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STATUTORY INSTRUMENTS

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**2015 No. 363**

**HEALTH AND SAFETY**

**The Health and Safety and Nuclear (Fees) Regulations 2015**

*Made* - - - - 23rd February 2015

*Laid before Parliament* 2nd March 2015

*Coming into force* - - 6th April 2015

The Secretary of State is a Minister designated for the purposes of section 2(2) of the European Communities Act 1972(1) in relation to measures relating to the control and regulation of genetically modified organisms(2) and biocides(3).

The Secretary of State makes these Regulations in exercise of the powers conferred by section 2(2) of that Act, and sections 43(2), (4), (5) and (6) and 82(3)(a) of the Health and Safety at Work etc. Act 1974(4) (“the 1974 Act”) and sections 101(1), (2) and (3) and 113(1), (6) and (7) of the Energy Act 2013(5) (“the 2013 Act”).

The Secretary of State makes these Regulations for the purpose of giving effect without modifications to proposals submitted to him by the Health and Safety Executive under section 11(3) of the 1974 Act(6); and the Office for Nuclear Regulation under section 81(1)(a)(iii) and (iv) of the 2013 Act.

**Citation, commencement and extent**

1.—(1) These Regulations may be cited as the Health and Safety and Nuclear (Fees) Regulations 2015 and come into force on 6th April 2015.

(2) These Regulations cease to have effect at the end of the period of five years beginning on 6th April 2015.

(3) These Regulations extend to Great Britain.

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- (1) 1972 c.68; section 2(2) was amended by section 27(1)(a) of the Legislative and Regulatory Reform Act 2006 (c.51) and Part 1 of the Schedule to the European Union (Amendment) Act 2008 (c.7).
- (2) S.I. 1991/755, to which there are amendments not relevant to these Regulations.
- (3) S.I. 1999/2788, to which there are amendments not relevant to these Regulations.
- (4) 1974 c.37; section 43 was amended by paragraph 12 of Schedule 15, and Schedule 18, to the Employment Protection Act 1975 and by S.I. 2002/794 and 2008/960.
- (5) 2013 c.32.
- (6) Section 11 was substituted by S.I. 2008/960 and amended by paragraph 2 of Schedule 12 to the Energy Act 2013 (c.32).

**Interpretation****2.—(1)** In these Regulations—

“the 1974 Act” means the Health and Safety at Work etc. Act 1974;

“the 2013 Act” means the Energy Act 2013;

“the 1999 Regulations” means the Ionising Radiations Regulations 1999(7);

“the 2012 Asbestos Regulations” means the Control of Asbestos Regulations 2012(8);

“the 2013 Biocidal Products and Chemicals Regulations” means the Biocidal Products and Chemicals (Appointment of Authorities and Enforcement) Regulations 2013(9);

“the 2014 GMO Regulations” means the Genetically Modified Organisms (Contained Use) Regulations 2014(10);

“approval” includes the amendment of an approval, and “amendment of an approval” includes the issue of a new approval replacing the original and incorporating one or more amendments;

“employment medical adviser” means an employment medical adviser appointed under section 56(1) of the 1974 Act;

“the ONR” means the Office for Nuclear Regulation(11);

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

“working days” does not include weekends or public holidays.

(2) Any reference in these Regulations to the renewal of an approval, explosives certificate or licence (each referred to in this paragraph as an “authorisation”) means the granting of the authorisation concerned to follow a previous authorisation of the same kind without any amendment or gap in time.

**Fees for applications for approval under the Agriculture (Tractor Cabs) Regulations 1974**

**3.—(1)** A fee is payable by the applicant to the Executive on each application for approval of plant and equipment under the Agriculture (Tractor Cabs) Regulations 1974(12).

(2) The fee payable on application for such an approval as is described in column 1 of Schedule 1 is that specified in the corresponding entry in column 2 of that Schedule.

**Fees for application for approval under the Freight Containers (Safety Convention) Regulations 1984**

**4.—(1)** A fee is payable by the applicant to the Executive on each application for approval of a scheme or programme for examination of freight containers under the Freight Containers (Safety Convention) Regulations 1984(13).

(2) The fee payable on each application for the approval described in column 1 of Schedule 2 is that specified in column 2 of that Schedule.

(7) S.I. 1999/3232, amended by S.I. 2001/2975; there are other amending instruments but none is relevant.

(8) S.I. 2012/632.

(9) S.I. 2013/1506.

(10) S.I. 2014/1663.

(11) The Office of Nuclear Regulation was established by section 77 of the Energy Act 2013(c.32).

(12) S.I. 1974/2034; amended by S.I. 1976/1247, 1981/1414 and 1990/1075.

(13) S.I. 1984/1890, amended by S.I. 1986/392.

## **Fees for various applications under the Control of Asbestos Regulations 2012**

5.—(1) A fee is payable by the applicant to the Executive on each application for a licence under the 2012 Asbestos Regulations.

(2) The fee payable on application for a licence described in column 1 of Table 1 in Schedule 3 is that specified in column 2 of that Table.

(3) Where the Executive refuses to grant an applicant a licence under the 2012 Asbestos Regulations and offers to reassess whether to grant the application if shortcomings leading to the refusal are remedied, a fee is payable by the applicant to the Executive in respect of any such reassessment.

(4) The fee payable for the reassessment referred to in paragraph (3) is that specified in column 1 of Table 2 in Schedule 3.

(5) Where the Executive amends a licence granted under the 2012 Asbestos Regulations and the amendment relates to a condition or the duration of the licence, a fee is payable to the Executive by the licensee.

(6) The fee payable under paragraph (5) is that specified in column 2 of Table 2 in Schedule 3.

(7) Where the Executive replaces a lost licence granted under the 2012 Asbestos Regulations or amends a licence granted under those Regulations for reasons other than those referred to in paragraph (5), a fee is payable to the Executive by the licensee.

(8) The fee payable under paragraph (7) is that specified in column 3 of Table 2 in Schedule 3.

## **Fees for examination or surveillance by an employment medical adviser**

6.—(1) A fee is payable to the Executive by an employer in respect of a medical examination or medical surveillance of each of that employer's employees by an employment medical adviser for the purposes of any provision specified in column 1 of Schedule 4.

(2) The fee payable under paragraph (1) is a basic fee for each examination or on each occasion when surveillance is carried out together with additional fees for X-rays and laboratory tests where these are taken or carried out in connection with the examination; and for each provision specified in column 1 of Schedule 4—

- (a) the basic fee is the amount specified in column 3 of that Schedule for that provision;
- (b) the additional fee for X-rays is the amount specified in column 4 of that Schedule for that provision, and covers all X-rays taken in connection with any one examination;
- (c) the additional fee for laboratory tests is the amount specified in column 5 of that Schedule for that provision, and covers 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 2012 Asbestos Regulations, that self-employed person must pay fees to the Executive ascertained in accordance with paragraph (2).

## **Fees for medical surveillance by an employment medical adviser under the Control of Lead at Work Regulations 2002**

7.—(1) A fee is payable to the Executive by an employer in respect of medical surveillance of any of that employer's employees by an employment medical adviser for the purposes of the Control of Lead at Work Regulations 2002(14).

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(14) S.I. 2002/2676, amended by S.I. 2008/960, there are other amending instruments but none is relevant.

(2) The fee payable for each item described in column 1 of Schedule 5 is that specified in the corresponding entry in column 2 of that Schedule.

**Fees payable in connection with the Ionising Radiations Regulations 1999 and the Radiation (Emergency Preparedness and Public Information) Regulations 2001**

8.—(1) A fee is payable by the applicant to the Executive on each application for—

- (a) an original approval of dosimetry services granted for the purposes of the 1999 Regulations;
- (b) the reassessment of an original approval of dosimetry services previously granted for the purposes of the 1999 Regulations; or
- (c) the amendment, pursuant to section 11(1) of the 1974 Act, of an original approval granted for the purposes of the 1999 Regulations.

(2) A fee is payable by the applicant to the Executive on each application for an original type approval of apparatus pursuant to paragraphs 1(c)(i) or 1(d)(i) of Schedule 1 to the 1999 Regulations or for an amendment, pursuant to section 11(1) of the 1974 Act, of an original type approval.

(3) The fee payable for an application referred to in paragraph (1) or (2) in respect of each matter specified in column 1 of Table 1 in Schedule 6 is that specified in the corresponding entry in column 2 of that Table.

(4) A fee is payable by the applicant to the Executive on each application for—

- (a) an original approval of dosimetry services for the purposes of regulation 14 of the 2001 Regulations;
- (b) the reassessment of an original approval of dosimetry services previously granted for the purposes of regulation 14 of the 2001 Regulations; or
- (c) the amendment of an original approval granted for the purposes of regulation 14 of the 2001 Regulations and amended pursuant to section 11(1) of the 1974 Act.

(5) The fee payable for an application referred to in paragraph (4) for each purpose specified in column 1 of Table 2 in Schedule 6 is that specified in the corresponding entry in column 2 of that Table.

(6) A fee is payable by the applicant to the Executive where the Executive requires any work to be carried out by—

- (a) its inspectors; or
- (b) a person appointed to advise the Executive,

in connection with any application in respect of which a fee is payable by virtue of paragraph (1), (2) or (4), and the fee for such work in connection with each matter described in column 1 of Tables 1 and 2 in Schedule 6 is that specified in the corresponding entry in column 3 of those Tables for each hour worked adjusted pro rata for a period worked of less than one hour.

(7) Where the Executive requires an inspection to be carried out in connection with any application mentioned in this regulation, a fee is payable by the applicant to the Executive of an amount equal to the reasonable cost of travelling and subsistence of any member of the Executive's staff in connection with the inspection.

(8) Any fee payable under paragraph (6) or (7) is payable prior to notification of the result of the application.

(9) Subject to paragraph (10), a fee is payable by an employer to the Executive for each dose record sent by or on behalf of that employer pursuant to regulation 21(3)(e) of the 1999 Regulations in the amount set out in column 2 of Table 3 in Schedule 6 for the work carried out by or on behalf

of the Executive by virtue of the provisions set out in column 1 of that Table and for the purpose specified in column 3 of that Table.

