulation 7(3) of the Mines and Quarries Acts 1954 to 1971 (Repeals and Modifications) Regulations 1974 ^{M4} or are health and safety regulations);

“original approval” does not include an amendment of an approval; and

“working days” does not include weekends or public holidays.

(3) Any reference in these Regulations to the renewal of an approval, explosives certificate, licence or registration (each referred to in this paragraph as an “authorisation”) means the granting of the authorisation concerned to follow a previous authorisation of the same kind without any amendment or gap in time.

Marginal Citations

M1 1954 c. 70; section 180 was amended by S.I. 1974/2013, 1993/1897 and 1999/2024..

M2 S.I. 1999/2024, to which there are amendments not relevant to these Regulations.

M3 1969 c. 10; section 2(1) was amended by S.I. 1999/2024.

M4 S.I. 1974/2013, modified by S.I.1979/318.

Fees payable under the mines and quarries provisions

2.—(1) A fee shall be payable by the applicant to the Executive on each application for an original approval, an amendment of approval or a renewal of approval under any of the mines and quarries provisions.

(2) The fee payable under paragraph (1) on application for such approval as is mentioned in column 1 of Part 1 of Schedule 1 shall be respectively that specified in the corresponding entry in column 2, 3 or 4 of that Part.

(3) Where the Executive requires testing to be carried out to decide whether approval can be granted, a fee shall be payable to the Executive by the applicant prior to the notification of the result of the application for the approval as described below—

- (a) in the case of explosives and detonators, for each test specified in column 1 of Part 2 of Schedule 1, the fee shall be that specified in the corresponding entry in column 2 of that Part;
- (b) in any other case, the fee shall be as set out in Part 3 of Schedule 1 (that is to say the reasonable cost to the Executive of having the testing carried out).

Fees for applications for approval under the Agriculture (Tractor Cabs) Regulations 1974

3.—(1) A fee shall be payable by the applicant to the Executive on each application for approval of plant and equipment under the Agriculture (Tractor Cabs) Regulations 1974 ^{M5}.

(2) The fee payable on application for such an approval or revision of an approval as is described in column 1 of Schedule 2 shall be that specified in the corresponding entry in column 2 of that Schedule.

Marginal Citations

M5 S.I. 1974/2034; relevant amending instruments are S.I. 1976/1247, 1980/1036, 1981/1414 and 1990/1075.

Fee for application for approval under the Freight Containers (Safety Convention) Regulations 1984

4.—(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 freight containers under the Freight Containers (Safety Convention) Regulations 1984 ^{M6}.

(2) The fee payable on application for the approval described in column 1 of Schedule 3 shall be that specified in column 2 of that Schedule.

Marginal Citations

M6 S.I. 1984/1890, amended by S.I. 1986/392.

Fees for various applications under [F1 regulation 8 of the Control of Asbestos Regulations 2006]

5.—(1) A fee shall be payable by the applicant to the Executive on each application for a licence under [F2 regulation 8 of the Control of Asbestos Regulations 2006 (“the 2006 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 [F3 regulation 8 of the 2006 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 [^{F4}the Asbestos (Licensing) Regulations 1983 or regulation 8 of the 2006 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 [^{F5}the Asbestos (Licensing) Regulations 1983 or regulation 8 of the 2006 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.

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| F1 | Words in reg. 5 heading substituted (13.11.2006) by The Control of Asbestos Regulations 2006 (S.I. 2006/2739) , regs. 1, 36(2) , Sch. 5 |
| F2 | Words in reg. 5(1) substituted (13.11.2006) by The Control of Asbestos Regulations 2006 (S.I. 2006/2739) , regs. 1, 36(2) , Sch. 5 |
| F3 | Words in reg. 5(3) substituted (13.11.2006) by The Control of Asbestos Regulations 2006 (S.I. 2006/2739) , regs. 1, 36(2) , Sch. 5 |
| F4 | Words in reg. 5(5) substituted by virtue of (13.11.2006) by The Control of Asbestos Regulations 2006 (S.I. 2006/2739) , regs. 1, 36(2) , Sch. 5 |
| F5 | Words in reg. 5(7) substituted by virtue of (13.11.2006) by The Control of Asbestos Regulations 2006 (S.I. 2006/2739) , regs. 1, 36(2) , Sch. 5 |

Fees for examination or surveillance by an employment medical adviser

6.—(1) A fee shall be payable to the Executive 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 5.

