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STATUTORY INSTRUMENTS

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**2007 No.1672**

**HEALTH AND SAFETY**

**The Health and Safety (Fees) (Amendment) Regulations 2007**

<i>Made</i>	- - - -	<i>7th June 2007</i>
<i>Laid before Parliament</i>		<i>11th June 2007</i>
<i>Coming into force</i>	- -	<i>2nd July 2007</i>

The Secretary of State makes these Regulations —

- (a) in exercise of the powers conferred by sections 43(2), (4) and (6) and 82(3)(a) of the Health and Safety at Work etc. Act 1974(1) (“the 1974 Act”); and
- (b) 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.

**Citation and commencement**

1. These Regulations may be cited as the Health and Safety (Fees) (Amendment) Regulations 2007 and shall come into force on 2nd July 2007.

**Amendment to the Health and Safety (Fees) Regulations 2007**

- 2.—(1) The Health and Safety (Fees) Regulations 2007(2) are amended as follows.
- (2) After regulation 17, insert —

**“Fees payable in relation to nuclear design proposals**

17A.—(1) Where, by virtue of the provisions specified in entry (a) or (b) of column 1 of Schedule 13A, the Executive carries out any work for a purpose specified in column 2 of that Schedule, a fee shall be payable by the person referred to in column 3 of that Schedule.

(2) The fee referred to in paragraph (1) shall —

- (a) not exceed the sum of the costs reasonably incurred by the Executive for the work referred to in paragraph (1); and
- (b) be payable within 30 days from the date of the invoice that the Executive has sent or given to the person who is required to pay the fee, and such invoices shall include

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(1) 1974 c.37: section 43 was amended by the Employment Protection Act 1975 (c.71), Schedule 15, paragraph 12.  
(2) S.I. 2007/813.

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a statement of the work done and the costs incurred including the period to which the statement relates.

(3) In Schedule 13A —

“assessment agreement” means an agreement between the Executive and the person requesting the assessment of a design proposal, which identifies the scope of the assessment to be made by the Executive of that design proposal;

“design proposal” means a proposal for any new nuclear installation, including matters relating to the installation’s construction, commissioning, operation and decommissioning, which is to be assessed by the Executive prior to any application for a licence under section 1(1) of the Nuclear Installations Act 1965(3) which may be made based upon that design proposal; and

“nuclear installation” means a nuclear reactor or an installation within the meaning of section 1(1)(b) of the Nuclear Installations Act 1965.”.

(3) After Schedule 13, there shall be added the Schedule set out in the Schedule to these Regulations.

Signed by authority of the Secretary of State for Work and Pensions.

*Bill McKenzie*  
Parliamentary Under-Secretary of State,  
Department for Work and Pensions

7th June 2007

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SCHEDULE

Regulation 2(3)

“SCHEDULE 13A

Regulation 17A

FEES PAYABLE IN RELATION TO NUCLEAR DESIGN PROPOSALS

<i>1</i>	<i>2</i>	<i>3</i>
<i>Statutory Provision</i>	<i>Purpose of work</i>	<i>Person by whom fee is payable</i>
(a) Section 11(1), (4)(a) and (6) of the 1974 Act	Preparing an assessment agreement	The person who has requested the assessment of the design proposal
(b) Section 11(6) of the 1974 Act and sections 1(1) and 3 of the Nuclear Installations Act 1965	Assessing a design proposal	The person who has requested the assessment of the design proposal”

**EXPLANATORY NOTE**

*(This note is not part of the Regulations)*

These Regulations amend the Health and Safety (Fees) Regulations 2007. They provide for the charging of fees for work by the Health and Safety Executive in relation to an “assessment agreement” and a “design proposal”, as defined in the amending provisions, for nuclear installations.