

1987 No. 52

HEALTH AND SAFETY

**The Health and Safety (Explosives and Petroleum Fees)
(Modification) Regulations 1987**

<i>Made</i> - - - -	<i>22nd January 1987</i>
<i>Laid before Parliament</i>	<i>30th January 1987</i>
<i>Coming into Force</i>	<i>20th February 1987</i>

The Secretary of State, in exercise of the powers conferred on him by sections 15(1) and (3)(a), 43(2), (4), (5), (6) and (9), 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 purpose 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 after the carrying out by the said Commission of consultations in accordance with section 50(3) of that Act, hereby makes the following Regulations:-

Citation and commencement

1. These Regulations may be cited as the Health and Safety (Explosives and Petroleum Fees) (Modification) Regulations 1987 and shall come into force on 20th February 1987.

Modification and repeal of statutory provisions

2. The provisions specified in column 1 of Schedule 1 to these Regulations (which relate to fees payable in respect of the matters described in the corresponding entry in column 2 of the Schedule) are hereby modified or repealed, as the case may be, to the extent specified in the corresponding entry in column 3 of that Schedule.

Prescribed fees and maximum fees

3.—(1) Where any application in relation to a provision specified in column 1 of Part I of Schedule 2 to these Regulations 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 Health and Safety Executive.

(2) The fee or maximum fee payable under each provision in column 1 of Part II of Schedule 2 to these Regulations for a purpose described in the corresponding entry in column 2 of that Part shall be that specified in the corresponding entry in column 3 of that Part.

(a) 1974 c.37; sections 15(1) and 43(6) were substituted respectively by paragraphs 6 and 12 of Schedule 15 to the Employment Protection Act 1975 (c.71).

Date from which licence etc. takes effect to determine whether old or new fees apply

4. Notwithstanding the provisions of section 4 of the Petroleum (Consolidation) Act 1928 (a) or section 1(4) of the Petroleum (Transfer of Licences) Act 1936 (b) the fees for petroleum licences substituted by these Regulations shall be payable for any licence first having effect or any transfer or renewal of a licence taking effect on or after 20th February 1987, irrespective of the date of the application for that licence, transfer or renewal.

Revocations

5. The instruments specified in column 1 of Schedule 3 to these Regulations are hereby revoked to the extent specified in the corresponding entry in column 3 of that Schedule.

Northern Ireland

6. These Regulations shall not apply to Northern Ireland.

Signed by order of the Secretary of State
22nd January 1987

David Trippier
Parliamentary Under Secretary of State
Department of Employment

(a) 1928 c.32. (b) 1936 c.27.

SCHEDULE 1

Regulation 2

LEGISLATION MODIFIED OR REPEALED

(1) <i>Statutory provisions modified or repealed</i>	(2) <i>Matter to which provision in column 1 relates</i>	(3) <i>Extent of modification or repeal</i>
Explosives Act 1875 c.17.		
Section 15 (relevant amending instrument is S.I. 1985/1108)	Grant of an explosives store licence	For "£36", substitute "that from time to time fixed by or determined under regulations made in accordance with section 43(2) of the Health and Safety at Work etc. Act 1974".
Section 18 (relevant amending instrument is S.I. 1985/1108)	Renewal of an explosives store licence	For "£36", substitute "that from time to time fixed by or determined under regulations made in accordance with section 43(2) of the Health and Safety at Work etc. Act 1974".

SCHEDULE 1 - *continued*

(1) <i>Statutory provisions modified or repealed</i>	(2) <i>Matter to which provision in column 1 relates</i>	(3) <i>Extent of modification or repeal</i>
Section 21 (relevant amending instrument is S.I. 1985/1108)	Registration and renewal of registration of premises used for keeping of explosives	In the first place where it occurs, for "£6" substitute "that from time to time fixed by or determined under regulations made in accordance with section 43(2) of the Health and Safety at Work etc. Act 1974" and, in the second place where it occurs, for "£6" substitute "that from time to time fixed by or determined under those regulations."
Section 26 (relevant amending instruments are S.I. 1974/1885 and S.I. 1983/1450)	Fees for licences	For "the maximum fee which such authority are authorised to fix" substitute "that from time to time fixed by or determined under regulations made in accordance with section 43(2) of the Health and Safety at Work etc. Act 1974".
Petroleum (Consolidation) Act 1928 c.32.		
Section 4 (relevant amending instrument is S.I. 1974/1942)	Licence to keep petroleum-spirit	For "shown in the scale set out in the First Schedule to this Act or such lower scale as the Secretary of State may, with the consent of the Treasury, prescribe by regulations" substitute "fixed by or determined under regulations made in accordance with section 43(2) of the Health and Safety at Work etc. Act 1974".
Schedule 1 (relevant amending instrument is S.I. 1983/1640)	Rate of fees payable in respect of licences to keep petroleum-spirit.	Repeal the whole schedule.
Petroleum (Transfer of Licences) Act 1936 c.27.		
Section 1(4) (relevant amending instruments are S.I. 1974/1942 and S.I. 1983/1640)	Transfer of petroleum-spirit licence	For "a fee of £4" substitute "the fee from time to time fixed by or determined under regulations made in accordance with section 43(2) of the Health and Safety at Work etc. Act 1974".