(2) The fee payable under paragraph (1) shall be a basic fee for each examination or on each occasion when 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; and for each provision specified in column 1 of Schedule 5—

- (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;
- (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.

(3) Where an employment medical adviser carries out a medical examination of a self-employed person for the purposes of [^{F6}the Control of Asbestos Regulations 2006], that self-employed person shall pay to the Executive fees ascertained in accordance with paragraph (2).

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| F6 | Words in reg. 6(3) substituted (13.11.2006) by The Control of Asbestos Regulations 2006 (S.I. 2006/2739) , regs. 1, 36(2) , Sch. 5 |
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Fees for medical surveillance by an employment medical adviser under the Control of Lead at Work Regulations 2002

7.—(1) A fee shall be payable to the Executive by an employer 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 2002 ^{M7}.

(2) The fee payable for each item described in column 1 of Schedule 6 shall be that specified in the corresponding entry in column 2 of that Schedule.

Marginal Citations

M7 [S.I. 2002/2676](#), to which there are amendments not relevant to these Regulations.

Fees for various applications in connection with the Ionising Radiations Regulations 1999 and the Radiation (Emergency Preparedness and Public Information) Regulations 2001

8.—(1) A fee shall be payable by the applicant to the Executive on each application for an approval of dosimetry services, or for the reassessment of an approval of dosimetry services previously granted, for the purposes of the 1999 Regulations.

(2) A fee shall be payable by the applicant to the Executive on each application for the type approval of apparatus pursuant to sub-paragraphs 1(c)(i) and 1(d)(i) of Schedule 1 to the 1999 Regulations.

(3) The fee payable for approval or reassessment or type approval in respect of each matter described in column 1 of Table 1 in Schedule 7 shall be that specified in the corresponding entry in column 2 of that Table.

(4) A fee shall be payable by the applicant to the Executive on each application for an approval of dosimetry services, or for the reassessment of an approval of dosimetry services previously granted, for the purposes of regulation 14 of the Radiation (Emergency Preparedness and Public Information) Regulations 2001 ^{M8}.

(5) The fee payable for an application for each purpose specified in column 1 of Table 2 in Schedule 7 shall be that specified in column 2 of that Table.

(6) A fee shall be payable by the applicant to the Executive where the Executive requires any work to be carried out by its nuclear or other specialist inspectors in connection with any application in respect of which a fee is payable —

- (a) by virtue of paragraph (1) or (2), or
- (b) by virtue of paragraph (4)

and the fee for such work in connection with each matter described in column 1 of Tables 1 and 2 in Schedule 7 shall be that specified in the corresponding entry in column 3 of those Tables for each hour worked, adjusted pro rata for a period worked of less than one hour.

(7) Where the Executive requires an inspection to be carried out in connection with any application mentioned in this regulation, a fee shall be payable by the applicant to the Executive of an amount equal to the reasonable cost of travelling and subsistence of any member of the Executive's staff in connection with the inspection.

(8) Any fee payable under paragraph (6) or (7) shall be payable prior to notification of the result of the application.

(9) In this regulation “the 1999 Regulations” means the Ionising Radiations Regulations 1999 ^{M9}.

Marginal Citations

- M8** [S.I. 2001/2975](#), to which there are amendments not relevant to these Regulations. An approval of dosimetry services for the purposes of regulation 14 of these Regulations is made under regulation 35 of the [Ionising Radiation Regulations 1999 \(S.I. 1999/3232\)](#).
- M9** [S.I. 1999/3232](#), amended by [S.I. 2001/2975](#).

Fees payable under the Manufacture and Storage of Explosives Regulations 2005 and certain other provisions concerning explosives, including acetylene, and under the Petroleum (Consolidation) Act 1928 and the Petroleum (Transfer of Licences) Act 1936

9.—(1) Where any application in relation to a provision specified in column 1 of Part 1 of Schedule 8 is made to the Executive, where it is the licensing authority by virtue of paragraphs 1(b) or (c) or 2 of Schedule 1 to the 2005 Regulations, for a purpose specified in column 2 of that Part, the fee specified in the corresponding entry in column 3 of that Part shall be payable by the applicant to the Executive, save that, in the case of an application referred to in column 2 of that Part for a licence to manufacture ammonium nitrate blasting intermediate, or to vary any such licence, the fee referred to in column 3 of that Part as an amount per hour worked —

- (a) shall be adjusted pro rata for a period worked of less than one hour; and
- (b) shall be payable prior to notification of the result of the application.

