
 STATUTORY INSTRUMENTS

1986 No. 392

HEALTH AND SAFETY

The Health and Safety (Miscellaneous Fees) Regulations 1986

<i>Made</i>	- - - -	<i>4th March 1986</i>
<i>Laid before Parliament</i>		<i>11th March 1986</i>
<i>Coming into Operation</i>		<i>1st April 1986</i>

The Secretary of State in exercise of the powers conferred on him by sections 43(2), (4), (5) and (6) and 82(3)(a) of the Health and Safety at Work etc. Act 1974(a) ("the 1974 Act") and of all other powers enabling him in that behalf and for the purposes of giving effect without modifications to proposals submitted to him by the Health and Safety Commission under section 11(2)(d) of the 1974 Act, hereby makes the following Regulations:—

Citation, commencement and interpretation

1.— (1) These Regulations may be cited as the Health and Safety (Miscellaneous Fees) Regulations 1986 and shall come into operation on 1st April 1986.

(2) In these Regulations, unless the context otherwise requires—

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

“employment medical adviser” means an employment medical adviser appointed under section 56(1) of the Health and Safety at Work etc. Act 1974;

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

(a) mines and quarries within the meaning of section 180 of the Mines and Quarries Act 1954(b),

(b) tips within the meaning of section 2(1) of the Mines and Quarries (Tips) Act 1969(c),

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

(a) 1974 c.37; section 43 was amended by the Employment Protection Act 1975 (c.71), Schedule 15, paragraph 12.

(b) 1954 c.70.

(c) 1969 c.10.

Quarries Act 1954 to 1971 (Repeals and Modifications) Regulations 1974(a) or are health and safety regulations);

“original approval” and “original authority” do not include an amendment of an approval or an amendment of an authority;

“renewal of approval” or “renewal of licence” means respectively the granting of an approval or licence to follow a previous approval or licence without any amendment or gap in time;

“respiratory protective equipment” includes any respirator and any breathing apparatus.

Fees payable under the mines and quarries provisions

2.— (1) A fee shall be payable by the applicant to the Health and Safety 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) For an original approval, an amendment of approval and a renewal of approval the fee payable for each description of plant, apparatus and in any other case set out in column 1 of Schedule 1 to these Regulations shall be respectively that specified in the corresponding entry in columns 2, 3 and 4.

(3) Where the Executive requires testing to be carried out by its staff to decide whether approval can be granted, a fee shall be payable to the Executive by the applicant on the issue by the Executive of its determination in respect of the application for the approval; and—

- (a) in the case of explosives and detonators, for each test specified in column 1 of Part II of Schedule 1 to these Regulations, the fee shall be that specified in the corresponding entry in column 2;
- (b) in any other case the fee shall be determined under Part III of that Schedule.

Fees payable in respect of approval of respiratory protective equipment and automatic safe load indicators

3.— (1) A fee shall be payable by the applicant to the Health and Safety Executive on each application for approval—

- (a) of respiratory protective equipment—
 - (i) under the Factories Act 1961(b), or any regulations made or having effect as if made under that Act,
 - (ii) under the Control of Lead at Work Regulations 1980(c), and
 - (iii) under the Ionising Radiations Regulations 1985(d); and
- (b) of automatic safe load indicators under the Construction (Lifting Operations) Regulations 1961(e).

(a) S.I. 1974/2013.
(d) S.I. 1985/1333.

(b) 1961 c.34.
(e) S.I. 1961/1581.

(c) S.I. 1980/1248.

(2) The fee payable for approval of each subject matter described in column 1 of Schedule 2 to these Regulations shall be that specified in the corresponding entry in column 2 of that Schedule.

(3) For the purpose of paragraph (2) of this Regulation, in calculating the number of man-hours involved, no account shall be taken of any typing, messenger or other ancillary work for which no further charge shall be payable.

Fees payable under the Agriculture (Tractor Cabs) Regulations 1974 and the Poisonous Substances in Agriculture Regulations 1984

4.— (1) A fee shall be payable by the applicant to the Health and Safety Executive on each application for approval of plant and equipment under—

- (a) the Agriculture (Tractor Cabs) Regulations 1974(a); and
- (b) the Poisonous Substances in Agriculture Regulations 1984(b).