(10) The employer is not required to pay a fee under paragraph (9) unless the total amount payable in respect of all dose records relating to a calendar year sent by, or on behalf of, that employer is at least £25.

(11) For the purposes of this regulation and Schedule 6—

“the 2001 Regulations” means the Radiation (Emergency Preparedness and Public Information) Regulations 2001(15);

“amendment of an original approval” includes the issue of a new approval replacing the original and incorporating one or more amendments;

“amendment of an original type approval” includes the issue of a new type approval replacing the original and incorporating one or more amendments;

“processing” means obtaining, recording or holding the information or carrying out any operation or set of operations on that information, including—

- (a) organisation, adaptation or alteration of the information;
- (b) retrieval or consultation of the information; and
- (c) disclosure by transmission, dissemination or otherwise making available the information, in whatever format.

#### **Fees payable in relation to the Explosives Regulations 2014 and the Acetylene Safety (England and Wales and Scotland) Regulations 2014**

9.—(1) Where an application in relation to a provision specified in column 1 of Part 1 of Schedule 7, for a purpose specified in column 2 of that Part, is made to a licensing authority which is the licensing authority by virtue of—

- (a) paragraph 1(c) or (d) of Schedule 1 to the Explosives Regulations 2014(16), or
- (b) paragraph 1(b), 2 or 4 of that Schedule in cases where the assent of the local authority is required under regulation 13(3) of those Regulations or is not required by virtue of regulation 13(4)(b) to (g) of those Regulations,

the fee specified in the corresponding entry in column 3 of that Part is payable by the applicant to that licensing authority.

(2) In the case of an application for a purpose referred to in column 2 of Part 1 of Schedule 7 for a licence to manufacture or store ammonium nitrate blasting intermediate or to vary any such licence, the fee referred to in the corresponding entry in column 3 of that Part as an amount per hour worked—

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

(3) A fee is payable by the applicant to the Executive where the Executive requires any work to be carried out by its inspectors in connection with any application in respect of which a fee is payable by virtue of paragraph (1) for any purpose specified in column 2 of Part 1 of Schedule 7 for which there is a corresponding entry in column 4 of that Part, and the fee for work in connection with each such purpose is 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 is payable prior to notification of the result of the application.

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(15) [S.I. 2001/2975](#), to which there are amendments but none is relevant. An approval of dosimetry services for the purposes of regulation 14 of the 2001 Regulations is made under regulation 35 of the Ionising Radiation Regulations 1999 ([S.I. 1999/3232](#)).

(16) [S.I. 2014/1638](#).

(4) Where an application in relation to a provision specified in column 1 of Part 2 of Schedule 7, for a purpose specified in column 2 of that Part, is made to a licensing authority, which is the licensing authority by virtue of—

- (a) paragraph 1(a) of Schedule 1 to the Explosives Regulations 2014, or
- (b) paragraph 1(b), 2 or 4 of Schedule 1 to those Regulations in cases where the requirement for assent of the local authority under regulation 13(3) of those Regulations is disapplied by regulation 13(4)(a) of those Regulations,

the fee specified in the corresponding entry in column 3 of that Part is payable by the applicant to that licensing authority.

(5) Where any application in relation to the provision specified in column 1 in Table 1 in Part 3 of Schedule 7 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 is payable by the applicant to the chief officer of police.

(6) Where, in relation to an application for an explosives certificate under the Explosives Regulations 2014, a check is carried out for the purposes of regulation 19(2)(d) of those Regulations to ascertain whether the applicant is a prohibited person or not, a fee is payable by the applicant to the chief officer of police and the fee, which is payable prior to that check being carried out, is that specified in Table 2 in Part 3 of Schedule 7.

(7) Parts 2 and 3 of Schedule 7 have effect subject to, respectively, the Notes to Parts 2 and 3.

(8) Where an application in relation to the 2014 Acetylene Regulations is made for a purpose specified in column 1 of Part 4 of Schedule 7, the fee specified in the corresponding entry in column 2 of that Part is payable by the applicant to the licensing authority within the meaning given in the 2014 Acetylene Regulations.

(9) An additional fee is payable by the applicant to the licensing authority within the meaning given in the 2014 Acetylene Regulations, where work is required to be carried out by its inspectors in connection with any application in relation to the 2014 Acetylene Regulations that is made for a purpose specified in column 1 of Part 4 of Schedule 7 for which there is a corresponding entry in column 3 of that Part, and the fee for work in connection with each such purpose is 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 is payable prior to the notification of the result of the application.

(10) For the purposes of this regulation and Schedule 7—

“the 1968 Act” means the Firearms Act 1968(17);

“the 2014 Acetylene Regulations” means the Acetylene Safety (England and Wales and Scotland) Regulations 2014(18);

“ammonium nitrate blasting intermediate”, “chief officer of police”, “explosives certificate” “licence”, “licensing authority”, “manufacture”, “on-site mixing”, “prohibited person” “shooters’ powder” and “site” have the same meanings as in the Explosives Regulations 2014(19);

“firearm certificate”, “firearms dealer” and “shot gun certificate” have the same meanings as in the 1968 Act(20);

(17) 1968 c.27; for applications for a firearm certificate or a shot gun certificate, sections 26A and 26B were substituted for section 26 by the Firearms (Amendment) Act 1997 (c.5), section 37. For applications to be registered as a firearms dealer, 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). The definition of “firearms dealer” in section 57(4) was amended by the Violent Crime Reduction Act 2006 (c.38), section 31(3).

(18) S.I. 2014/1639.

(19) All of these expressions are defined in regulation 2 of the Explosives Regulations 2014 except for “on-site mixing” which is defined in regulation 13(10)(b).

(20) All of these expressions are defined in section 57 of the Firearms Act 1968.

“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;

“relevant application under the 1968 Act” means an application under the 1968 Act—

- (a) for a firearm certificate or a shot gun certificate or to be registered as a firearms dealer; or
- (b) for the renewal of a firearm certificate, a shot gun certificate or a firearms dealer certificate; and

“relevant certificate” means a firearm certificate, a shot gun certificate or a firearms dealer certificate.

#### **Fees payable in relation to the Petroleum (Consolidation) Regulations 2014**

**10.** Where an application in relation to the provision specified in column 1 of Part 5 of Schedule 7 is made for the purpose described in the corresponding entry in column 2 of that Part, the fee specified in the corresponding entry in column 3 of that Part is payable by the applicant to the petroleum enforcement authority.

#### **Fees for application for or changes to an explosives licence under Part 9 of the Dangerous Substances in Harbour Areas Regulations 1987**

**11.—(1)** A fee is payable by the applicant to the appropriate authority on each application for an explosives licence, or for any alteration in the terms of or other change to an existing explosives licence, under Part 9 of the 1987 Regulations.

(2) The fee on an application for each purpose specified in column 1 of Schedule 8 is that specified in the corresponding entry in column 2 of that Schedule and, where the fee is determined as an amount per hour worked, the fee, which is to be adjusted pro rata for a period worked of less than one hour, so calculated is payable prior to notification of the result of the application.

(3) For the purposes of this regulation “appropriate authority”—

- (a) where the application is required to be made to the ONR under the 1987 Regulations, means the ONR;
- (b) otherwise, means the Executive.

(4) For the purposes of this regulation “the 1987 Regulations” means the Dangerous Substances in Harbour Areas Regulations 1987(21).

#### **Estimate of cost of work**

**12.—(1)** Where any fee is to be assessed on the reasonable cost to the ONR or the licensing authority of carrying out relevant work, the ONR or the licensing authority (as the case may be) must—

- (a) on receipt of the application or request, as the case may be, prepare and send to the person making that application or request an estimate of the cost of carrying out the relevant work; and
- (b) before carrying out the relevant work, obtain confirmation from the person making the application or request that the person wishes the work to be carried out on the basis of that estimate of cost.

(2) For the purposes of this regulation, “relevant work” means—

- (a) in relation to the ONR, any work under regulation 16(1) or (2);

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(21) S.I. 1987/37; Part 9 was amended by S.I. 1988/712, 2005/1082, 2014/469 and 2014/1638.

- (b) in relation to the licensing authority, any work under regulation 9(3).

### **Fees for notifications and applications under the Genetically Modified Organisms (Contained Use) Regulations 2014**

**13.**—(1) The fee specified in column 2 of Schedule 9 is payable by a notifier or applicant to the competent authority on each such notification or application under the 2014 GMO Regulations as is referred to in the corresponding entry in column 1 of that Schedule.

(2) No fee is to be returned to a notifier where the notifier withdraws a notification under regulation 17 of the 2014 GMO Regulations or the competent authority returns a notification under regulation 24(6) of the 2014 GMO Regulations.

(3) For the purposes of this regulation, “notifier” and “competent authority” have the same meaning as in the 2014 GMO Regulations.

### **Fees payable in respect of offshore installations**

**14.**—(1) A fee is payable to the Executive by the person referred to in column 2 of Schedule 10 for the performance by the Executive of such functions conferred on the Executive as are specified in column 1 of that Schedule.

(2) A fee is payable to the Executive by an operator or owner who has prepared a current safety case pursuant to the 2005 Regulations for the performance by or on behalf of the Executive, or by an inspector appointed by it, of any function conferred on the Executive or the inspector by the 1974 Act which relates to the enforcement of any of the relevant statutory provisions against one or more than one of the following—

- (a) that operator or owner in relation to the installation to which the current safety case relates; or
- (b) a contractor in relation to any work carried out by that contractor on or in connection with that installation.

(3) For the purposes of this regulation, regulation 17 and Schedule 10 —

“the 2005 Regulations” means the Offshore Installations (Safety Case) Regulations 2005<sup>(22)</sup>; “installation”, “current safety case”, “safety case”, and “owner” have the same meanings as in those Regulations; and

“operator” has the meaning given by those Regulations in relation to a production installation or, in the case of the dismantling of a fixed installation under regulation 11 of those Regulations, the meaning given by regulation 11(4) of those Regulations.

