

SCHEDULE 5

AMENDMENTS

PART 2

AMENDMENTS TO SECONDARY LEGISLATION

The Health and Safety (Fees) Regulations 2005

45.—(1) The Health and Safety (Fees) Regulations 2005⁽¹⁾ are amended as follows.

(2) In paragraph (2) of regulation 1 (citation, commencement and interpretation), for the definition of “renewal of approval” and “renewal of licence” substitute —

““renewal of approval”, “renewal of explosives certificate”, “renewal of licence” or “renewal of registration” means respectively the granting of an approval, explosives certificate, licence or registration to follow a previous approval, explosives certificate, licence or registration without any amendment or gap in time; and”.

(3) In regulation 9 (fees payable under the Explosives Act 1875⁽²⁾ and instruments made thereunder, under the Petroleum (Consolidation) Act 1928⁽³⁾, the Petroleum (Transfer of Licences) Act 1936⁽⁴⁾ and the Classification and Labelling of Explosives Regulations 1983⁽⁵⁾), substitute —

(a) after paragraph (1), insert —

“(1A) Where any application in relation to a provision specified in column 1 of Part 1A of Schedule 8 is made to the Executive, where it is the licensing authority by virtue of paragraphs 1(b) or (c) or 2 of Schedule 1 to the 2005 Regulations, 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 Executive, save that —

(a) in the case of an application referred to in column 2 of that Part for a licence to manufacture ammonium nitrate blasting intermediate, or to vary any such licence, the fee —

(i) referred to in column 3 of that Part as an amount per hour, shall be adjusted pro rata for a period worked of less than one hour; and

(ii) shall be payable prior to notification of the result of the application.

(1B) Where any application under a provision specified in column 1 of Part 1B of Schedule 8 is made to a licensing authority, which is the licensing authority by virtue of paragraph 1(a) of Schedule 1 to the 2005 Regulations, 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 that licensing authority.”.

(b) for paragraph (3), substitute —

“(3) A fee shall be payable to the Executive where the Executive requires any work to be carried out by its specialist inspectors in connection with any application in respect of which a fee is payable by virtue of paragraphs (1) or (1A) for any purpose specified in column 2 of each of Parts 1 and 1A of Schedule 8 for which there is a corresponding entry in column 4 of the respective Part, and the fee for work in connection with each such

(1) S.I. 2005/676.

(2) 1875 c. 17.

(3) 1928 c. 32.

(4) 1936 c. 27.

(5) S.I. 1983/1140, to which there are amendments not relevant to these Regulations.

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purpose shall be that specified in the corresponding entry in column 4 of that Part for each hour worked, adjusted pro rata for a period worked of less than one hour, and such fee shall be payable prior to the notification of the result of the application.”;

- (c) in paragraph (4), for “entry (a)” substitute “the entry”;
- (d) in paragraph (6), for “Parts 3, 4 and 5” substitute “Parts 3 and 4”;
- (e) in paragraph (8) —
 - (i) for “Part 2” substitute “Parts 1B and 2”; and
 - (ii) for “the Notes to that Part” substitute “, respectively, the Notes to Parts 1B and 2”;
- (f) after paragraph (8), insert —

“(9) Where any application in relation to the provision specified in column 1 of Part 7 of Schedule 8 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 chief officer of police.

(10) Where, in relation to an application for an explosives certificate under the Control of Explosives Regulations 1991(6), a check is carried out for the purposes of regulation 4(6)(d) of those Regulations to ascertain whether the applicant is a prohibited person or not, a fee shall be payable by the applicant to the chief officer of police and the fee, which shall be payable prior to that check being carried out, shall be that specified in Table 2 to Part 7 of Schedule 8.

- (11) For the purposes of this regulation and Schedule 8 —
 - (a) “the 2005 Regulations” means the Manufacture and Storage of Explosives Regulations 2005;
 - (b) “ammonium nitrate blasting intermediate”, “licence”, “licensing authority”, “on-site mixing”, “registered” and “registration” have the same meanings as in the 2005 Regulations; and
 - (c) “chief officer of police”, “explosives certificate” and “prohibited person” have the same meanings respectively as in the Control of Explosives Regulations 1991.”.

(4) In Schedule 8 (fees payable under the Explosives Act 1875 and instruments made thereunder, under the Petroleum (Consolidation) Act 1928, the Petroleum (Transfer of Licences) Act 1936 and the Classification and Labelling of Explosives Regulations 1983) —

- (a) in Part 1 (applications for factory licences, magazine licences, acetylene importation licences and amending licences under sections 6, 12 and 40(9) of the Explosives Act 1875 and replacement of such licences), omit the entries relating to sections 6 and 12 of the Explosives Act 1875; and
- (b) after Part 1, insert the following Parts —

“PART 1A

APPLICATIONS FOR LICENCES, OR VARIATIONS OF LICENCES, TO MANUFACTURE OR STORE EXPLOSIVES MADE TO THE EXECUTIVE WHERE IT IS THE LICENSING AUTHORITY BY VIRTUE OF PARAGRAPHS 1(b) OR

(6) [S.I. 1991/1531](#), to which there are amendments not relevant to these Regulations.