(2) The fee payable for the approval of each subject matter described in column 1 of Schedule 3 to these Regulations shall be that specified in the corresponding entry in column 2 of that Schedule.

Fee payable under the Freight Containers (Safety Convention) Regulations 1984

5.— (1) A fee shall be payable by the applicant to the Health and Safety Executive on each application for approval of a scheme or programme for examination of freight containers under the Freight Containers (Safety Convention) Regulations 1984(e).

(2) The fee payable for the approval described in column 1 of Schedule 4 to these Regulations shall be that specified in the corresponding entry in column 2 of that Schedule.

Fee payable for a licence under the Asbestos (Licensing) Regulations 1983

6.— (1) A fee shall be payable by the applicant to the Health and Safety Executive on each application for a licence under the Asbestos (Licensing) Regulations 1983(d).

(2) The fee payable for licence of each subject matter described in column 1 of Schedule 5 to these Regulations shall be that specified in the corresponding entry in column 2 of that Schedule.

Fees payable for examination by an employment medical adviser

7.— (1) A fee shall be payable to the Health and Safety Executive by an employer in respect of a medical examination of each of his employees by an employment medical adviser for the purposes of any provision specified in

(a) S.I. 1974/2034; relevant amending instruments are S.I. 1976/1247, 1980/1036, 1981/1414.

(b) S.I. 1984/1114.

(c) S.I. 1984/1890.

(d) S.I. 1983/1649.

column 1 of Schedule 6 to these Regulations; and the fee shall be ascertained in accordance with paragraph (2) of this Regulation.

(2) The fee shall be a basic fee for each examination together with additional fees for X-rays and laboratory tests where these are taken or carried out in connection with the examination (whether in pursuance of a requirement in the relevant provision or not); and for each provision specified in column 1 of Schedule 6 to these Regulations—

- (a) the basic fee shall be the amount specified in column 3 for that provision;
- (b) the additional fee for X-rays shall be the amount specified in column 4 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 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 the Asbestos (Licensing) Regulations 1983, that self-employed person shall pay to the Executive fees ascertained in accordance with paragraph (2) of this Regulation.

Fee for medical surveillance by an employment medical adviser under the Control of Lead at Work Regulations 1980

8. A fee shall be payable to the Health and Safety 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 1980; and that fee shall be ascertained in accordance with Schedule 7 to these Regulations.

Miscellaneous fees payable under the Explosives Act 1875 and instruments made thereunder, and under the Gas Cylinders (Conveyance) Regulations 1931

9.— (1) A fee shall be payable by the applicant to the Health and Safety Executive on each application being made for each of the purposes specified in column 1 of Parts I, II, III and IV of Schedule 8 to these Regulations.

(2) The fee payable under paragraph (1) of this Regulation shall be that specified in the corresponding entry in column 2 of the Parts mentioned in that paragraph.

(3) Where the Executive requires any testing to be carried out in connection with any of the purposes specified in column 1 of Part V of Schedule 8 to these Regulations a further fee specified in column 2 of that Part in respect of each man-hour or any part thereof certified as having been worked in respect of that testing shall be payable by the applicant to the Executive prior to the granting of the application.

(4) For the purpose of paragraph (2) of this Regulation, in calculating the number of hours worked in any case, no account shall be taken of any typing messenger or ancillary work (for which no further charge shall be payable).

Revocations

10. The Regulations specified in columns 1 and 2 of Schedule 9 to these Regulations are hereby revoked to the extent specified in column 3 of that schedule.

Northern Ireland

11. These Regulations shall not apply to Northern Ireland.

Signed by order of the Secretary of State.

David Trippier,
Parliamentary Under Secretary of State,
Department of Employment.

4th March 1986.

Regulation 2

SCHEDULE 1

PART I

Approval of plant, apparatus or substance under the mines and quarries provisions.

1 Subject matter of approval	2 Fees for an original approval	3 Fee for amendment of approval	4 Fee for renewal of approval
(a) Approval of breathing apparatus	£ 123	£123	£40
(b) Approval of dust respirators	£ 123	£123	£40
(c) Approval of explosives	£ 155	£105	£40
(d) Approval of locomotive or other vehicle	£1,045	£220	£40
(e) Approval of signalling apparatus	£ 105	£ 95	£40
(f) Approval in any other case	£ 200	£130	£40

PART II

Fees for testing explosives and detonators under the mines and quarries provisions.