### **Fees payable in respect of gas safety functions**

**15.**—(1) A fee is payable to the Executive by the person referred to in column 2 of Schedule 11 for the performance by the Executive of such functions conferred on the Executive as are specified in column 1 of that Schedule.

(2) A fee is payable to the Executive by a person conveying gas who has prepared a safety case pursuant to the 1996 Regulations or by a network emergency co-ordinator for the performance by or on behalf of the Executive, or by an inspector appointed by it, of any function conferred on the Executive or the inspector by the 1974 Act which relates to the enforcement of any of the relevant statutory provisions against one or both of the following—

- (a) that person in relation to the network, including a pipeline that it is intended will form part of the network, to which the safety case relates; or

(22) [S.I. 2005/3117](#), to which there are amendments not relevant to these Regulations.



(b) a contractor in relation to work carried out by that contractor on or in connection with that network, including work on a pipeline that it is intended will form part of that network, insofar as such enforcement is for the purpose of protecting persons from risks arising from the manner in which gas is or is to be conveyed or used.

(3) A fee is payable to the Executive by a person conveying gas who has prepared a safety case pursuant to the 1996 Regulations and a major accident prevention document pursuant to the Pipelines Safety Regulations 1996<sup>(23)</sup> for the performance by or on behalf of the Executive, or by an inspector appointed by it, of any function conferred on the Executive or the inspector by the 1974 Act which relates to the enforcement of any of the relevant statutory provisions against one or both of the following—

(a) that person in relation to work relating to a major accident hazard pipeline, including the construction of a pipeline that it is intended will form part of the network, to which the major accident prevention document relates; or

(b) a contractor in relation to work carried out by that contractor relating to a major accident hazard pipeline, including the construction of a pipeline that it is intended will form part of the network, to which the major accident prevention document relates.

(4) For the purposes of this regulation, regulation 17 and Schedule 11—

“the 1996 Regulations” means the Gas Safety (Management) Regulations 1996<sup>(24)</sup> and “network”, “network emergency co-ordinator” and “safety case” have the same meanings as in those Regulations; and

“major accident hazard pipeline” has the same meaning as in the Pipelines Safety Regulations 1996.

### **Fees payable in relation to nuclear installations**

**16.**—(1) Where, by virtue of the provisions specified in entry (a) or (b) of column 1 of Table 1 in Schedule 12, the ONR carries out any work for a purpose specified in column 2 of that Table, a fee is payable to the ONR by the person referred to in column 3 of that Table.

(2) Where, by virtue of the provisions specified in column 1 of Table 2 in Schedule 12, the ONR carries out any work for the purpose specified in column 2 of that Table, a fee is payable to the ONR by the person referred to in column 3 of that Table.

(3) A fee is payable to the ONR by a licensee of a nuclear site for the performance by or on behalf of the ONR, or by an inspector appointed by it, of any function conferred on the ONR or the inspector by the 1974 Act which relates to the enforcement of any of the relevant statutory provisions, or by the 2013 Act which relates to the enforcement of any of the nuclear provisions, against one or both of the following—

(a) that licensee; or

(b) a contractor in relation to any work carried out by that contractor on or in connection with that nuclear site.

(4) For the purposes of this regulation and Schedule 12—

“the 1965 Act” means the Nuclear Installations Act 1965<sup>(25)</sup>;

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

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<sup>(23)</sup> S.I. 1996/825, to which there are amendments not relevant to these Regulations.

<sup>(24)</sup> S.I. 1996/551, to which there are amendments not relevant to these Regulations.

<sup>(25)</sup> 1965 c.57; section 1(1) was substituted by paragraph 17 of Schedule 12 to the Energy Act 2013 (c.32).

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

“licensee” means a person who has been granted a nuclear site licence pursuant to section 1(1) of the 1965 Act;

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

“nuclear provisions” means the relevant statutory provisions (within the meaning given in section 82 of the 2013 Act) other than—

- (a) a provision of the Nuclear Safeguards Act 2000; or
- (b) any provision of nuclear regulations identified in accordance with section 74(9) of the 2013 Act as made for nuclear safeguards purposes.

### **Provisions supplementary to regulations 14 to 16**

17.—(1) Any fee referred to in regulations 14 to 16 above—

- (a) is not to exceed the sum of the costs reasonably incurred—
  - (i) in the case of regulation 16(1) or (2), by the ONR in carrying out the work referred to in the respective paragraph;
  - (ii) in any other case, by the Executive or the ONR (as the case may be) in performing the function referred to in the respective regulation; and
- (b) is payable within 30 days from the date of the invoice that the Executive or the ONR has sent or given to the person who must pay that fee, and such invoices must include a statement of the work done and the costs incurred, including the period to which the statement relates.

(2) No fee payable under regulations 14 to 16 is to include any costs connected with—

- (a) in England and Wales, any criminal investigation or prosecution, incurred (in either case) from the date on which any information is laid or, as the case may be, any written charge is issued;
- (b) in Scotland, any criminal investigation or prosecution, incurred (in either case) after such time as the Executive submits a report to the Procurator Fiscal for a decision as to whether a prosecution should be brought; or
- (c) any appeal pursuant to section 24 of the 1974 Act (appeal against improvement or prohibition notice) and Schedule 1 to the Employment Tribunals (Constitution and Rules of Procedure) Regulations 2013<sup>(26)</sup> or paragraph 6 of Schedule 8 to the 2013 Act and Schedule 1 to those Regulations.

(3) For the purposes of regulation 14 and paragraph (2)(a) and (b), an installation is treated as being in England and Wales if it is in the English area within the meaning of article 1 of the Civil Jurisdiction (Offshore Activities) Order 1987<sup>(27)</sup> and in Scotland if it is in the Scottish area within the meaning of that article.

(4) Any reference in regulation 14 to a person who has prepared a current safety case includes a reference to—

- (a) a person who must prepare a safety case, and in that connection as if any reference in that regulation to the installation to which the current safety case relates were a reference

<sup>(26)</sup> S.I.2013/1237, relevant amending instruments are S.I. 2014/271 and S.I. 2014/468.

<sup>(27)</sup> S.I. 1987/2197, to which there are amendments not relevant to these Regulations.

to the installation to which the safety case would have related if it had been prepared in accordance with such requirement; and

- (b) a person who is treated as having prepared a current safety case by virtue of regulation 2(9) of the 2005 Regulations.

(5) Any reference in regulation 15 to a person who has prepared a safety case includes a reference to a person who must prepare a safety case, and in that connection as if any reference in that regulation to the network to which the safety case relates were a reference to the network to which the safety case would have related if it had been prepared in accordance with such requirement.

(6) Any reference in regulations 14 to 16 to work carried out by a contractor is a reference to work carried out for the benefit of the person by whom the fees are payable under that regulation by a contractor or a contractor's employees, whether pursuant to an agreement or an arrangement which the contractor has made with that person or with another person.

(7) Any reference in regulations 14 to 16 to a function conferred on an inspector by the 1974 Act which relates to enforcement against a person of any of the relevant statutory provisions includes a reference to any function conferred on an inspector by that Act which is exercised for the purpose of carrying into effect those provisions in relation to that person.

(8) Any reference in regulation 16 to a function conferred on an inspector by the 2013 Act which relates to enforcement against a person of any of the nuclear provisions includes a reference to any function conferred on an inspector by that Act which is exercised for the purpose of carrying into effect those provisions in relation to that person.

(9) For the purposes of this regulation "nuclear provisions" has the meaning given in regulation 16.

### **Fees for applications for approvals under the Offshore Installations and Pipeline Works (First-Aid) Regulations 1989**

**18.**—(1) A fee is payable by the applicant to the Executive on each application for an original approval or a renewal of an approval of training under regulation 5(2)(a) of the Offshore Installations and Pipeline Works (First-Aid) Regulations 1989<sup>(28)</sup>.

(2) The fee payable under paragraph (1) is—

- (a) where the application for an original approval of training relates to, as the case may be—

- (i) rendering first-aid to persons who are injured or become ill while at work (referred to in this regulation as "offshore first-aid training"); or  
(ii) rendering first-aid to, and treating in accordance with the directions of a registered medical practitioner (who may or may not be present) persons who are injured or become ill while at work, and giving simple advice in connection with the health of persons at work (together referred to in this regulation as "offshore medical training"),

that specified in, respectively, columns 1 and 2 of Table 1 in Schedule 13; or

- (b) in respect of an application for a renewal of approval of, as the case may be, offshore first-aid training or offshore medical training, that specified in, respectively, columns 3 and 4 of that Table.

(3) Where, before an original approval of training is given, a shortcoming in the proposed training is identified by the Executive during a site-visit and the Executive requires an additional site-visit to be made for the purpose of reassessing an application for an original approval, a fee is payable by the applicant to the Executive.

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<sup>(28)</sup> S.I. 1989/1671, modified by S.I. 1993/1823; there are other amending instruments but none is relevant.

- (4) The fee payable under paragraph (3) is—
- (a) where the application for approval relates to offshore first-aid training, that specified in column 1 of Table 2 in Schedule 13; or
  - (b) where the application for approval relates to offshore medical training, that specified in column 2 of that Table,

and is payable prior to the notification of the result of the application for approval of training.

(5) Where the Executive requires a site-visit, not including one for the purpose referred to in paragraph (8), to be made in connection with an approval mentioned in paragraph (1) in order to ascertain whether the standards in place when the original approval was given are being maintained, a fee is payable to the Executive by the provider of the approved training, except that no such fee is payable in respect of the first such site-visit made after the original approval has been given.

- (6) Subject to paragraph (7), the fee payable under paragraph (5) is—
- (a) where the site-visit is in connection with an approval relating to offshore first-aid training, that specified in column 1 of Table 3 in Schedule 13; or
  - (b) where the site-visit is in connection with an approval relating to offshore medical training, that specified in column 2 of that Table,

provided that, where the site-visit is in respect of both kinds of approval of training as are referred to in sub-paragraphs (a) and (b) above and takes only one day to complete, the sum of the payable fees specified in columns 1 and 2 of that Table is to be reduced by an amount of £150.