(2) Where any application in relation to a provision specified in column 1 of Part 2 of Schedule 8 is made to a licensing authority, which is the licensing authority by virtue of paragraph 1(a) of Schedule 1 to the 2005 Regulations, for a purpose specified in column 2 of that Part, the fee specified in the corresponding entry in column 3 of that Part shall be payable by the applicant to that licensing authority.

(3) Where an application in relation to the provision specified in column 1 of Part 3 of Schedule 8 is made for a purpose specified in column 2 of that Part, the fee specified in the corresponding entry in column 3 of that Part shall be payable by the applicant to the Executive.

(4) The fee payable under each provision specified in column 1 of Part 4 of Schedule 8 for the purpose described in the corresponding entry in column 2 shall be that specified in the corresponding entry in column 3 of that Part.

(5) A fee shall be payable by the applicant to the Executive where the Executive requires any work to be carried out by its specialist inspectors in connection with any application in respect of which a fee is payable by virtue of paragraph (1) or (3) for any purpose specified in column 2 of each of Parts 1 and 3 of Schedule 8 for which there is a corresponding entry in column 4 of the respective Part, and the fee for work in connection with each such purpose shall be that specified in the corresponding entry in column 4 of that Part for each hour worked, adjusted pro rata for a period worked of less than one hour, and such fee shall be payable prior to notification of the result of the application.

(6) A fee shall be payable by the applicant to the Executive for each application made for each purpose specified in column 1 of each of Parts 5, 6 and 7 of Schedule 8 and such fee shall be payable on making the application save that, in the case of an application for the purpose referred to in the entry in column 1 of Part 7 of that Schedule, the fee shall be payable prior to notification of the result of the application.

(7) The fee for an application for each purpose specified in column 1 of each of Parts 5, 6 and 7 of Schedule 8 shall be that specified in the corresponding entry in column 2 in the respective Part and, where the fee is determined as an amount per hour worked, the fee shall be adjusted pro rata for a period worked of less than one hour.

(8) A fee shall be payable by the applicant to the Executive where the Executive requires any work to be carried out by its specialist inspectors in connection with any application in respect of which a fee is payable by virtue of paragraph (6) for any purpose specified in column 1 of each of Parts 5 and 6 of Schedule 8 for which there is a corresponding entry in column 3 of the respective Part, and the fee for work in connection with each such purpose shall be that specified in the corresponding entry in column 3 of that Part for each hour worked, adjusted pro rata for a period worked of less than one hour, and such fee shall be payable prior to notification of the result of the application.

(9) A fee shall be payable to the Executive where the Executive requires any testing to be carried out in connection with any purpose specified in column 1 of Part 8 of Schedule 8, and the fee for testing in connection with each such purpose shall be the reasonable cost to the Executive of having the work carried out and such fee shall be payable prior to notification of the result of the application.

(10) Where any application in relation to the provision specified in column 1 in Table 1 in Part 9 of Schedule 8 is made for a purpose specified in column 2 of that Table, the fee specified in the corresponding entry in column 3 of that Table shall be payable by the applicant to the chief officer of police.

(11) Where, in relation to an application for an explosives certificate under the Control of Explosives Regulations 1991^{M10}, a check is carried out for the purposes of regulation 4(6)(d) of those Regulations to ascertain whether the applicant is a prohibited person or not, a fee shall be payable by the applicant to the chief officer of police and the fee, which shall be payable prior to that check being carried out, shall be that specified in Table 2 in Part 9 of Schedule 8.

(12) Parts 2 and 4 of Schedule 8 shall have effect subject to, respectively, the Notes to Parts 2 and 4.

(13) For the purposes of this regulation and Schedule 8 —

- (a) “the 2005 Regulations” means the Manufacture and Storage of Explosives Regulations 2005^{M11};
- (b) “ammonium nitrate blasting intermediate”^{M12}, “licence”, “licensing authority”, “on-site mixing”, “registered” and “registration” have the same meanings as in the 2005 Regulations; and
- (c) “chief officer of police”, “explosives certificate” and “prohibited person” have the same meanings respectively as in the Control of Explosives Regulations 1991.