1 Test	2 Fees for test
Ballistic pendulum shot	£ 14
Break test shot	£ 25
Deflagration shot	£ 14
Detonator test (per 100 shots)	£123
Gallery shot	£ 45
Mortar shot	£ 15
Velocity of detonation test (per 3 shots)	£ 45

PART III

Fees for other testing.

The fee for any testing not fixed by Part II of this Schedule shall be £45 for each man-hour of work done in the testing, excluding any typing, messenger or other ancillary work (for which no further charge shall be payable).

Regulation 3

SCHEDULE 2

Approvals of respiratory protective equipment, blasting helmets, and automatic safe load indicators.

1 Subject matter of approval	2 Fee
(a) Approval of respiratory protective equipment	£45 per man hour
(b) Approval of blasting helmets	£45 per man hour
(c) Approval of automatic safe load indicators	£32 per man hour

SCHEDULE 3

Regulation 4

Approvals under the Agriculture (Tractor Cabs) Regulations 1974, and Poisonous Substances in Agriculture Regulations 1984.

1 Subject matter of approval	2 Fee
(a) Original approval of tractor cab	£115
(b) Approval of amendment of an approval where the specification of a tractor cab is modified	£ 90
(c) Approval of any other amendment of an approval	£ 19
(d) Approval of respiratory protective equipment	£ 67

SCHEDULE 4

Regulation 5

Approval under the Freight Containers (Safety Convention) Regulations 1984.

1 Subject matter of approval	2 Fee
Approval of scheme or programme for examination of freight containers	£75

SCHEDULE 5

Regulation 6

Licence under the Asbestos (Licensing) Regulations 1983.

1 Subject matter of licence	2 Fee
(a) Licence for work with asbestos insulation or asbestos coating	£100
Renewal of original licence granted under (a) above	£ 50

Regulation 7

SCHEDULE 6

Fees for examination by employment medical adviser.

Provision	Reference	Basic fee	Additional fees where appropriate	
			Fee for X-Rays	Fee for laboratory tests
1	2	3	4	5
(a) The Indiarubber Regulations 1922.	S.R. & O. 1922/329 (relevant amending instruments are S.I. 1973/36 and S.I. 1980/1248).	£22	£24	£14.50
(b) The Chemical Works Regulations 1922	S.R. & O. 1922/731 (relevant amending instrument is S.I. 1973/36).	£25.50	£24	£14.50
(c) The Patent Fuel Manufacture (Health and Welfare) Special Regulations 1946.	S.R. & O. 1946/258 (relevant amending instrument is S.I. 1973/36).	£22	£24	£14.50
(d) The Mule Spinning (Health) Special Regulations 1953.	S.I. 1953/1545 (relevant amending instrument is S.I. 1973/36).	£22	£24	£14.50
(e) The Work in Compressed Air Special Regulations 1958	S.I. 1958/61 (relevant amending instrument is S.I. 1973/36).	£24.50	£24	£14.50
(f) The Carcinogenic Substances Regulations 1967.	S.I. 1967/879 (relevant amending instrument is S.I. 1973/36).	£27	£24	£14.50
(g) The Asbestos (Licensing) Regulations 1983.	S.I. 1983/1649.	£32.50	£24	£14.50
(h) The Ionising Radiations Regulations 1985.	S.I. 1985/1333.	£35	£24	£14.50
(i) Surveillance under (h) above which is confined to examination of, and making of entries in, records.		£10.50	—	—

SCHEDULE 7

Regulation 8

Fees for medical surveillance by employment medical adviser under the Control of Lead at Work Regulations 1980.

The fees payable under Regulation 8 for medical surveillance for the purposes of the Control of Lead at Work Regulations 1980 shall be—

- (a) for the first assessment (including any clinical medical examination and laboratory tests in connection with the assessment) of an employee, £34.50;
- (b) in connection with any other assessment of an employee—
 - (i) for laboratory tests where these are carried out, £25.50;
 - (ii) for a clinical medical examination where this is carried out, £11.

SCHEDULE 8

Regulation 9

Miscellaneous Fees payable under the Explosives Act 1875 and instruments made thereunder, and under the Gas Cylinders (Conveyance) Regulations 1931.