(7) The fee payable under paragraph (5) where the site-visit is carried out because a shortcoming in the training has been identified by the Executive during an earlier site-visit—

- (a) where the site-visit is in connection with an approval relating to offshore first-aid training, is that specified in column 3 of Table 3 in Schedule 13; or
- (b) where the site-visit is in connection with an approval relating to offshore medical training, is that specified in column 4 of that Table.

(8) Where the Executive requires a site-visit to be made for the purpose of investigating a complaint in relation to training provided pursuant to an approval mentioned in paragraph (1), a fee is payable to the Executive by the provider of the training where—

- (a) the result of the investigation is that the complaint is found to be justified; and
- (b) the complaint could not be investigated during a site-visit made for an additional purpose to that of investigating the complaint, requiring, as a result, a further site-visit.

(9) The fee payable under paragraph (8) is—

- (a) where the site-visit is made for the purpose of investigating a complaint relating to offshore first-aid training provided pursuant to an approval, that specified in column 1 of Table 4 in Schedule 13; or
- (b) where the site-visit is made for the purpose of investigating a complaint relating to offshore medical training provided pursuant to an approval, that specified in column 2 of Table 4 in Schedule 13.

(10) Where the date for any site-visit referred to in this regulation has been agreed between the training provider and the Executive and—

- (a) the training provider wishes to cancel the site-visit agreed for that date, and informs the Executive of this wish three working days or less before that date; and
- (b) there is as a result no site-visit on that date,

a fee is payable by the training provider to the Executive in respect of that cancelled site-visit.

(11) The fee payable under paragraph (10) is—

- (a) where the site-visit was to have been in connection with an approval of offshore first-aid training, that specified in column 3 of Table 4 in Schedule 13; or
- (b) where the site-visit was to have been in connection with an approval of offshore medical training, that specified in column 4 of that Table (that is to say, the reasonable cost to the Executive due to the cancellation).

(12) The fee referred to in paragraphs (6), (7), (9) and (11) is payable within 30 days from the date of the invoice that the Executive has sent or given to the person providing the approved training.

### **Provisions Supplementary to regulation 18**

**19.**—(1) Where an application for an original approval of either offshore first-aid training or offshore medical training is made and the applicant thereafter applies for an original approval of the one of those two kinds of training not earlier applied for, or the applications are made together, the Executive must repay to the applicant the amount of £56 in respect of the fees paid for the original approvals of training applied for.

(2) For the purposes of this regulation “offshore first-aid training” and “offshore medical training” have the meanings given in regulation 18.

### **Fees for notifications under the Borehole Sites and Operations Regulations 1995**

**20.**—(1) Subject to paragraph (3), a fee is payable to the Executive by the person referred to in column 2 of Schedule 14 for the performance by the Executive of such functions conferred on it as are specified in column 1 of that Schedule.

(2) Any fee referred to in paragraph (1) is—

- (a) not to exceed the sum of the costs reasonably incurred by the Executive for the performance of the function; and
- (b) payable within 30 days from the date of the invoice that the Executive has sent or given to the person who must pay that fee, and such invoices must include a statement of the work done and the costs incurred including the period to which the statement relates.

(3) No fee is payable under paragraph (1) for the performance by the Executive of the functions specified in column 1 of Schedule 14 to the extent that, in respect of any such function, a fee is payable or has been paid pursuant to the Control of Major Accident Hazards Regulations 1999<sup>(29)</sup>.

(4) For the purposes of this regulation and Schedule 14 “the 1995 Regulations” means the Borehole Sites and Operations Regulations 1995<sup>(30)</sup> and “borehole site” and “operator” have the same meaning as in those Regulations.

### **Fees Payable for activities under the Biocides Regulation and the 2013 Biocidal Products and Chemicals Regulations**

**21.**—(1) The functions of the Member State referred to in Article 80(2) of the Biocides Regulation are to be performed by the competent authority.

(2) Each competent authority must charge fees for—

- (a) work it carries out within the scope of the Biocides Regulation which relates to the activities listed in column 1 of Schedule 15; and
- (b) work it carries out in order to evaluate an application under regulation 13 of the 2013 Biocidal Products and Chemicals Regulations.

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<sup>(29)</sup> S.I. 1999/743; relevant amending instruments are S.I. 1999/2597, 2005/676, 2008/736 and 2014/469.

<sup>(30)</sup> S.I. 1995/2038, to which there are amendments not relevant to these Regulations.

(3) Any fee payable under paragraph (2) must be calculated in accordance with paragraphs (4) to (10).

(4) Where a fee is payable under paragraph (2), the competent authority must prepare and send to the applicant, the person providing the information or the person making the request, as the case may be, an estimate of the cost of the work.

(5) The person to whom the estimate of costs specified in paragraph (4) is sent by the competent authority must pay to that authority the amount of that estimate within 30 days of its issue.

(6) Upon completion of the work, the competent authority must prepare a detailed statement of the work carried out and of the cost incurred by the competent authority or any person acting on its behalf in carrying out that work.

(7) If the cost referred to in paragraph (6) is greater than the amount estimated in accordance with paragraph (4), the competent authority must notify the amount of difference to the applicant, the person providing the information or the person making the request, as the case may be, who must pay the amount of the difference, which will be the final fee payable, without delay.

(8) If the cost referred to in paragraph (6) is less than the amount estimated in accordance with paragraph (4), the fee must be adjusted accordingly and the amount of difference must be paid without delay by the competent authority to the applicant, the person providing the information or the person making the request, as the case may be.

(9) Subject to paragraph (10), in estimating or stating the cost of carrying out any work, the competent authority must determine that cost by reference to the daily rate per person specified in column 2 of Schedule 15 that corresponds to the activity listed in column 1.

(10) The daily rate per person must be adjusted pro rata for a period worked of less than 7.4 hours on any one day by—

- (a) dividing the daily rate by 14.8 to create a half hourly rate; and
- (b) multiplying that figure by the number of half hours worked, rounded up or down to the nearest half hour.

(11) Any unpaid fees may be recovered by the competent authority as a civil debt.

(12) For the purposes of this regulation and Schedule 15—

“the Biocides Regulation” means Regulation (EU) No 528/2012 of the European Parliament and of the Council of 22 May 2012 concerning the making available on the market and use of biocidal products<sup>(31)</sup>;

“competent authority” means any of the competent authorities appointed by regulation 5 of the 2013 Biocidal Products and Chemicals Regulations.

(13) Expressions used in the Biocides Regulation which are also used in this regulation or Schedule 15 have the same meaning in these Regulations as they have in the Biocides Regulation.

### **Fees for intervention**

**22.**—(1) Subject to regulation 23, if—

- (a) a person is contravening or has contravened one or more of the relevant statutory provisions for which the Executive is the enforcing authority; and
- (b) an inspector is of the opinion that that person is doing so or has done so, and notifies that person in writing of that opinion,

a fee is payable by that person to the Executive for its performance of the functions described in paragraphs (2) and (3).

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(31) OJ No L 167, 27.06.2012, p1.

(2) The fee referred to in paragraph (1) is payable for the performance by the Executive of any function conferred on it by the relevant statutory provisions, in consequence of any contravention referred to in the opinion notified to that person pursuant to paragraph (1)(b).

(3) Where, during a site-visit, an inspector forms the opinion that a person is contravening or has contravened one or more of the relevant statutory provisions, the fee referred to in paragraph (1) is payable for the performance by the Executive, during that site-visit, of any function conferred on it by the relevant statutory provisions for which no fee is payable by virtue of paragraph (2).

(4) For the purposes of paragraphs (6) and (7) and regulations 23 and 24, “fee for intervention” means the fee described in paragraphs (1) to (3).

(5) An inspector of the opinion that a person is contravening or has contravened one or more of the relevant statutory provisions must have regard, when deciding whether to notify that person in writing of that opinion, to the guidance entitled “HSE 47 – Guidance on the application of Fee for Intervention” (1st edition) approved by the Executive on 11th June 2012<sup>(32)</sup>.

(6) A written notification under paragraph (1) must—

- (a) specify the provision or provisions to which that inspector’s opinion relates;
- (b) give particulars of the reasons for that opinion; and
- (c) inform the person to whom it is given that fee for intervention is payable to the Executive in accordance with this regulation and regulation 23.

(7) Fee for intervention is payable by a person in respect of the functions described in paragraph (3) only to the extent that the performance of any such function by the Executive is reasonably attributable to that person.

### **Provisions supplementary to regulation 22**

**23.**—(1) Fee for intervention is not to exceed the sum of the costs reasonably incurred by the Executive for its performance of the functions referred to in paragraphs (2) and (3) of regulation 22.

(2) Fee for intervention is payable within 30 days from the date of each invoice that the Executive has sent or given to the person who must pay that fee, and such invoices must include a statement of the work done and the costs incurred, including the period to which the statement relates.

(3) No fee for intervention is payable by a person to the extent that an opinion of an inspector that that person is contravening or has contravened one or more of the relevant statutory provisions relates to any contravention which, having regard to the guidance specified in regulation 22(5), should not have been notified in writing to that person.

(4) No fee for intervention is payable in relation to any contravention of the relevant statutory provisions in consequence of which the Executive performed any function prior to the day on which the Health and Safety (Fees) Regulations 2012<sup>(33)</sup> came into force.

(5) No fee for intervention is payable for the performance by any inspector not employed by the Executive of any function conferred on it by the relevant statutory provisions.

(6) No fee for intervention payable for or in connection with any contravention of the relevant statutory provisions is to include any costs connected with—

- (a) in England and Wales, any criminal investigation or prosecution, incurred (in either case) from the date on which any information is laid or, as the case may be, any written charge is issued;

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<sup>(32)</sup> A corrected version was published in September 2012.

<sup>(33)</sup> These Regulations came into force on 1st October 2012.