Marginal Citations

M10 [S.I. 1991/1531](#), to which there are amendments not relevant to these Regulations.

M11 [S.I. 2005/1082](#).

M12 The manufacture of ammonium nitrate blasting intermediate is deemed to be the manufacture of an explosive by virtue of regulation 2(2) of the Manufacture and Storage of Explosives Regulations 2005.

Date from which fees are payable under the Petroleum (Consolidation) Act 1928 and the Petroleum (Transfer of Licences) Act 1936

10. Notwithstanding the provisions of section 4 of the Petroleum (Consolidation) Act 1928^{M13} or section 1(4) of the Petroleum (Transfer of Licences) Act 1936^{M14} the fees in respect of applications for petroleum licences prescribed by these Regulations shall be payable for any licence first having effect or any transfer or renewal of a licence first taking effect on or after the coming into force of these Regulations irrespective of the date of the application for that licence, transfer or renewal.

Marginal Citations

M13 1928 c. 32; relevant amending instruments are [S.I. 1974/1942](#) and 1987/52.

M14 1936 c. 27; relevant amending instruments are [S.I. 1974/1942](#) and 1987/52.

Fees for application for or changes to an explosives licence under Part IX of the Dangerous Substances in Harbour Areas Regulations 1987

11.—(1) A fee shall be payable by the applicant to the Executive on each application for an explosives licence, for any alteration in the terms of, or other change to an existing licence under Part IX of the Dangerous Substances in Harbour Areas Regulations 1987 ^{M15}.

(2) The fee on an application for each purpose specified in column 1 of Schedule 9 shall be that specified in column 2 of that Schedule and where the fee is determined as an amount per hour worked, the fee, which shall be adjusted pro rata for a period worked of less than one hour, so calculated shall be payable prior to notification of the result of the application.

Marginal Citations

M15 [S.I. 1987/37](#), amended by [S.I.1988/712](#).

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 or testing under regulation 2(3)(b) or 9(9) or to the licensing authority of carrying out any work pursuant to regulation 9(2), the Executive or, as the case may be, the licensing authority shall on receipt of the application first prepare and send to the applicant an estimate of that cost and shall, before carrying out the work, obtain confirmation from the applicant that he wishes the work to be carried out on the basis of that estimate of cost.

Fees for notifications and applications under the Genetically Modified Organisms (Contained Use) Regulations 2000

13.—(1) The fee specified in column 2 of Schedule 10 shall be payable by a notifier to the competent authority on each such notification or application under the 2000 Regulations as is referred to in the corresponding entry in column 1 of that Schedule.

(2) No fee shall be returned to a notifier where the competent authority returns a notification pursuant to regulation 14(7) of the 2000 Regulations or a notifier withdraws his notification pursuant to regulation 15(6) of the 2000 Regulations.

(3) In this regulation, “the 2000 Regulations” means the Genetically Modified Organisms (Contained Use) Regulations 2000 ^{M16} and “competent authority” has the same meaning as in those Regulations.

Marginal Citations

M16 [S.I. 2000/2831](#), amended by [S.I. 2005/2466](#); there are other amending instruments but none is relevant.

Fees for notifications and applications under the Notification of New Substances Regulations 1993

14.—(1) The fee specified in column 2 of Table 1 in Schedule 11 shall be payable by a notifier to the competent authority, within the meaning of the Notification of New Substances Regulations 1993 ^{M17}, on each such notification or application under those Regulations as is referred to in the corresponding entry in column 1 of that Table.

(2) In the circumstances described in column 1 of Table 2 in Schedule 11, the fee specified in the corresponding entry in column 2 of that Table shall be payable by the notifier to the Executive in addition to the fee payable under paragraph (1) in respect of the notification concerned.

(3) In Schedule 11—

“the 1982 Regulations” means the Notification of New Substances Regulations 1982 ^{M18};

“the 1993 Regulations” means the Notification of New Substances Regulations 1993;

“the predecessor Directive” has the same meaning as is given to “the Directive” in the first mentioned Regulations in this paragraph;

“RTP polymer” means a polymer, which word has the same meaning as in the second mentioned Regulations in this paragraph, for which a reduced test package is acceptable pursuant to paragraph C.2 of Part D of Schedule 2 to those second mentioned Regulations; and,

references in that Schedule to “competent authority”, “the Directive”, “member State” and “process-orientated research and development” have the same meanings as in those second mentioned Regulations.