PART I

Applications under paragraph (1) of the proviso to Order in Council (No. 30) of 2nd February 1937(a) for approvals of premises and apparatus in which acetylene is to be manufactured or kept.

1 Purpose of application	2 Fee
Original approval of premises in which acetylene is to be manufactured or kept	£235
Amendment of an approval of premises in which acetylene is to be manufactured or kept	£ 37
Approval of apparatus in which acetylene is to be manufactured or kept	£ 14

PART II

Applications for comparisons and approvals in respect of conditions (1), (5) and (8) in the Order of Secretary of State (No. 9) of 23rd June 1919(b).

1 Purpose of application	2 Fee
Comparison of a porous substance with a sample porous substance	£ 14
Approval of an acetylene cylinder design	£ 36
Original approval of premises in which acetylene is compressed	£235
Amendment of an approval of premises in which acetylene is compressed	£ 37

(a) S.R. & O. 1937/54; relevant amending instruments are S.R. & O. 1947/805; S.I. 1974/1885.

(b) S.R. & O. 1919/809, amended by S.I. 1974/1885.

PART III

Applications for approvals for the purpose of exemption orders made under Regulation 14 of the Gas Cylinders (Conveyance) Regulations 1931(a).

1 Purpose of application	2 Fee
Approval of a gas cylinder manufacturer	£4,000
Approval of the design of a gas cylinder	£ 36
Approval of a supplier of the material of which a gas cylinder is manufactured	£ 21
Approval of a gas cylinder inspection body	£ 600
Approval of a user of a gas cylinder manufactured and tested in accordance with the provisions of Home Office Specifications LASS 1 or LASW 1	£ 21

PART IV

Miscellaneous application.

1 Purpose of application	2 Fee
Authorisation of an explosive to be manufactured for general sale or to be imported for general sale, with or without a licence	£12
Grant of an original special packing authority under Rule 12 of the Packing of Explosive for Conveyance Rules 1949(b)	£50
Amendment to a special packing authority as above	£14
Grant of an ammonium nitrate mixtures licence under Article 3 of the Ammonium Nitrate Mixtures Exemption Order 1967(c)	£18

(a) S.R. & O. 1931/679; relevant amending instruments are S.R. & O. 1947/1594; S.I. 1974/1942.

(b) S.I. 1949/798, to which there are no relevant amendments.

(c) S.I. 1967/1485.

PART V

Further fees payable in respect of certain testing required by the Health and Safety Executive.

1 Purpose of application	2 Fee
Application for a licence to be granted under or in pursuance of section 40(9) of the Explosives Act 1875(a) for the importation of explosives which are not at the time of application authorised to be manufactured for general sale or imported for general sale	£25 per man hour
Approval of apparatus in which acetylene is to be manufactured or kept (Part I above)	£25 per man hour
Comparison of a porous substance with a sample porous substance (Part II above)	£25 per man hour
Authorisation of an explosive to be manufactured for general sale or to be imported for general sale, with or without a licence (Part IV above)	£25 per man hour

SCHEDULE 9

Regulation 10

Revocations.

1 Regulations revoked	2 Reference	3 Extent of revocation
The Mines and Quarries (Fees for Approvals) Regulations 1980	S.I. 1980/1233.	The whole Regulations.
The Health and Safety (Miscellaneous Fees for Approvals) Regulations 1983	S.I. 1983/70.	The whole Regulations.
The Explosives and Related Matters (Fees) Regulations 1983	S.I. 1983/1450.	Regulations 2(2), and (3) and Parts II, III, IV and V of Schedule.
The Asbestos (Licensing) Regulations 1983	S.I. 1983/1649.	Regulation 4(6).
The Mines and Quarries (Fees for Approvals) (Amendment) Regulations 1984	S.I. 1984/310.	The whole Regulations.
The Freight Containers (Safety Convention) Regulations 1984	S.I. 1984/1890.	Regulation 7(3).
The Health and Safety (Fees for Medical Examinations) Regulations 1985	S.I. 1985/279.	The whole Regulations.
The Ionising Radiations Regulations 1985	S.I. 1985/1333.	Regulation 38.

(a) 1875 c.17; section 40(9) was amended by Orders in Council (No. 10) of 27th November 1875 (Rev. VII, p. 40) and (No. 10A) of 26th June 1884 (Rev. VIII, p. 41) and S.I. 1974/1885, and 1978/1723.