- (b) in Scotland, any criminal investigation or prosecution, incurred (in either case) after such time as the Executive submits a report to the Procurator Fiscal for a decision as to whether a prosecution should be brought;
  - (c) any appeal pursuant to section 24 of the 1974 Act (appeal against improvement or prohibition notice) and Schedule 1 to the Employment Tribunals (Constitution and Rules of Procedure) Regulations 2013; or
  - (d) any functions performed from the date on which the Executive formally notifies a person that, but for section 48(1) of the 1974 Act, it would have commenced a criminal prosecution against that person in relation to any such contravention.
- (7) No fee for intervention is payable by a person in respect of any contravention of the relevant statutory provisions by that person in his or her capacity as an employee.
- (8) No fee for intervention is payable by a self-employed person in respect of any contravention by that self-employed person of the relevant statutory provisions which does not and did not expose any other person to a health or safety risk.
- (9) No fee for intervention is payable for the performance by the Executive of any function conferred on it by the relevant statutory provisions to the extent that, in respect of any such function, another fee is payable or has been paid.
- (10) No fee for intervention is payable for the performance by the Executive of any function conferred on it by the relevant statutory provisions in respect of which fee for intervention is payable or has been paid in consequence of an opinion previously notified in accordance with paragraphs (1), (5) and (6) of regulation 22.
- (11) No fee for intervention is payable in respect of any contravention of the relevant statutory provisions which relates to any contained use.
- (12) In paragraph (11), “contained use” has the same meaning as in the 2014 GMO Regulations.
- (13) No fee for intervention is payable in respect of any contravention of the relevant statutory provisions which relates to any of the activities specified in paragraph 3(3) of Part 1 of Schedule 3 to the Control of Substances Hazardous to Health Regulations 2002<sup>(34)</sup>.
- (14) No fee for intervention is payable by a person who holds a licence to undertake work with asbestos in respect of any contravention of the relevant statutory provisions which relates to licensable work with asbestos.
- (15) In paragraph (14), “licensable work with asbestos” has the same meaning as in the 2012 Asbestos Regulations, and “work with asbestos” is to be construed in accordance with regulation 2(2) of those Regulations.
- (16) No fee for intervention is payable for the performance by the Executive of any function conferred on the Executive by—
- (a) the Control of Major Accident Hazards Regulations 1999;
  - (b) the Chemicals (Hazard Information and Packaging for Supply) Regulations 2009<sup>(35)</sup>;
  - (c) the 2013 Biocidal Products and Chemicals Regulations; and
  - (d) the 2014 GMO Regulations.

### Repayments and disputes

- 24.—(1) Subject to paragraph (2), if a person is—
- (a) charged with, but not convicted of, a criminal offence; or

<sup>(34)</sup> S.I. 2002/2677, to which there are amendments not relevant to these Regulations.

<sup>(35)</sup> S.I. 2009/716, amended by S.S.I. 2011/228 and S.I. 2011/1043, 2011/2131, 2013/1478, 2013/1506, 2013/1666 and 2014/1637.



(b) served with an enforcement notice that is subsequently cancelled, the Executive must repay such part of any fee for intervention paid as is wholly and exclusively attributable to the performance by the Executive of functions relating only to that criminal offence or, as the case may be, that enforcement notice.

(2) If—

(a) a person is charged with, but not convicted of, more than one criminal offence; or

(b) two or more enforcement notices served on a person are subsequently cancelled,

the Executive must repay such part of any fee for intervention paid as is wholly and exclusively attributable to the performance by the Executive of functions relating only to the criminal offences of which that person is not convicted or, as the case may be, the enforcement notices that are cancelled.

(3) Where all or part of any fee for intervention paid to the Executive was paid in error, the Executive must repay that fee for intervention or, as the case may be, that part of that fee for intervention.

(4) Where a person has been charged with one or more criminal offences or served with one or more enforcement notices, that person is not obliged to pay fee for intervention to the extent that that fee, when paid, would be repayable in accordance with paragraph (1) or (2) because—

(a) that person has not been convicted of one or more of those criminal offences; or

(b) one or more of those enforcement notices has been cancelled.

(5) The Executive must provide a procedure by which disputes relating to fee for intervention will be considered.

(6) If a dispute relating to fee for intervention is not upheld, the fee for intervention payable is to include the time spent by the Executive (including any inspector or other member of staff) in handling the dispute.

(7) For the purposes of this regulation, “enforcement notice” means an improvement notice or a prohibition notice.

## **Review**

**25.**—(1) Before the end of the review period, the Secretary of State must—

(a) carry out a review of these Regulations;

(b) set out the conclusions in a report; and

(c) publish the report.

(2) The report must in particular—

(a) set out the objectives intended to be achieved by the regulatory system established by these Regulations;

(b) assess the extent to which those objectives are achieved; and

(c) assess whether those objectives remain appropriate and, if so, the extent to which they could be achieved with a system that imposes less regulation.

(3) For the purposes of this regulation “review period” means the period of three years beginning with the 6th April 2015.

## **Revocations**

**26.**—(1) The following regulations are revoked—

- (a) the Health and Safety (Fees) Regulations 2012<sup>(36)</sup>; and
- (b) the Biocidal Products (Fees and Charges) Regulations 2013<sup>(37)</sup>.

(2) Despite the revocation of the Biocidal Products (Fees and Charges) Regulations 2013 by paragraph (1), regulation 8(2) of those Regulations continues to have effect for the purpose set out in that provision.

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

23rd February 2015

*Freud*  
Parliamentary Under Secretary of State  
Department of Work and Pensions

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<sup>(36)</sup> S.I. 2012/1652.  
<sup>(37)</sup> S.I. 2013/1507.

SCHEDULE 1

Regulation 3

FEES FOR APPLICATIONS FOR APPROVAL UNDER THE AGRICULTURE (TRACTOR CABS) REGULATIONS 1974

<i>1</i>	<i>2</i>
<i>Subject matter</i>	<i>Fee</i>
(a) Original approval of tractor cab	£485
(b) Revision of an existing approval of a tractor cab	£266

SCHEDULE 2

Regulation 4

FEE FOR APPLICATION FOR APPROVAL UNDER THE FREIGHT CONTAINERS (SAFETY CONVENTION) REGULATIONS 1984

<i>1</i>	<i>2</i>
<i>Subject matter</i>	<i>Fee</i>
Approval of scheme or programme for examination of freight containers	£94

SCHEDULE 3

Regulation 5

FEES FOR VARIOUS APPLICATIONS UNDER THE 2012 ASBESTOS REGULATIONS

**Table 1**

<i>1</i>	<i>2</i>
<i>Subject matter of licence</i>	<i>Fee</i>
Licence for work with asbestos or renewal of (original) licence	£3,236

**Table 2**

<i>1</i>	<i>2</i>	<i>3</i>
<i>Fee for re-assessment of licence application</i>	<i>Fee for amendment of condition, or duration, of licence</i>	<i>Fee for other amendment, or replacement, of a licence</i>
£741	£741	£80

*Status: This is the original version (as it was originally made).*

## SCHEDULE 4

Regulation 6

FEES FOR EXAMINATION OR SURVEILLANCE  
BY AN EMPLOYMENT MEDICAL ADVISER

<i>1</i> <i>Provision</i>	<i>2</i> <i>Reference</i>	<i>3</i> <i>Basic fee</i>	<i>4</i> <i>Fee for X-Rays</i>	<i>5</i> <i>Fee for Laboratory tests</i>
(a) The 1999 Regulations	<a href="#">S.I.1999/3232</a>	£38 where surveillance is confined to examination of, and making entries in, records  £71 in other cases	£73	£42
(b) The 2012 Asbestos Regulations	<a href="#">S.I. 2012/632</a>	£73	£73	£42
(c) The Control of Substances Hazardous to Health Regulations 2002	<a href="#">S.I. 2002/2677</a>	£73	£73	£42
(d) The Work in Compressed Air Regulations 1996(38)	<a href="#">S.I.1996/1656</a>	£73	£73	£42

## SCHEDULE 5

Regulation 7

FEES FOR MEDICAL SURVEILLANCE BY AN EMPLOYMENT MEDICAL  
ADVISER UNDER THE CONTROL OF LEAD AT WORK REGULATIONS 2002

<i>1</i> <i>Item</i>	<i>2</i> <i>Fee</i>
(a) On the first assessment of an employee (including any clinical medical examination and laboratory tests in connection with the assessment)	£73
(b) On each subsequent assessment of an employee—	
(i) for laboratory tests, where these are carried out	£42
(ii) for a clinical medical examination, where this is carried out	£42

(38) [S.I. 1996/1656](#), to which there are amendments not relevant to these Regulations.