Marginal Citations

M17 S.I. 1993/3050, to which there are amendments not relevant to these Regulations.

M18 S.I. 1982/1496, revoked by S.I. 1993/3050.

Fees payable in respect of offshore installations

15.—(1) A fee shall be payable to the Executive by the person referred to in column 2 of Schedule 12 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 2005 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 1974 Act 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 him on or in connection with that installation.

(3) For the purposes of this regulation, regulation 18 and Schedule 12, “the 1992 Regulations” means the Offshore Installations (Safety Case) Regulations 1992 ^{M19}, “the 2005 Regulations” means the Offshore Installations (Safety Case) Regulations 2005 ^{M20} and “installation”, “current safety case”, “safety case”, “operator” and “owner” have the same meanings as in the 2005 Regulations.

Marginal Citations

M19 [S.I. 1992/2885](#), revoked by [S.I. 2005/3117](#).

M20 [S.I. 2005/3117](#).

Fees payable in respect of railway safety functions

16.—(1) A fee shall be payable to the Executive by the person referred to in column 2 of Schedule 13 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 railway operator who has prepared a safety case which has been accepted by the Executive pursuant to the 2000 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 1974 Act which relates to the enforcement of any of the relevant statutory provisions against one or other or both of the following —

- (a) that railway operator in relation to the railway infrastructure, station or train operation to which that safety case relates; or
- (b) a contractor in relation to work carried out by him on or in connection with that railway infrastructure or station or in connection with that train operation.

(3) This regulation shall not apply to a function performed in relation to the tunnel system within the meaning of section 1(7) of the Channel Tunnel Act 1987 ^{M21}.

(4) This regulation shall not apply to a function performed in relation to a railway, tramway or trolley vehicle system if on no part of that railway, tramway or trolley vehicle system there is a line speed exceeding 40 kilometres per hour and for the purposes of this paragraph “line speed” means the highest of the permitted speeds on the railway, tramway or trolley vehicle system concerned and “permitted speed” means the maximum speed permitted on the part of the railway, tramway or trolley vehicle system concerned.

(5) In this regulation, regulation 18 and Schedule 13, “the 2000 Regulations” means the Railways (Safety Case) Regulations 2000 ^{M22}, the “Approval Regulations” means the Railways and Other Transport Systems (Approval of Works, Plant and Equipment) Regulations 1994 ^{M23}, “railway”, “railway infrastructure”, “railway operator”, “safety case”, “station” and “train” have the same meanings as in the 2000 Regulations and “tramway” and “trolley vehicle system” have the same meanings as in the Transport and Works Act 1992 ^{M24}.

Marginal Citations

M21 [1987 c. 53](#).

M22 [S.I. 2000/2688](#), to which there are amendments not relevant to these Regulations.

M23 [S.I. 1994/157](#), amended by [S.I. 1997/553](#) and 2002/1166. The Regulations are relevant statutory provisions within the meaning of section 53 of the Health and Safety at [Work etc. Act 1974 \(c. 37\)](#) by virtue of section 117(1) and (4) of the [Railways Act 1993 \(c. 43\)](#).

M24 [1992 c. 42](#).

Fees payable in respect of gas safety functions

17.—(1) A fee shall be payable to the Executive by the person referred to in column 2 of Schedule 14 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 1996 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 1974 Act 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 to which the safety case relates; or
- (b) a contractor in relation to work carried out by him on or in connection with that network, insofar as such enforcement is for the purpose of protecting persons from risks arising from the manner in which gas is conveyed or used.

(3) In this regulation, regulation 18 and Schedule 14, “the 1996 Regulations” means the Gas Safety (Management) Regulations 1996 ^{M25}, and “network”, “network emergency co-ordinator” and “safety case” have the same meanings as in the 1996 Regulations.

Marginal Citations

M25 [S.I. 1996/551](#).

