1. Regulation 1(2) provides that these Regulations are to cease to have effect five years after they come into force.

2. These Regulations revoke and replace the Health and Safety (Fees) Regulations 2010 (S.I. 2010/579). Every fee in the 2010 Regulations is reproduced by these Regulations without increase, the exceptions being fees which are not reproduced as they related to the now-revoked Classification and Labelling of Explosives Regulations 1983 (S.I. 1983/1140).

3. These Regulations introduce fees payable by specified persons in respect of the performance by the Executive of certain functions specified in the Borehole Sites and Operations Regulations 1995 (regulation 22 and Schedule 17).

4. These Regulations introduce fees for intervention payable in respect of functions performed by the Executive in relation to contraventions of the relevant statutory provisions (regulations 23 to 25).

5. These Regulations fix or determine the fees payable by an applicant to, in most cases, the Health and Safety Executive (“the Executive”), in respect of an application made for—
   (a) an approval under mines and quarries legislation (regulation 2 and Schedule 1);
   (b) an approval of plant or equipment under the Agriculture (Tractor Cabs) Regulations 1974 (regulation 3 and Schedule 2);
   (c) an approval of a scheme or programme under the Freight Containers (Safety Convention) Regulations 1984 (regulation 4 and Schedule 3);
   (d) a licence under the Control of Asbestos Regulations 2012 and the reassessment of an application to grant, amendment to, and replacement of, such a licence (regulation 5 and Schedule 4);
   (e) an approval of dosimetry services for the purposes of the Ionising Radiations Regulations 1999 or the Radiation (Emergency Preparedness and Public Information) Regulations 2001, and an amendment to such an approval (regulation 8 and Schedule 7);
   (f) a licence to manufacture or store explosives or for registration for storing explosives under the Manufacture and Storage of Explosives Regulations 2005; an acetylene importation licence under section 40(9) of the Explosives Act 1875; an approval under certain instruments made under that Act in relation to acetylene; a licence under the Petroleum (Consolidation) Act 1928; the transfer of a licence under the Petroleum (Transfer of Licences) Act 1936; an explosives certificate under the Control of Explosives Regulations 1991 (regulation 9 and Schedule 8). These Regulations include lower fees in respect of applications for explosives certificates relating to shooters’ powder (entries (g) to (j) and (m) to (p) in Table 1 of Part 8 of Schedule 8);
   (g) an explosives licence under Part IX of the Dangerous Substances in Harbour Areas Regulations 1987 (regulation 11 and Schedule 9),

and in respect of—
   (h) a notification or application under the Genetically Modified Organisms (Contained Use) Regulations 2000 (regulation 13 and Schedule 10);
(i) an “assessment agreement” and a “design proposal” as defined in regulation 16 for nuclear installations (regulation 16 and Schedule 13);

(j) an approval under the Health and Safety (First-Aid) Regulations 1981 (regulations 18 and 20 and Schedule 14);

(k) an approval under the Offshore Installations and Pipeline Works (First-Aid) Regulations 1989 (regulations 19 and 20 and Schedule 15); and

(l) a notification made under the Notification of Conventional Tower Cranes Regulations 2010 (regulation 21 and Schedule 16).

6. These 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 6 and 7 and Schedules 5 and 6).

7. These Regulations fix a fee, payable by employers, to cover the cost to the Executive of processing information sent on behalf of those employers pursuant to the Ionising Radiations Regulations 1999 (regulation 8 and Schedule 7).

8. These 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 2005 (regulation 14 and Schedule 11).

9. 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 1996—

(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 15 and Schedule 12).

10. These Regulations determine fees for advice given to nuclear licensees or potential licensees for the performance by the Executive of the following functions—

(a) preparing an assessment agreement and assessing a design proposal for a nuclear site; and

(b) advice given to potential applicants for a nuclear site licence in relation to their potential application (regulation 16 and Schedule 13).

11. 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 etc. Act 1974 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 2005 (regulation 14);

(b) by—

(i) a person conveying gas who has prepared a safety case pursuant to the Gas Safety (Management) Regulations 1996 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 1996 and a major accident prevention document pursuant to the Pipelines Safety Regulations 1996, 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 15); and
(c) in relation to a nuclear site, by the licensee (regulation 16).

12. Regulation 26 requires the Secretary of State to review the operation and effect of these Regulations and to publish a report within three years after the Regulations come into force. Following the review it will fall to the Secretary of State to consider whether the Regulations should be allowed to expire as regulation 1(2) provides, be revoked early, or continue in force with or without amendment. Given the effect of regulation 1(2), a further instrument would be needed to continue the Regulations in force with or without amendment or to revoke them early.

13. Full impact assessments of the effect that the fees introduced by regulation 22 and regulations 23-25 will have on the costs of business and the third sector are available from the Health and Safety Executive, Financial Management Team, Redgrave Court, Merton Road, Bootle Merseyside L20 7HS. These assessments are annexed to the Explanatory Memorandum, which is available alongside these Regulations at www.legislation.gov.uk.

14. “Guidance on the application of Fee for Intervention” (1st edition) (regulation 23(5)) can be downloaded without charge at www.hse.gov.uk, and a priced copy may be purchased from HSE Books, PO Box 1999, Sudbury, Suffolk CO10 2WA.