## SCHEDULE 6

Regulation 8

FEES FOR VARIOUS APPLICATIONS IN CONNECTION WITH THE IONISING  
RADIATIONS REGULATIONS 1999 AND THE RADIATION (EMERGENCY  
PREPAREDNESS AND PUBLIC INFORMATION) REGULATIONS 2001

**Table 1**

<i>1</i> <i>Description</i>	<i>2</i> <i>Fee</i>	<i>3</i> <i>Fee for work by Inspectors or person appointed to advise the Executive</i>
Original approval or reassessment of such approval of dosimetry services granted under regulation 35 of the 1999 Regulations for the purposes of those Regulations		
Group I		
Dose record keeping		
(a) Where the application is solely in respect of Group I functions	£806	£136 per hour worked
(b) Where the application for Group I functions is linked to an application in respect of functions in another group	£806	£136 per hour worked
Group II		
External dosimetry		
(a) Whole body (beta, gamma, thermal neutrons) film	£806	£136 per hour worked
(b) Whole body (beta, gamma, thermal neutrons) thermoluminescent dosimeter	£806	£136 per hour worked
(c) Whole body (neutron), other than sub-groups (a) or (b)	£806	£136 per hour worked
(d) Whole body, other than sub-groups (a), (b), or (c)	£806	£136 per hour worked
(e) Extremity monitoring	£806	£136 per hour worked
(f) Accident dosimetry, other than in the previous sub-groups	£806	£136 per hour worked
Group III		
Internal dosimetry		
(a) Bio-assay, in-vivo monitoring or air sampling	£806	£136 per hour worked
(b) For each additional one of the above techniques	£806	£136 per hour worked
Original type approval of apparatus under paragraph 1(c)(i) or 1(d)(i) of Schedule 1 to the 1999 Regulations (which excepts	£136	£136 per hour worked

**Status:** This is the original version (as it was originally made).

<i>1</i> <i>Description</i>	<i>2</i> <i>Fee</i>	<i>3</i> <i>Fee for work by Inspectors or person appointed to advise the Executive</i>
such type approved apparatus from the notification requirements of regulation 6 of those Regulations)		
Amendment of an original approval of dosimetry services granted under regulation 35 of the 1999 Regulations for the purposes of those Regulations, or an original type approval of apparatus under paragraph 1(c)(i) or 1(d)(i) of Schedule 1 to those Regulations	£56	£136 per hour worked

**Table 2**

<i>1</i> <i>Purpose of application</i>	<i>2</i> <i>Fee</i>	<i>3</i> <i>Fee for work by Inspectors or person appointed to advise the Executive</i>
Original approval or reassessment of such approval of dosimetry services granted under regulation 35 of the 1999 Regulations for the purposes of regulation 14 of the 2001 Regulations	£1,898	£136 per hour worked
Amendment of an original approval of dosimetry services granted under regulation 35 of the 1999 Regulations for the purposes of regulation 14 of the 2001 Regulations	£56	£136 per hour worked

**Table 3**

<i>1</i> <i>Statutory provision</i>	<i>2</i> <i>Fee</i>	<i>3</i> <i>Purpose of the work</i>
Section 11(1) and 11(2)(a) and (b) of the 1974 Act	£3.50	Processing information contained in a record sent to the Executive pursuant to regulation 21(3)(e) of the 1999 Regulations

## SCHEDULE 7

Regulations 9 and 10

FEES PAYABLE IN RELATION TO THE EXPLOSIVES REGULATIONS 2014,  
THE ACETYLENE SAFETY (ENGLAND AND WALES AND SCOTLAND)  
REGULATIONS 2014 AND THE PETROLEUM (CONSOLIDATION) REGULATIONS 2014

## PART 1

FEES FOR APPLICATIONS FOR LICENCES, OR VARIATIONS TO,  
OR TRANSFER OF, LICENCES, TO MANUFACTURE OR TO STORE  
EXPLOSIVES MADE TO LICENSING AUTHORITIES WHICH ARE LICENSING  
AUTHORITIES BY VIRTUE OF PARAGRAPH 1(c) OR (d) OF SCHEDULE 1  
TO THE EXPLOSIVES REGULATIONS 2014 OR PARAGRAPH 1(b), 2 OR 4  
OF THAT SCHEDULE IN LOCAL AUTHORITY ASSENT CASES OR WHERE  
NO ASSENT REQUIRED BY VIRTUE OF REGULATION 13(4)(b) TO (g)

<i>1</i> <i>Provision of the</i> <i>Explosives</i> <i>Regulations 2014</i> <i>under which a</i> <i>licence is granted</i>	<i>2</i> <i>Purpose of application</i>	<i>3</i> <i>Fee</i>	<i>4</i> <i>Fee for work</i> <i>by inspector</i>
Regulation 13, as extended by regulation 2(2) of those Regulations to the manufacture and storage of ammonium nitrate blasting intermediate	Licence to manufacture explosives not being ammonium nitrate blasting intermediate nor relating to on-site mixing	£631	£127 per hour worked
	Licence to manufacture or store only ammonium nitrate blasting intermediate	£156 per hour worked	
	Licence to manufacture explosives by means of on-site mixing	£234	£127 per hour worked
	Licence to store explosives	£631	£127 per hour worked
	Renewal of any of the above licences	£83	£127 per hour worked
Regulation 16	Varying a licence to manufacture or store explosives, not being ammonium nitrate blasting intermediate	£432	£127 per hour worked
	Varying a licence to manufacture or store	£156 per hour worked	

*Status: This is the original version (as it was originally made).*

<i>1</i> <i>Provision of the Explosives Regulations 2014 under which a licence is granted</i>	<i>2</i> <i>Purpose of application</i>	<i>3</i> <i>Fee</i>	<i>4</i> <i>Fee for work by inspector</i>
Regulation 17	ammonium nitrate blasting intermediate		
	Transfer of any of the above licences	£52	
	Replacement of any of the licences referred to in this Part if lost	£52	

## PART 2

FEES FOR APPLICATIONS FOR LICENCES, OR VARIATIONS TO, OR TRANSFER OF, LICENCES TO STORE EXPLOSIVES MADE TO LICENSING AUTHORITIES WHICH ARE LICENSING AUTHORITIES BY VIRTUE OF PARAGRAPH 1(a) OF SCHEDULE 1 TO THE EXPLOSIVES REGULATIONS 2014 OR PARAGRAPH 1(b), 2 OR 4 OF THAT SCHEDULE IN CASES WHERE LOCAL AUTHORITY ASSENT IS NOT REQUIRED BY VIRTUE OF REGULATION 13(4)(a) OF THOSE REGULATIONS

<i>1</i> <i>Provision of the Explosives Regulations 2014 under which application made</i>	<i>2</i> <i>Purpose of application</i>	<i>3</i> <i>Fee</i>
Regulation 13	Licence to store explosives where, by virtue of regulation 27 of, and Schedule 5 to, the 2014 Regulations, a minimum separation distance of greater than 0 metres is required:	
	(a) one year's duration	£178
	(b) two years' duration	£234
	(c) three years' duration	£292
	(d) four years' duration	£360
	(e) five years' duration	£407
	Licence to store explosives where, by virtue of regulation 27 of, and Schedule 5 to, the 2014 Regulations, no minimum separation distance or a 0 metres separation distance is prescribed:	



<i>1</i>	<i>2</i>	<i>3</i>
<i>Provision of the Explosives Regulations 2014 under which application made</i>	<i>Purpose of application</i>	<i>Fee</i>
	(a) one year's duration	£105
	(b) two years' duration	£136
	(c) three years' duration	£166
	(d) four years' duration	£198
	(e) five years' duration	£229
	Renewal of licence to store explosives where, by virtue of regulation 27 of, and Schedule 5 to, the 2014 Regulations, a minimum separation distance of greater than 0 metres is prescribed:	
	(a) one year's duration	£83
	(b) two years' duration	£141
	(c) three years' duration	£198
	(d) four years' duration	£256
	(e) five years' duration	£313
	Renewal of licence to store explosives where, by virtue of regulation 27 of, and Schedule 5 to, the 2014 Regulations, no minimum separation distance or a 0 metres minimum separation distance is prescribed:	
	(a) one year's duration	£52
	(b) two years' duration	£83
	(c) three years' duration	£115
	(d) four years' duration	£146
	(e) five years' duration	£178
Regulation 16	Varying a licence:	
	(a) varying name of licensee or address of site	£35
	(b) any other kind of variation	The reasonable cost to the licensing authority of having the work carried out
Regulation 17	Transfer of licence	£35
	Replacement of licence	£35

Note:



<i>1</i>	<i>2</i>	<i>3</i>
<i>Provision of the Explosives Regulations 2014 under which a fee is payable</i>	<i>Purpose of application</i>	<i>Fee</i>
	(v) five years' duration	£193
	(c) Explosives certificate for acquiring and keeping explosives, not including an application for an explosives certificate referred to in entries (a), (g) or (i), at a site in relation to which a person holds a licence for the storage of no more than 2000 kilograms of explosives:	
	(i) one year's duration	£136
	(ii) two years' duration	£166
	(iii) three years' duration	£198
	(iv) four years' duration	£229
	(v) five years' duration	£261
	(d) Renewal of the explosives certificate referred to in (c):	
	(i) one year's duration	£130
	(ii) two years' duration	£156
	(iii) three years' duration	£183
	(iv) four years' duration	£209
	(v) five years' duration	£234
	(e) Explosives certificate for acquiring and keeping explosives, not including an application for an explosives certificate referred to in entries (g) or (i), at a site in relation to which a person holds a licence for the storage of more than 2000 kilograms of explosives:	
	(i) one year's duration	£183
	(ii) two years' duration	£219
	(iii) three years' duration	£256
	(iv) four years' duration	£292
	(v) five years' duration	£329
	(f) Renewal of the explosives certificate referred to in (e):	
	(i) one year's duration	£161
	(ii) two years' duration	£193
	(iii) three years' duration	£224

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<i>1</i>	<i>2</i>	<i>3</i>
<i>Provision of the Explosives Regulations 2014 under which a fee is payable</i>	<i>Purpose of application</i>	<i>Fee</i>
	(iv) four years' duration	£256
	(v) five years' duration	£287
	(g) Explosives certificate for acquiring and keeping only shooters' powder at a site in relation to which the applicant holds a licence, where the applicant also makes a relevant application under the 1968 Act to the chief officer of police determining the explosives certificate application which is to be determined at the same time	£24
	(h) Renewal of the explosives certificate referred to in (g) where the applicant also makes a relevant application under the 1968 Act to the chief officer of police determining the renewal application which is to be determined at the same time	£15
	(i) Explosives certificate for acquiring and keeping only shooters' powder at a site in relation to which the applicant holds a licence and a relevant certificate, where no relevant application under the 1968 Act by the applicant is to be determined at the same time	£44
	(j) Renewal of the explosives certificate referred to in (i) where no relevant application under the 1968 Act by the applicant is to be determined at the same time	£18
	(k) Explosives certificate for acquiring more than 15 kilograms of explosives, not including an application for an explosives certificate referred to in entries (m) or (o):	
	(i) one year's duration	£125
	(ii) two years' duration	£156
	(iii) three years' duration	£188
	(iv) four years' duration	£219
	(v) five years' duration	£251
	(l) Renewal of the explosives certificate referred to in (k):	
	(i) one year's duration	£110
	(ii) two years' duration	£130
	(iii) three years' duration	£151