Provisions supplementary to regulations 15 to 17

18.—(1) The fees referred to in regulations 15 to 17 above 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 is required to pay the fees, and such invoices shall include a statement of the work done and the costs incurred including the period to which the statement relates.
- (2) Any fees payable under regulations 15 to 17 shall not include any costs connected with any—
- (a) in England and Wales, criminal investigation or prosecution incurred (in either case) from the date any summons is obtained from a Magistrates' Court;
 - (b) in Scotland, criminal investigation or prosecution incurred (in either case) after such a time as—
 - (i) the inspector undertaking the investigation submits a report to the Procurator Fiscal for his decision as to whether a prosecution should be brought; or
 - (ii) the Procurator Fiscal intervenes in the investigation,
 whichever is the sooner; or
 - (c) appeal pursuant to section 24 of the 1974 Act (appeal against improvement or prohibition notice) and regulation 16(1) and (3)(b) of, and Schedules 1 and 4 to, the Employment Tribunals (Constitution and Rules of Procedure) Regulations 2004 ^{M26}.

(3) For the purposes of regulation 15 and paragraph (2)(a) and (b), an installation shall be treated as being in England and Wales if it is in the English area within the meaning of article 1 of the Civil Jurisdiction (Offshore Activities) Order 1987 ^{M27} and in Scotland if it is in the Scottish area within the meaning of that article.

(4) Any reference in regulation 15 to a person who has prepared a current safety case includes a reference to a person who is required to 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.

(5) Any reference in regulations 16 and 17 to a person who has prepared a safety case includes a reference to a person who is required to prepare a safety case, and in that connection as if—

- (a) any reference in those regulations to the railway infrastructure, station, train operation or network to which the safety case relates were a reference to the railway infrastructure, station, train operation or network to which the safety case would have related if it had been prepared in accordance with such requirement; and
- (b) the reference in regulation 16(2) to a safety case which has been accepted by the Executive were a reference to a safety case which is required to be accepted by the Executive.

(6) Any reference in regulation 15 to a person who has prepared a current safety case includes a reference to a person who is treated as having prepared a current safety case by virtue of regulation 2(9) of the 2005 Regulations.

(7) Any reference in regulation 16 to a person who has prepared a safety case includes a reference to a person who is treated as having prepared a safety case by virtue of regulation 2(7) of the 2000 Regulations.

(8) Any reference in regulations 15 to 17 to work carried out by a contractor is a reference to work carried out by the contractor or his employees for the benefit of the person by whom the fees are payable under that regulation, whether pursuant to an agreement or an arrangement he has made with that person or with another person.

(9) Any reference in regulations 15 to 17 to a function conferred on an inspector by the 1974 Act 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 Act which is exercised for the purpose of carrying into effect those provisions in relation to that person.

Marginal Citations

M26 [S.I. 2004/1861](#), amended by [S.I. 2004/2351](#); there are other amending instruments but none is relevant.

M27 [S.I. 1987/2197](#).

Fees for applications for approvals under the Health and Safety (First-Aid) Regulations 1981

19.—(1) A fee shall be payable by the applicant to the Executive on each application for an original approval of training or a renewal of an approval of training under regulation 3(2)(a) of the Health and Safety (First-Aid) Regulations 1981 ^{M28}.

(2) The fee payable under paragraph (1) shall be—

- (a) in respect of an application for an original approval, that specified in column 1 of Table 1 in Schedule 15; and
- (b) in respect of an application for a renewal of an approval, that specified in column 3 of that Table.

(3) Where, before an original approval of training is given, a shortcoming in the proposed training is identified by the Executive during a site-visit and an additional site-visit for the purpose of reassessment is required, the fee payable shall be that specified in column 2 of Table 1 in Schedule 15.

(4) The fee referred to—

- (a) in paragraph (1) shall be payable on making the application for approval or renewal of an approval of training;
- (b) in paragraph (3) shall be payable prior to the notification of the result of the application for approval of training.

(5) Where the Executive requires a site-visit, not including one for the purpose referred to in paragraph (7), to be made in connection with an approval mentioned in paragraph (1) in order to ascertain whether the standards in place when the original approval was given are being maintained, a fee shall be payable to the Executive by the provider of the approved training, except that no such fee shall be payable in respect of the first such site-visit made after the original approval has been given.

(6) The fee payable under paragraph (5) shall be that specified in column 1 of Table 2 in Schedule 15 except where the site-visit is required to be carried out because a shortcoming in the training has been identified by the Executive during an earlier site-visit, when the fee shall be that specified in column 2 of that Table.