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

1. These Regulations supersede and revoke the Regulations listed in Schedule 9 to the extent specified in column 3 of that Schedule (Regulation 10 and Schedule 9.) They fix or determine the fees payable by an applicant to the Health and Safety 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 certain respiratory protective equipment and of automatic safe load indicators (Regulation 3 and Schedule 2);
- (c) an approval of plant or equipment under the Agriculture (Tractor Cabs) Regulations 1974 and the Poisonous Substances in Agriculture Regulations 1984 (Regulation 4 and Schedule 3);
- (d) an approval of a scheme or programme under the Freight Containers (Safety Convention) Regulations 1984 (Regulation 5 and Schedule 4);
- (e) a licence under the Asbestos (Licensing) Regulations 1983 (Regulations 6 and Schedule 5);
- (f) an approval, authorisation or licence etc. under the Explosives Act 1875, and certain instruments thereunder and for the purpose of each of the exemption orders made under the Gas Cylinders (Conveyance) Regulations 1931 (Regulation 9 and Schedule 8). The Home Office Specifications referred to in Part III of Schedule 8 are obtainable from Her Majesty's Explosives Inspectorate, Health and Safety Executive, Magdalen House, Stanley Precinct, Bootle, Merseyside L20 3QZ.

2. The Regulations also fix the 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 7 and 8 and Schedules 6 and 7).

3. The changes to the fees fixed by or determined under the previous Regulations are as follows—

<i>Provision of this Regulation which changes the previous fee</i>	<i>Previous fee</i>	<i>New fee</i>
Schedule 1 Part II		
Gallery shot	£43.00	£45.00
Mortar shot	£10.00	£15.00
Velocity of detonation test (per 3 shots)	£28.00	£45.00
Schedule 1 Part III	£33.00 per man hour	£45.00 per man hour
Schedule 2		
Approval of Respiratory protective equipment	} £115.00 basic fee plus additional fee of £25 per man hour when total time spent exceeds 6 man hours	£45.00 per man hour
Approval of Blasting Helmets		£45.00 per man hour
Approval of automatic safe load indicators		£32.00 per man hour
Schedule 3		
Approval of Respiratory Protective equipment	£17.00	£67.00

<i>Provision of this Regulation which changes the previous fee</i>	<i>Previous fee</i>			<i>New fee</i>		
	Basic fee	Fee for X-rays	Fee for laboratory tests	Basic fee	Fee for X-rays	Fee for laboratory tests
Schedule 6						
(a) The Indiarubber Regulations 1922.	£21.00	£22.50	£13.50	£22.00	£24.00	£14.50
(b) The Chemical Works Regulations 1922.	£24.50	£22.50	£13.50	£25.50	£24.00	£14.50
(c) The Patent Fuel Manufacture (Health and Welfare) Special Regulations 1946.	£21.00	£22.50	£13.50	£22.00	£24.00	£14.50
(d) The Mule Spinning (Health) Special Regulations 1953.	£21.00	£22.50	£13.50	£22.00	£24.00	£14.50
(e) The Work in Compressed Air Special Regulations 1958.	£23.00	£22.50	£13.50	£24.50	£24.00	£14.50

<i>Provision of this Regulation which changes the previous fee</i>	<i>Previous fee</i>			<i>New fee</i>		
	Basic fee	Fee for X-rays	Fee for laboratory tests	Basic fee	Fee for X-rays	Fee for laboratory tests
(f) The Carcinogenic Substances Regulations 1967.	£26.00	£22.50	£13.50	£27.00	£24.00	£14.50
(g) The Asbestos (Licensing) Regulations 1983.	£30.00	£22.50	£13.50	£32.50	£24.00	£14.50
(h) The Ionising Radiations Regulations 1985.	£33.00	£22.50	£15.00	£35.00	£24.00	£15.50
(i) Surveillance under (h) above which is confined to examination of, and making of entries in, records.	£10.00	—	—	£10.50	—	—
Schedule 7						
(a) First assessment (including any connected clinical medical examination and laboratory tests)	£32.00			£34.50		
(b) Other assessments laboratory tests	£24.00			£25.50		
Clinical medical examination	£10.50			£11.00		

4. The Regulations do not apply to Northern Ireland.

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