<i>1</i>	<i>2</i>	<i>3</i>
<i>Provision of the Explosives Regulations 2014 under which a fee is payable</i>	<i>Purpose of application</i>	<i>Fee</i>
	(iv) four years' duration	£173
	(v) five years' duration	£193
	(m) Explosives certificate for acquiring more than 15 kilograms of shooters' powder only, where the applicant also makes a relevant application under the 1968 Act to the chief officer of police determining the explosives certificate application which is to be determined at the same time	£24
	(n) Renewal of the explosives certificate referred to in (m) where the applicant also makes a relevant application under the 1968 Act to the chief officer of police determining the renewal application which is to be determined at the same time	£15
	(o) Explosives certificate for acquiring more than 15 kilograms of shooters' powder only, where the applicant holds a relevant certificate and no relevant application under the 1968 Act is to be determined at the same time	£44
	(p) Renewal of the explosives certificate referred to in (o) where no relevant application under the 1968 Act by the applicant is to be determined at the same time	£18
	(q) Replacement of any explosives certificate referred to in entries (a) to (f) and (k) and (l) if lost	£35
	(r) Replacement of any explosives certificate referred to in entries (g) to (j) and (m) to (p) if lost	£10

**Table 2**


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The fee for a check carried out for the purposes of regulation 19(2)(d) of the 2014 Regulations is £5

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Note:

The fee payable for an explosives certificate or a renewal of an explosive certificate ("renewal")—

- (a) of less than one year's duration is, respectively, the fee set out above for a certificate, or renewal of one year's duration decreased proportionately according to the duration of the period for which the explosive certificate or renewal is granted;
- (b) of more than one but less than two years' duration is, respectively, the fee set out above for an explosives certificate, or a renewal of one year's duration increased proportionately according to the duration of the period for which the explosive certificate or renewal is granted;
- (c) of more than two but less than three years' duration is, respectively, the fee set out above for an explosives certificate or renewal of two years' duration increased proportionately according to the duration of the period for which the explosive certificate or renewal is granted;

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- (d) of more than three but less than four years' duration is, respectively, the fee set out above for an explosives certificate or renewal of three years' duration increased proportionately according to the duration of the period for which the explosive certificate or renewal is granted;
- (e) of more than four but less than five years' duration is, respectively, the fee set out above for an explosives certificate or renewal of four years' duration increased proportionately according to the duration of the period for which the explosive certificate or renewal is granted.

## PART 4

### APPLICATIONS UNDER AND REPLACEMENT OF LICENCE UNDER, THE 2014 ACETYLENE REGULATIONS

<i>1</i> <i>Purpose of application under the 2014 Acetylene Regulations</i>	<i>2</i> <i>Fee</i>	<i>3</i> <i>Fee for work by inspector</i>
Original application for a licence for the manufacture of compressed acetylene gas, the compression of acetylene gas, the filling of a cylinder with compressed acetylene gas or any combination of those activities under regulation 6	£39	£127 per hour worked
Application to renew a licence under regulation 6	£39	£127 per hour worked
Application to vary a licence under regulation 6	£39	£127 per hour worked
Application to transfer a licence under regulation 6	£39	£127 per hour worked
Replacement of any of the licences referred to in this Part if lost	£39	

## PART 5

### FEE PAYABLE IN RESPECT OF APPLICATIONS FOR THE GRANTING OF STORAGE CERTIFICATES AND PETROL LICENCES UNDER THE PETROLEUM (CONSOLIDATION) REGULATIONS 2014

<i>1</i> <i>Provision of the Petroleum (Consolidation) Regulations 2014 under which a fee is payable</i>	<i>2</i> <i>Purpose of application</i>	<i>3</i> <i>Fee</i>
Regulation 6	Storage certificate, where premises to be used to store petrol of a quantity—	
	not exceeding 2,500 litres	£42 for each year of certificate
	exceeding 2,500 litres but not exceeding 50,000 litres	£58 for each year of certificate
	exceeding 50,000 litres	£120 for each year of certificate

<i>1</i> <i>Provision of the Petroleum (Consolidation) Regulations 2014 under which a fee is payable</i>	<i>2</i> <i>Purpose of application</i>	<i>3</i> <i>Fee</i>
Regulation 14	Licence to keep petrol of a quantity—	£42 for each year of licence
	not exceeding 2,500 litres	£58 for each year of licence
	exceeding 2,500 litres but not exceeding 50,000 litres	£120 for each year of licence
	exceeding 50,000 litres	

## SCHEDULE 8

Regulation 11

## FEES FOR APPLICATION FOR OR CHANGES TO AN EXPLOSIVES LICENCE UNDER PART 9 OF THE DANGEROUS SUBSTANCES IN HARBOUR AREAS REGULATIONS 1987

<i>1</i> <i>Purpose of the application</i>	<i>2</i> <i>Fee</i>
Grant of an explosives licence or alteration of the terms of an existing explosives licence	£688 plus £127 per hour worked
Change of licence name or address	£54

## SCHEDULE 9

Regulation 13

## FEES FOR NOTIFICATIONS AND APPLICATIONS UNDER THE 2014 GMO REGULATIONS

<i>1</i> <i>Description</i>	<i>2</i> <i>Fee</i>
(a) Notification of premises to be used for contained use for the first time under regulation 9(2)	£472
(b) Notification of class 2 contained use under regulation 10(2)	£943
(c) Notification of premises to be used for contained use for the first time under regulation 9(2) at the same time as notification of class 2 contained use under regulation 10(2)	£943
(d) Notification of class 3 contained use under regulation 11(2)	£1,022
(e) Notification of premises to be used for contained use for the first time under regulation 9(2) at the same time as notification of class 3 contained use under regulation 11(2)	£1,022

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<i>1</i> <i>Description</i>	<i>2</i> <i>Fee</i>
(f) Notification of class 4 contained use under regulation 11(2)	£1,178
(g) Notification of premises to be used for contained use for the first time under regulation 9(2) at the same time as notification of class 4 contained use under regulation 11(2)	£1,178
(h) Notification of contained use under regulation 12(2)	£943
(i) Notification of premises to be used for contained use for the first time under regulation 9(2) at the same time as notification of contained use under regulation 12(2)	£943
(j) Notification of a change or new information affecting risks under regulation 15(1)	£706
(k) Application for the written agreement of the competent authority under regulation 19(2) where the application is made after a notification has been submitted pursuant to regulation 9(2), 10(2), 11(2) or 12(2)	£706

#### SCHEDULE 10

Regulation 14

#### FEES PAYABLE IN RESPECT OF OFFSHORE INSTALLATIONS

<i>1</i> <i>Function</i>	<i>2</i> <i>Person by whom fee is payable</i>
Assessing a design notification (sent to the Executive pursuant to regulation 6(1) or 9(1) of the 2005 Regulations) for the purpose of deciding whether to raise matters relating to health and safety and raising such matters	The operator or owner who sent the design notification to the Executive pursuant to that provision
Assessing a relocation notification (sent to the Executive pursuant to regulation 6(2) of the 2005 Regulations) for the purpose of deciding whether to raise matters relating to health and safety and raising such matters	The operator who sent the relocation notification to the Executive pursuant to that provision
Assessing a safety case or a revision to a current safety case (sent to the Executive pursuant to any provision of the 2005 Regulations) for the purpose of deciding whether to accept that safety case or revision and accepting any such safety case or revision	The operator or owner who sent the safety case or revision to the Executive pursuant to that provision
Providing advice with respect to the preparation of a safety case or a revision to a current safety case which is proposed to be sent to the Executive pursuant to any provision of the 2005 Regulations	The operator or owner who has requested that advice
Assessing whether to grant an exemption pursuant to regulation 23 of the 2005 Regulations and granting any such exemption	The operator or owner who has requested the exemption



## SCHEDULE 11

Regulation 15

## FEES PAYABLE IN RESPECT OF GAS SAFETY FUNCTIONS

<i>1</i> <i>Function</i>	<i>2</i> <i>Person by whom fee is payable</i>
Assessing a safety case or a revision of a safety case (sent to the Executive pursuant to any provision of the 1996 Regulations) for the purpose of deciding whether to accept that safety case or revision, and accepting any such safety case or revision	The person conveying gas, the person intending to convey gas or the network emergency co-ordinator who has prepared the safety case or revision pursuant to that provision
Providing advice with respect to the preparation of a safety case or revision to a safety case which is proposed to be sent to the Executive pursuant to any provision of the 1996 Regulations	The person conveying gas, the person intending to convey gas or the network co-ordinator who has requested that advice
Assessing whether to grant an exemption pursuant to regulation 11 of the 1996 Regulations	The operator or owner who has requested the exemption

## SCHEDULE 12

Regulation 16

FEES PAYABLE IN RELATION TO NUCLEAR ASSESSMENTS,  
DESIGN PROPOSALS AND POTENTIAL NUCLEAR SITE  
APPLICATIONS UNDER SECTION 1(1) OF THE 1965 ACT**Table 1**

<i>1</i> <i>Statutory provision(s)</i>	<i>2</i> <i>Purpose of the work</i>	<i>3</i> <i>Person by whom the fee is payable</i>
(a) Section 78 of the 2013 Act	Preparing an assessment agreement	The person who has requested the assessment of the design proposal
(b) Section 78 of the 2013 Act and sections 1(1) and 3 of the 1965 Act	Assessing a design proposal	

**Status:** This is the original version (as it was originally made).

**Table 2**

<i>1</i> <i>Statutory Provisions</i>	<i>2</i> <i>Purpose of the work</i>	<i>3</i> <i>Person by whom the fee is payable</i>
Section 78 of the 2013 Act and sections 1(1) and 3 of the 1965 Act	Providing advice to a potential applicant for a licence under section 1(1) of the 1965 Act on any matter relating to a potential application for a licence	The person who has requested the advice