(7) Where the Executive requires a site-visit to be made for the purpose of investigating a complaint in relation to training provided pursuant to an approval mentioned in paragraph (1), a fee shall be payable to the Executive by the provider of the training where —

- (a) the result of the investigation is that the complaint is found to be justified, and
- (b) the complaint could not be fully investigated during a site-visit made for an additional purpose to that of investigating the complaint, requiring, as a result, a further site-visit.

(8) The fee payable under paragraph (7) shall be that specified in column 3 of Table 2 in Schedule 15.

(9) Where the date for any site visit referred to in this regulation has been agreed between the training provider and the Executive and —

- (a) three working days or less before that date the training provider informs the Executive that he wishes to cancel the site-visit agreed for that date, and
- (b) there is as a result no site-visit on that date,

a fee shall be payable by the training provider to the Executive in respect of that cancelled site-visit.

(10) The fee payable under paragraph (9) shall be that specified in column 4 of Table 2 in Schedule 15.

(11) The fee referred to in paragraphs (6), (8) and (10) shall be payable within 30 days from the date of the invoice that the Executive has sent or given to the person providing the approved training.

Marginal Citations

M28 S.I. 1981/917, to which there are amendments not relevant to these Regulations.

Fees for applications for approvals under the Offshore Installations and Pipeline Works (First-Aid) Regulations 1989

20.—(1) A fee shall be payable by the applicant to the Executive on each application for an original approval or a renewal of an approval of training under regulation 5(2)(a) of the Offshore Installations and Pipeline Works (First-Aid) Regulations 1989 ^{M29}.

(2) The fee payable under paragraph (1) shall be—

- (a) where the application for an original approval of training relates to, as the case may be—
 - (i) rendering first-aid to persons who are injured or become ill while at work (referred to in this regulation as “first-aid training”), or
 - (ii) rendering first-aid to, and treating in accordance with the directions of a registered medical practitioner (who may or may not be present) persons who are injured or become ill while at work, and giving simple advice in connection with the health of persons at work (together referred to in this regulation as “medical training”),

that specified in, respectively, columns 1 and 2 of Table 1 in Schedule 16;

(b) in respect of an application for a renewal of approval of, as the case may be, first-aid training or medical training, that specified in, respectively, columns 3 and 4 of that Table.

(3) Where, before an original approval of training is given, a shortcoming in the proposed training is identified by the Executive during a site-visit and an additional site-visit for the purpose of reassessment is required, the fee payable shall—

(a) where the application for approval relates to first-aid training, be that specified in column 1 of Table 2 in Schedule 16, or

(b) where the application for approval relates to medical training, be that specified in column 2 of that Table.

(4) The fee referred to—

(a) in paragraph (1) shall be payable on making the application for approval or renewal of approval of training;

(b) in paragraph (3) shall be payable prior to the notification of the result of the application for approval of training.

(5) Where the Executive requires a site-visit, not including one for the purpose referred to in paragraph (8), to be made in connection with an approval mentioned in paragraph (1) in order to ascertain whether the standards in place when the original approval was given are being maintained, a fee shall be payable to the Executive by the provider of the approved training, except that no such fee shall be payable in respect of the first such site-visit made after the original approval has been given.

(6) Subject to paragraph (7), the fee payable under paragraph (5) shall—

(a) where the site-visit is in connection with an approval relating to first-aid training, be that specified in column 1 of Table 3 in Schedule 16, or

(b) where the site-visit is in connection with an approval relating to medical training, be that specified in column 2 of that Table,

provided that, where the site-visit is in respect of both kinds of approval of training as are referred to in sub-paragraphs (a) and (b) above and takes only one day to complete, the sum of the payable fees specified in columns 1 and 2 of that Table shall be reduced by an amount of £150.

(7) The fee payable under paragraph (5) where the site-visit is required to be carried out because a shortcoming in the training has been identified by the Executive during an earlier site-visit, shall—

(a) where the site-visit is in connection with an approval relating to first-aid training, be that specified in column 3 of Table 3 in Schedule 16, or

(b) where the site-visit is in connection with an approval relating to medical training, be that specified in column 4 of that Table.

