
STATUTORY INSTRUMENTS

2008 No. 736

The Health and Safety (Fees) Regulations 2008

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, or in the case of regulation 17(1) and (2) the carrying out of the work, 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(1).
- (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(2) 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) 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; and
 - (b) a person who is treated as having prepared a current safety case by virtue of regulation 2(9) of the 2005 Regulations.
- (5) Any reference in regulation 16 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 any reference in that

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

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

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.

(6) 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.

(7) 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.