SCHEDULE 13

Regulation 18

FEEES FOR APPLICATIONS FOR APPROVALS UNDER THE OFFSHORE INSTALLATIONS AND PIPELINES WORKS (FIRST-AID) REGULATIONS 1989

**Table 1**

<i>1</i> <i>Fee for an original approval of offshore first-aid training</i>	<i>2</i> <i>Fee for an original approval of offshore medical training</i>	<i>3</i> <i>Fee for renewal of approval of offshore first-aid training</i>	<i>4</i> <i>Fee for renewal of approval of offshore medical training</i>
£1,693	£2,333	£117	£117

**Table 2**

<i>1</i> <i>Fee for an additional site-visit relating to offshore first-aid training</i>	<i>2</i> <i>Fee for an additional site-visit relating to offshore medical training</i>
£565	£1,335

**Table 3**

<i>1</i> <i>Fee for an initial site-visit relating to offshore first-aid training</i>	<i>2</i> <i>Fee for an initial site-visit relating to offshore medical training</i>	<i>3</i> <i>Fee for any additional site-visit relating to offshore first-aid training</i>	<i>4</i> <i>Fee for any additional site-visit relating to offshore medical training</i>
£576	£1,335	£565	£1,335

**Table 4**

<i>1</i> <i>Fee for a site-visit to investigate a complaint relating to offshore first-aid training</i>	<i>2</i> <i>Fee for a site-visit to investigate a complaint relating to offshore medical training</i>	<i>3</i> <i>Fee for a cancelled site-visit relating to offshore first-aid training</i>	<i>4</i> <i>Fee for a cancelled site-visit relating to offshore medical training</i>
£576	£1,335	£576	The reasonable cost to the Executive due to the cancellation

SCHEDULE 14

Regulation 20

FEES FOR NOTIFICATIONS UNDER THE BOREHOLE SITES AND OPERATIONS REGULATIONS 1995

<i>1</i> <i>Function</i>	<i>2</i> <i>Person by whom fee is payable</i>
Assessing a notification sent to the Executive pursuant to regulation 6(1) of the 1995 Regulations for the purpose of deciding whether to raise matters relating to health and safety and raising such matters	The operator of a borehole site
Assessing a notification sent to the Executive pursuant to regulation 6(2) of the 1995 Regulations for the purpose of deciding whether to raise matters relating to health and safety and raising such matters	The operator of a borehole site
Assessing a notification sent to the Executive pursuant to regulation 6(3) of the 1995 Regulations for the purpose of deciding whether to raise matters relating to health and safety and raising such matters	The person entitled to drill the borehole
Assessing a notification sent to the Executive pursuant to regulation 6(4) of the 1995 Regulations for the purpose of deciding whether to raise matters relating to health and safety and raising such matters	The operator of a borehole site
Assessing a notification sent to the Executive pursuant to regulation 6(5) of the 1995 Regulations for the purpose of deciding whether to raise matters relating to health and safety and raising such matters	The operator of a borehole site or, in the case of particulars previously notified under regulation 6(3) of the 1995 Regulations, the person entitled to drill the borehole

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## SCHEDULE 15

Regulation 21

FEES FOR ACTIVITIES IN RESPECT OF WHICH A FEE IS PAYABLE  
AND DAILY RATE UNDER THE BIOCIDES REGULATION AND THE  
2013 BIOCIDAL PRODUCTS AND CHEMICALS REGULATIONS

<i>1.</i>	<i>2.</i>
<i>Activity</i>	<i>Fee per person per day worked</i>
(a) Validation of an application for approval of an active substance	£447
(b) Evaluation of an application to approve an active substance	£447
(c) Evaluation of an application to renew an active substance approval	£447
(d) Work relating to a request for inclusion of an active substance in Annex I on behalf of an economic operator	£447
(e) Meetings with applicants and prospective applicants	£447
(f) Evaluation of an application to authorise a biocidal product under the simplified procedure	£393
(g) Validation of an application for a national authorisation of a biocidal product	£393
(h) Evaluation of an application for a national authorisation of a biocidal product	£393
(i) Evaluation of an application to renew a national authorisation of a biocidal product	£393
(j) Validating, processing and determining an application to mutually recognise a biocidal product in sequence, and subsequent authorisation	£393
(k) Processing and determining an application for mutual recognition in parallel as a concerned Member State	£393
(l) Processing and determining an application for mutual recognition by an official or scientific body	£393
(m) Validating an application for Union Authorisation of a biocidal product	£393
(n) Evaluation of an application for Union Authorisation of a biocidal product	£393
(o) Evaluation of an application to renew a Union Authorisation	£393

<i>Activity</i>	<i>Fee per person per day worked</i>
(p) Determination of an application to amend an existing biocidal product authorisation	£393
(q) Determination of an application for a parallel trade permit	£393
(r) Evaluation of an application for an emergency use permit	£393
(s) Evaluation of an application under Regulation 13 of the 2013 Biocidal Products and Chemicals Regulations	£393

## EXPLANATORY NOTE

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

1. The Health and Safety and Nuclear (Fees) Regulations 2015 (“the Regulations”) revoke and replace the Health and Safety (Fees) Regulations 2012 (S.I. 2012/1652) (“the 2012 Regulations”). They consolidate amendments made to the 2012 Regulations by the following amending instruments: S.I. 2013/1237, S.I. 2013/1506, S.I. 2013/1512, S.I. 2013/1948, S.I. 2014/469, S.I. 2014/1637, S.I. 2014/1638, S.I. 2014/1639, S.I. 2014/1663 and S.I. 2014/3248.

2. The Regulations do not introduce any fee increases for fees that were prescribed by the 2012 Regulations. In addition to incorporating the amendments referred to above, the Regulations also:

- (a) provide for fees payable to the Office for Nuclear Regulation under regulation 16 and Schedule 12 to be made in these Regulations under the Energy Act 2013. The fee amounts remain unchanged from the 2012 Regulations;
- (b) introduce a de minimis provision relating to fees payable under regulation 8(9) and Schedule 6 in respect of dose records sent to the Health and Safety Executive; and
- (c) incorporate fees payable in respect of biocidal products (see paragraph 5).

3. Regulation 1(2) provides that these Regulations are to cease to have effect five years after they come into force (6th April 2015). Regulation 2 contains definitions.

4. The Regulations fix or determine the fees payable by an applicant to, in most cases, the Health and Safety Executive, in respect of-

- (a) an application for approval of plant or equipment under the Agriculture (Tractor Cabs) Regulations 1974 (*regulation 3 and Schedule 1*);
- (b) applications under the Freight Containers (Safety Conventions) Regulations 1984 (*regulation 4 and Schedule 2*);
- (c) applications for approval under the Control of Asbestos Regulations 2012 (*regulation 5 and Schedule 3*);

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- (d) examination or surveillance by an employment medical adviser (*regulation 6 and Schedule 4*);
- (e) medical surveillance by an employment medical adviser under the Control of Lead at Work Regulations 2002 (*regulation 7 and Schedule 5*);
- (f) applications under the Ionising Radiations Regulations 1999 and the Radiation (Emergency Preparedness and Public Information) Regulations 2001 (*regulation 8 and Schedule 6*);
- (g) applications under the Explosives Regulations and the Acetylene Safety (England and Wales and Scotland) Regulations 2014 (*regulation 9 and Schedule 7*);
- (h) an application under the Petroleum (Consolidation) Regulations 2014 (*regulation 10 and Schedule 7*);
- (i) applications under Part 9 of the Dangerous Substances in Harbour Areas Regulations 1987 (*regulation 11 and Schedule 8*);
- (j) applications and notifications under the Genetically Modified Organisms (Contained Use) Regulations 2014 (*regulation 13 and Schedule 9*);
- (k) offshore installations (*regulation 14 and Schedule 10*);
- (l) gas safety functions (*regulation 15 and Schedule 11*);
- (m) nuclear installations (*regulation 16 and Schedule 12*);
- (n) offshore first-aid and medical training (*regulation 18 and Schedule 13*); and
- (o) notifications under the Borehole Sites and Operations Regulations 1995 (*regulation 20 and Schedule 14*).

**5.** Under *regulation 21 and Schedule 15*, fees are prescribed that are payable under Regulation (EU) No 528/2012 of the European Parliament and of the Council of 22 May 2012 concerning the making available on the market and use of biocidal products and the Biocidal Products and Chemicals (Appointment of Authorities and Enforcement) Regulations 2013. These fees were previously prescribed in the Biocidal Products (Fees and Charges) Regulations 2013, which are revoked by regulation 26. Regulation 21 does not reproduce the annual charge made under those Regulations.

**6.** Under *regulations 22 to 24*, fees are payable in respect of functions performed by the Executive if a person is in contravention of the relevant statutory provisions (“fees for intervention”).

**7.** *Regulation 25* requires the Secretary of State to review the operation and effect of these Regulations and to publish a report within three years after the Regulations come into force. Following the review it will fall to the Secretary of State to consider whether the Regulations should be allowed to expire as regulation 1(2) provides, be revoked early, or continue in force with or without amendment. Given the effect of regulation 1(2), a further instrument would be needed to continue the Regulations in force with or without amendment or to revoke them early.

**8.** *Regulation 26(1)* revokes the Health and Safety (Fees) Regulations 2012 and the Biocidal Products (Fees & Charges) Regulations 2013 subject to regulation 26(2).

**9.** *Regulation 26(2)* sets out those provisions of the Biocidal Products Regulations 2001 which continue to apply for the purposes of calculating the fee payable in respect of the evaluation of applications for biocidal product authorisations submitted before 1 September 2013.

**10.** An impact assessment of the effect that the fees introduced by these Regulations will have on the costs of business and the voluntary sector is published with the Explanatory Memorandum which is available alongside the instrument at [www.legislation.gov.uk](http://www.legislation.gov.uk).

11. “Guidance on the application of Fee for Intervention” (1st edition) can be downloaded without charge at [www.hse.gov.uk](http://www.hse.gov.uk), and a priced copy may be purchased from HSE Books, PO Box 1999, Sudbury, Suffolk CO10 2WA.