(8) Where the Executive requires a site-visit to be made for the purpose of investigating a complaint in relation to training provided pursuant to an approval mentioned in paragraph (1), a fee shall be payable to the Executive by the provider of the training where—

(a) the result of the investigation is that the complaint is found to be justified, and

(b) the complaint could not be investigated during a site-visit made for an additional purpose to that of investigating the complaint, requiring, as a result, a further site-visit.

(9) The fee payable under paragraph (8) for such a site-visit as is there referred to, whether in connection with first-aid training or medical training provided, shall be that specified in column 1 of Table 4 in Schedule 16.

(10) Where the date for any site-visit referred to in this regulation has been agreed between the training provider and the Executive and —

- (a) three working days or less before that date the training provider informs the Executive that he wishes to cancel the site-visit agreed for that date, and
 - (b) there is as a result no site-visit on that date,
- a fee shall be payable by the training provider to the Executive in respect of that cancelled site-visit.
- (11) The fee payable under paragraph (10) shall —
- (a) where the site-visit was to have been in connection with an approval of first-aid training, be that specified in column 2 of Table 4 in Schedule 16, or
 - (b) where the site-visit was to have been in connection with an approval of medical training, be that specified in column 3 of that Table, (that is to say the reasonable cost to the Executive due to the cancellation).
- (12) The fee referred to in paragraphs (6), (7), (9) and (11) shall be payable within 30 days from the date of the invoice that the Executive has sent or given to the person providing the approved training.

Marginal Citations

M29 S.I. 1989/1671, amended by S.I. 1993/1823; there are other amending instruments, but none is relevant.

Provisions supplementary to regulations 19 and 20

21.—(1) Where an application for an original approval of either first-aid training or training for the purposes of regulation 3(2)(a) of the 1981 Regulations is made and the applicant thereafter applies for an original approval of the one of those two kinds of training not earlier applied for or the applications are made together, the Executive shall repay to the applicant the amount of £150 in respect of the fees paid for the original approvals of training applied for; and if after those applications the applicant applies for an original approval of medical training, the Executive shall repay to the applicant a further amount of £50 in respect of the fees paid for the original approvals of training applied for.

(2) Where an application for an original approval of either first-aid training or training for the purposes of regulation 3(2)(a) of the 1981 Regulations is made and the applicant thereafter or at the same time applies for an original approval of medical training, the Executive shall repay to the applicant the amount of £50 in respect of the fees paid for the original approvals of training applied for; and if after those applications the applicant applies for an original approval of the one of the two kinds of training first referred to in this paragraph not earlier applied for, the Executive shall repay to the applicant a further amount of £150 in respect of the fees paid for the original approvals of training applied for.

(3) Where an application for an original approval of medical training is made and the applicant thereafter or at the same time applies for an original approval of first-aid training, the Executive shall repay to the applicant the amount of £50 in respect of the fees paid for the original approvals of training applied for; and if after those applications the applicant applies for an original approval of training for the purposes of regulation 3(2)(a) of the 1981 Regulations, the Executive shall repay to the applicant a further amount of £150 in respect of the fees paid for the original approvals of training applied for.

(4) Where an applicant applies for original approvals of first-aid training, medical training and training for the purposes of regulation 3(2)(a) of the 1981 Regulations at the same time, the Executive shall repay to the applicant the amount of £200 in respect of the fees paid for those applications.

(5) In this regulation—

“the 1981 Regulations” means the Health and Safety (First-Aid) Regulations 1981; and
“first-aid training” and “medical training” have the same meanings as in regulation 20.

Revocation

22.—(1) The Health and Safety (Fees) Regulations 2005 ^{M30} are revoked.

(2) Regulation 3 of the Genetically Modified Organisms (Contained Use) (Amendment) Regulations 2005 ^{M31} and paragraph 7 of Schedule 9 to the Offshore Installations (Safety Case) Regulations 2005 ^{M32} are revoked.

Marginal Citations

M30 [S.I. 2005/676](#).

M31 [S.I. 2005/2466](#).

M32 [S.I. 2005/3117](#).

Signed by authority of the Secretary of State for Work and Pensions.

Philip Hunt
Parliamentary Under Secretary of
State, Department for Work and Pensions

Changes to legislation:

There are currently no known outstanding effects for the The Health and Safety (Fees) Regulations 2006.