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STATUTORY INSTRUMENTS

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**2008 No. 736**

**The Health and Safety (Fees) Regulations 2008**

**Fees payable under the Manufacture and Storage of Explosives Regulations 2005 and certain other provisions concerning explosives, including acetylene, and under the Petroleum (Consolidation) Act 1928 and the Petroleum (Transfer of Licences) Act 1936**

9.—(1) Where any application in relation to a provision specified in column 1 of Part 1 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, in the case of an application referred to in column 2 of that Part for a licence to manufacture ammonium nitrate blasting intermediate<sup>(1)</sup>, or to vary any such licence, the fee referred to in column 3 of that Part as an amount per hour worked —

- (a) shall be adjusted pro rata for a period worked of less than one hour; and
- (b) shall be payable prior to notification of the result of the application.

(2) Where any application in relation to a provision specified in column 1 of Part 2 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.

(3) Where an application in relation to the provision specified in column 1 of Part 3 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 Executive.

(4) The fee payable under each provision specified in column 1 of Part 4 of Schedule 8 for the purpose described in the corresponding entry in column 2 shall be that specified in the corresponding entry in column 3 of that Part.

(5) A fee shall be payable by the applicant 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 paragraph (1) or (3) for any purpose specified in column 2 of each of Parts 1 and 3 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 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 notification of the result of the application.

(6) A fee shall be payable by the applicant to the Executive for each application made for each purpose specified in column 1 of each of Parts 5, 6 and 7 of Schedule 8.

(7) The fee for an application for each purpose specified in column 1 of each of Parts 5, 6 and 7 of Schedule 8 —

- (a) shall be that specified in the corresponding entry in column 2 in the respective Part; and

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(1) The manufacture of ammonium nitrate blasting intermediate is deemed to be the manufacture of an explosive by virtue of regulation 2(2) of the Manufacture and Storage of Explosives Regulations 2005.

- (b) shall be payable on making the application, save that, where in column 2 of Part 7 a part of the fee is determined as an amount per hour worked, that part shall be payable prior to notification of the result of the application and shall be adjusted pro rata for a period worked of less than one hour.
- (8) A fee shall be payable by the applicant 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 paragraph (6) for any purpose specified in column 1 of each of Parts 5 and 6 of Schedule 8 for which there is a corresponding entry in column 3 of the respective Part, and the fee for work in connection with each such purpose shall be that specified in the corresponding entry in column 3 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 notification of the result of the application.
- (9) A fee shall be payable to the Executive where the Executive requires any testing to be carried out in connection with any purpose specified in column 1 of Part 8 of Schedule 8, and the fee for testing in connection with each such purpose shall be the reasonable cost to the Executive of having the work carried out and such fee shall be payable prior to notification of the result of the application.
- (10) Where any application in relation to the provision specified in column 1 in Table 1 in Part 9 of Schedule 8 is made for a purpose specified in column 2 of that Table, the fee specified in the corresponding entry in column 3 of that Table shall be payable by the applicant to the chief officer of police.
- (11) Where, in relation to an application for an explosives certificate under the Control of Explosives Regulations 1991<sup>(2)</sup>, 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 in Part 9 of Schedule 8.
- (12) Parts 2 and 4 of Schedule 8 shall have effect subject to, respectively, the Notes to Parts 2 and 4.
- (13) For the purposes of this regulation and Schedule 8 —
- (a) “the 1968 Act” means the Firearms Act 1968<sup>(3)</sup>;
  - (b) “the 2005 Regulations” means the Manufacture and Storage of Explosives Regulations 2005<sup>(4)</sup>;
  - (c) “ammonium nitrate blasting intermediate”, “licence”, “licensing authority”, “manufacture”, “on-site mixing”, “registration”, “shooters’ powder” and “site” have the same meanings as in the 2005 Regulations;
  - (d) “chief officer of police”, “explosives certificate” and “prohibited person” have the same meanings as in the Control of Explosives Regulations 1991;
  - (e) “firearm certificate”, “firearms dealer” and “shot gun certificate” have the same meanings as in the 1968 Act;
  - (f) “firearms dealer certificate” means a certificate granted or caused to be granted under section 33(4) of the 1968 Act to a person who is registered as a firearms dealer under that section;
  - (g) “relevant application under the 1968 Act” means an application under the 1968 Act —
    - (i) for a firearm certificate or a shot gun certificate or to be registered as a firearms dealer; or

(2) S.I. 1991/1531, to which there are amendments not relevant to these Regulations.

(3) 1968 (c. 27); section 33 was amended by the Firearms (Amendment) Act 1988 (c.45), section 13(1), and the Firearms (Amendment) Act 1997 (c.5), section 42(2); there are other amending instruments but none are relevant.

(4) S.I. 2005/1082.

- (ii) for the renewal of a firearm certificate, a shot gun certificate or a firearms dealer certificate; and
- (h) “relevant certificate” means a firearm certificate, a shot gun certificate or a firearms dealer certificate.