
STATUTORY RULES OF NORTHERN IRELAND

2012 No. 255

**The Health and Safety (Fees)
Regulations (Northern Ireland) 2012**

Provisions supplementary to regulations 9 and 10

- 11.—(1) Any fee referred to in regulations 9 and 10 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 shall pay that fee, and such invoices shall include a statement of the work done and the costs incurred including the period to which the statement relates.
- (2) No fee payable under regulations 9 and 10 shall include any costs connected with any—
- (a) criminal investigation or prosecution incurred (in either case) from the date any summons is obtained from a Magistrates' Court; or
 - (b) appeal pursuant to Article 26 of the 1978 Order (appeal against improvement or prohibition notice) and [F1rule 102 of Schedule 1 to the Industrial Tribunals and Fair Employment Tribunal (Constitution and Rules of Procedure) Regulations (Northern Ireland) 2020] .
- (3) For the purposes of regulation 9 and paragraph (2)(a), an installation shall be treated as being in Northern Ireland if it is in the Northern Irish area within the meaning of Article 1 of the Civil Jurisdiction (Offshore Activities) Order 1987^{M1}.
- (4) Any reference in regulation 9 to a person who has prepared a current safety case includes a reference to—
- (a) a person who shall 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 2007 Regulations.
- (5) Any reference in regulation 10 to a person who has prepared a safety case includes a reference to a person who shall prepare a safety case, and in that connection as if any reference in that 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 9 and 10 to work carried out by a contractor is a reference to work carried out for the benefit of the person by whom the fees are payable under that regulation by a contractor or a contractor's employees whether pursuant to an agreement or an arrangement which the contractor has made with that person or with another person.
- (7) Any reference in regulations 9 and 10 to a function conferred on an inspector by the 1978 Order 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 Order which is exercised for the purpose of carrying into effect those provisions in relation to that person.

Changes to legislation: *There are currently no known outstanding effects for the The Health and Safety (Fees) Regulations (Northern Ireland) 2012, Section 11. (See end of Document for details)*

.....

Textual Amendments

- F1** Words in [reg. 11\(2\)\(b\)](#) substituted (27.1.2020) by [The Industrial Tribunals and Fair Employment Tribunal \(Constitution and Rules of Procedure\) Regulations \(Northern Ireland\) 2020 \(S.R. 2020/3\)](#), [reg. 1\(2\)](#), [Sch. 4 Pt. 2 para. 8](#) (with [reg. 18](#))
-

Marginal Citations

- M1** [S.I. 1987 No. 2197](#)

Changes to legislation:

There are currently no known outstanding effects for the The Health and Safety (Fees) Regulations (Northern Ireland) 2012, Section 11.