SCHEDULE 2

Regulation 3

FEE
PART I

(1) <i>Provision under which a licence is granted</i>	(2) <i>Purpose of application</i>	(3) <i>Fee</i>
Explosives Act 1875 c.17.		
Section 6 (as applied to explosives other than gunpowder by sections 39 and 40)	Factory licence	£470; plus £26 additional fee for each building or other place in which explosives are to be made or kept.
	Factory amending licence	£85; plus £6 additional fee for each building or other place to be specified in the amending licence and in which explosives are to be made or kept.
	Replacement of one of the above licences if lost	£12.50.
Section 12 (as applied to explosives other than gunpowder by sections 39 and 40)	Magazine licence	£345; plus £26 additional fee for each building or other place in which explosives are to be kept.
	Magazine amending licence	£31; plus £6 additional fee for each building or other place to be specified in the amending licence and in which explosives are to be kept.
	Replacement of one of the above licences if lost	£12.50.
Section 40(9)	Licence for importation of explosives	£26.50.
	Licence for importation of a consignment of explosives which are not to be distributed in Great Britain but imported for transshipment only	£26.50.
	Replacement of one of the above licences if lost	£13.
	The issue of a new licence replacing the original and incorporating an amendment	£9.

FEE OR MAXIMUM FEE

(1) <i>Provision under which a fee or maximum fee is payable</i>	(2) <i>Purpose of application</i>	(3) <i>Fee or Maximum fee</i>
Explosives Act 1875 c.17.		
Section 15 (see note 1)	A store licence	£36.
Section 18 (see note 1)	Renewal of a store licence	£36.
Section 21 (see note 1)	Registration and renewal of registration of premises for the keeping of explosives with a local authority	£6.
Petroleum (Consolidation) Act 1928 c.32.		
Section 4 (see notes 2 and 3)	Licence to keep petroleum spirit of a quantity – not exceeding 2,500 litres	£20 for each year of licence.
	exceeding 2,500 litres, but not exceeding 50,000 litres	£30 for each year of licence.
	exceeding 50,000 litres	£59 for each year of licence.
Petroleum (Transfer of Licences) Act 1936 c.27.		
Section 1(4)	Transfer of petroleum spirit licence	£5.

Note:

(1) Part I of the Explosives Act 1875 (which includes sections 15, 18 and 21) is applied to explosives other than gunpowder by sections 39 and 40 of that Act.

(2) In the case of a solid substance for which by virtue of an Order in Council made under section 19 of the Petroleum (Consolidation) Act 1928 a licence is required, the fee payable under this Schedule shall be calculated as if one kilogram of the substance were equivalent to one litre.

(3) The fee payable for a licence of more or less than one year's duration shall be the fee set out above increased or decreased, as the case may be, proportionately according to the duration of the period for which the licence is granted or renewed.

**SCHEDULE 3
REVOCATIONS**

Regulation 5

(1) <i>Instrument revoked</i>	(2) <i>Reference</i>	(3) <i>Extent of revocation</i>
The Explosives (Fees for Importation) Order 1958	S.I. 1958/136	The whole instrument in so far as it applies to Great Britain.
The Explosives and Related Matters (Fees) Regulations 1983	S.I. 1983/1450	The whole instrument.
The Petroleum (Regulation) Acts 1928 and 1936 (Fees) Regulations 1983	S.I. 1983/1640	The whole instrument.
The Explosives (Licensing of Stores and Registration of Premises) Fees Regulations 1985	S.I. 1985/1108	The whole instrument.

EXPLANATORY NOTE

(This note is not part of the Regulations)

1. The Regulations supersede and revoke the Regulations listed in Schedule 3 to the extent specified in column 3 of that Schedule. They fix or determine the fees or maximum fees payable in respect of an application for –

- (a) a licence (and an amending licence) of a factory for explosives;
- (b) a licence (and an amending licence) of a magazine for explosives;
- (c) licences (and amending licences) for importation and transhipment of explosives;
- (d) replacement of one of the above-mentioned licences;
- (e) an explosives store licence or renewal of an explosives store licence;
- (f) registration or renewal of registration of premises for the keeping of explosives;
- (g) licence to keep a quantity of petroleum spirit;
- (h) transfer of a petroleum spirit licence;

(Regulation 3 and Schedule 2)

In the case of amendment or replacement of an import or transhipment licence the fee is fixed for the first time.

2. The Regulations modify and repeal provisions in the Explosives Act 1875, the Petroleum (Consolidation) Act 1928 and the Petroleum (Transfer of Licences) Act 1936 (Regulation 2 and Schedule 1).

3. Regulation 3 and Schedule 2 to these Regulations change the fees previously fixed as follows:-

(a) *Explosives*

<i>(1)</i> <i>Item</i>	<i>(2)</i> <i>Previous</i> <i>fee</i>	<i>(3)</i> <i>New</i> <i>fee</i>
Factory licence (each building)	£25	£26
Magazine licence (each building)	£25	£26
Factory amending licence	£29	£85
Magazine amending licence	£29	£31
Replacement of licences above	£12	£12.50
Amendment of Import/Transshipment licence	£ 0	£ 9
Replacement of Import/Transshipment licence	£ 0	£13

(b) *Petroleum Spirit*

<i>(1)</i> <i>Item</i>	<i>(2)</i> <i>Previous</i> <i>fee</i>	<i>(3)</i> <i>New</i> <i>fee</i>
A licence to keep a quantity –		
not exceeding 2500 litres	£17 per annum	£20 per annum
exceeding 2500 litres, not exceeding 50,000 litres	£26 per annum	£30 per annum
exceeding 50,000 litres	£51 per annum	£59 per annum
Transfer of a licence	£4 each	£5 each

4. The Regulations do not apply to Northern Ireland (Regulation 6).