(c) OR 2 OF SCHEDULE 1 TO THE MANUFACTURE
AND STORAGE OF EXPLOSIVES REGULATIONS 2005

<i>1</i> <i>Provision in relation to which the application is made</i>	<i>2</i> <i>Purpose of application</i>	<i>3</i> <i>Fee</i>	<i>4</i> <i>Fee for work by Specialist Inspector</i>
The Manufacture and Storage of Explosives Regulations 2005			
Regulation 9, as extended by regulation 2(2) of those Regulations to the manufacture of ammonium nitrate blasting intermediate	Licence to manufacture explosives not being ammonium nitrate blasting intermediate nor relating to on-site mixing	£557	£ 115 per hour worked
	Licence to manufacture ammonium nitrate blasting intermediate	£137 per hour worked	
	Licence to manufacture explosives by means of on-site mixing	£205	£115 per hour worked
	Renewal of any of the above licences	£73	£115 per hour worked
Regulation 10	Licence to store explosives	£557	£115 per hour worked
	Renewal of licence	£73	£115 per hour worked
Regulation 16	Varying a licence — (a) to manufacture explosives not being ammonium nitrate blasting intermediate, or (b) to store explosives	£381	£115 per hour worked
	Varying a licence to manufacture ammonium nitrate blasting intermediate	£137 per hour worked	
	Regulation 20	Transfer of licence	£47

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<i>1</i> <i>Provision in relation to which the application is made</i>	<i>2</i> <i>Purpose of application</i>	<i>3</i> <i>Fee</i>	<i>4</i> <i>Fee for work by Specialist Inspector</i>
	Replacement of any of the licences referred to in this Part if lost	£47	

PART 1B

APPLICATIONS FOR LICENCES TO STORE EXPLOSIVES AND FOR REGISTRATION IN RELATION TO THE STORAGE OF EXPLOSIVES MADE TO LICENSING AUTHORITIES WHICH ARE LICENSING AUTHORITIES BY VIRTUE OF PARAGRAPH 1(a) OF SCHEDULE 1 TO THE MANUFACTURE AND STORAGE OF EXPLOSIVES REGULATIONS 2005

<i>1</i> <i>Provision under which application made</i>	<i>2</i> <i>Purpose of application</i>	<i>3</i> <i>Fee</i>
The Manufacture and Storage of Explosives Regulations 2005		
Regulation 10 (see Notes 1 to 3)	Licence to store explosives:	
	(a) one year's duration	£100
	(b) two years' duration	£150
	(c) three years' duration	£200
	Renewal of a licence:	
	(a) one year's duration	£75
	(b) two years' duration	£125
	(c) three years' duration	£175
Regulation 11 (see Notes 1 to 3)	Registration in relation to the storage of explosives:	
	(a) one year's duration	£60
	(b) two years' duration	£90
	(c) three years' duration	£120
	Renewal of registration:	
	(a) one year's duration	£30
	(b) two years' duration	£60
	(c) three years' duration	£90

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<i>1</i> <i>Provision under which application made</i>	<i>2</i> <i>Purpose of application</i>	<i>3</i> <i>Fee</i>
Regulation 16	Varying a licence: (a) varying name of licensee or address of site (b) any other kind of variation	£30 the reasonable cost to the licensing authority of having the work carried out
Regulation 20	Transfer of licence or registration Replacement of licence or registration referred to above if lost	£30 £30

Notes:

1. The fee payable for —
 - (a) a licence,
 - (b) registration, or
 - (c) renewal of a licence or registration, of less than one year's duration shall be, respectively, the fee set out above for a licence, registration or a renewal of a licence or registration, of one year's duration decreased proportionately according to the duration of the period for which the licence, registration or renewal of either is granted.
2. The fee payable for—
 - (a) a licence,
 - (b) registration, or
 - (c) renewal of a licence or registration, of more than one but less than two years' duration shall be, respectively, the fee set out above for a licence, registration or a renewal of a licence or registration of one year's duration increased proportionately according to the duration of the period for which the licence, registration or a renewal of either is granted.
3. The fee payable for —
 - (a) a licence,
 - (b) registration, or
 - (c) renewal of a licence or registration,

of more than two but less than three years' duration shall be, respectively, the fee set above for a licence, registration or renewal of a licence or registration of two years increased proportionately according to the duration of the period for which the licence, registration, or renewal of either is granted.”;

- (c) in Part 2 (fee or maximum fee payable in respect of applications for the granting and renewal of an explosives store licence, the registration or renewal of registration of premises used for keeping explosives and the granting and transfer of petroleum-spirit licences), omit the entries relating to the Explosives Act 1875;

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- (d) in Part 5 (miscellaneous applications), omit entry (b);
- (e) in Part 6 (further fees payable in respect of certain testing required by the Health and Safety Executive), omit entry (e);
- (f) after Part 6, insert —

“PART 7

FEES FOR EXPLOSIVES CERTIFICATES UNDER THE CONTROL OF EXPLOSIVES REGULATIONS 1991

Table 1

<i>1</i>	<i>2</i>	<i>3</i>
<i>Provision under which a fee is payable</i>	<i>Purpose of application</i>	<i>Fee</i>
Regulation 4 of the Control of Explosives Regulations 1991	Explosives certificate for acquiring and keeping explosives at a site in relation to which a person holds a registration	£165
	Renewal of the above certificate	£135
	Explosives certificate for acquiring and keeping explosives at a site in relation to which a person holds a licence for the storage of no more than 2000 kilograms of explosives	£175
	Renewal of the above certificate	£160
	Explosives certificate for acquiring and keeping explosives at a site in relation to which a person holds a licence for the storage of more than 2000 kilograms of explosives	£225
	Renewal of the above certificate	£200
	Replacement of any of the above certificates if lost	£30

Table 2

The fee for a check carried out for the purposes of regulation 4(6)(d) of the Control of Explosives Regulations 1991 shall be £5”

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