

This Statutory Instrument corrects errors in S.I. 2021/33 and S.I. 2022/1037, and is being issued free of charge to all known recipients of those Statutory Instruments.

STATUTORY INSTRUMENTS

2022 No. 1378

HEALTH AND SAFETY

The Health and Safety and Nuclear (Fees) Regulations 2022

Approved by both Houses of Parliament

Made - - - - 19th December 2022

Laid before Parliament 20th December 2022

Coming into force - - 21st December 2022

The Secretary of State makes the following Regulations in exercise of the powers conferred by sections 43(2), (4), (5) and (6) and 82(3)(a) of the Health and Safety at Work etc. Act 1974(1) (“the 1974 Act”), sections 101(1), (2) and (3) and 113(6) and (7) of the Energy Act 2013(2) (“the 2013 Act”) and paragraphs 1 and 7 of Schedule 4, and paragraph 21 of Schedule 7, to the European Union (Withdrawal) Act 2018(3) (“the 2018 Act”).

The Secretary of State makes these Regulations, in so far as they are made in exercise of powers conferred by the 1974 Act, for the purpose of giving effect without modifications to proposals submitted to the Secretary of State by the Health and Safety Executive under section 11(3) of the 1974 Act(4).

In accordance with section 101(6)(a) of the 2013 Act, the Secretary of State has consulted the Office for Nuclear Regulation.

In accordance with paragraph 3(1) of Schedule 4 to the 2018 Act, these Regulations are made with the consent of the Treasury.

In accordance with paragraph 19 of Schedule 7 to the 2018 Act, the Secretary of State is of the opinion that, by reason of urgency, it is necessary to make these Regulations without a draft having been laid before, and approved by a resolution of, each House of Parliament.

(1) 1974 c. 37. Section 43 was amended by paragraph 12 of Schedule 15, and Schedule 18, to the Employment Protection Act 1975 (c. 71) and by S.I. 2002/794 and 2008/960. Section 82 has been amended, but no amendments are relevant to these Regulations.

(2) 2013, c. 32. Section 113 has been amended, but no amendments are relevant to these Regulations.

(3) 2018 c. 16. Amendments have been made to this Act, but no amendments are relevant to these Regulations.

(4) Section 11 was substituted by S.I. 2008/960 and amended by paragraph 2 of Schedule 12 to the Energy Act 2013, by section 1 of the Deregulation Act 2015 (c. 20) and by paragraph 2 of Schedule 1 to the Building Safety Act 2022 (c. 30).

Citation, commencement, extent and application

1.—(1) These Regulations may be cited as the Health and Safety and Nuclear (Fees) Regulations 2022 and come into force on 21st December 2022.

(2) These Regulations extend to Great Britain.

(3) These Regulations apply to any work outside Great Britain to which sections 1 to 59 and 80 to 82 of the 1974 Act apply by virtue of the Health and Safety at Work etc. Act 1974 (Application Outside Great Britain) Order 2013(5) as they apply to work within Great Britain.

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 2012 Asbestos Regulations” means the Control of Asbestos Regulations 2012(6);

“the 2013 Biocidal Products and Chemicals Regulations” means the Biocidal Products and Chemicals (Appointment of Authorities and Enforcement) Regulations 2013(7);

“the 2014 GMO Regulations” means the Genetically Modified Organisms (Contained Use) Regulations 2014(8);

“the 2017 Regulations” means the Ionising Radiations Regulations 2017(9);

“employment medical adviser” means an employment medical adviser appointed under section 56(1) of the 1974 Act(10);

“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) A reference to “approval” in these Regulations includes the amendment of an approval, and a reference to “amendment of an approval” includes the issue of a new approval replacing the original and incorporating one or more amendments.

(3) 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 the approval of plant and equipment under the Agriculture (Tractor Cabs) Regulations 1974(12).

(5) [S.I. 2013/240](#).

(6) [S.I. 2012/632](#). This instrument was amended by [S.I. 2014/469](#). Other amending instruments have been made, but none is relevant to these Regulations.

(7) [S.I. 2013/1506](#). This instrument was amended by [S.I. 2019/720](#) and [2020/1567](#). Other amending instruments have been made, but none is relevant to these Regulations.

(8) [S.I. 2014/1663](#). There are amendments to this instrument, but none is relevant to these Regulations.

(9) [S.I. 2017/1075](#). This instrument was amended by [S.I. 2019/703](#). Other amending instruments have been made, but none is relevant to these Regulations.

(10) Section 56 has been amended, but the amendment is not relevant to these Regulations.

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

(12) [S.I. 1974/2034](#). This instrument was amended by [S.I. 1976/1247](#), [1981/1414](#) and [1990/1075](#).

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

Fees for applications for approval under the Freight Containers (Safety Convention) Regulations 2017

4.—(1) A fee is payable by the applicant to the Executive on each application for the approval of a scheme or programme for examination of freight containers under the Freight Containers (Safety Convention) Regulations 2017(13).

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

Fees for various applications under the Control of Asbestos Regulations 2012

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

(2) The fee payable on the 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 licence if shortcomings leading to the refusal of the application for the licence 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).

(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 2017 and the Radiation (Emergency Preparedness and Public Information) Regulations 2019

8.—(1) A fee is payable to the Executive by the applicant on each application for an original type approval of apparatus pursuant to paragraphs 1(d)(i) or 1(e)(i) of Schedule 1 to the 2017 Regulations or for an amendment, pursuant to section 11(1) of the 1974 Act, of an original type approval granted either under the 2017 Regulations or the 1999 Regulations.

(2) A fee is payable to the appropriate authority (within the meaning given in the 2017 Regulations) by the applicant on each application for registration or for a consent to carry out specified practices for the purposes of the 2017 Regulations.

(3) The fee payable by the applicant 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 the 2017 Regulations or the 2019 Regulations;
- (b) the reassessment of an original approval of dosimetry services previously granted for the purposes of the 1999 Regulations, the 2017 Regulations or the 2019 Regulations; or
- (c) the amendment of an original approval granted for the purposes of the 1999 Regulations, the 2017 Regulations or the 2019 Regulations and amended pursuant to section 11(1) of the 1974 Act.

(5) The fee payable by the applicant 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 (2) or (4), and the fee for such work in connection with each matter described in column 1 of Tables 1

(14) *S.I. 2002/2676*. This instrument has been amended by *S.I. 2008/960*, *2014/469* and *2018/390*. Other amending instruments have been made, but none is relevant to these Regulations.

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 paragraph (2) or (4), 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 (1), (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 22(3)(e) of the 2017 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 £26.

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

“the 1999 Regulations” means the Ionising Radiations Regulations 1999⁽¹⁵⁾;

“the 2019 Regulations” means the Radiation (Emergency Preparedness and Public Information) Regulations 2019⁽¹⁶⁾;

“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⁽¹⁷⁾; 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 the 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—

⁽¹⁵⁾ S.I. 1999/3232. Amending instruments are S.I. 2001/2626, 2001/2975, 2008/960, 2010/675, 2011/1043, 2014/469, 2014/3248 and 2016/1154. Subject to savings, these Regulations were revoked by S.I. 2017/1075.

⁽¹⁶⁾ S.I. 2019/703. There are amending instruments, but none is relevant to these Regulations.

⁽¹⁷⁾ S.I. 2014/1638. This instrument was amended by S.I. 2014/3248. There are other amending instruments, but none is relevant to these Regulations.

- (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.

(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 of 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 the 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 of £5 is payable by the applicant to the chief officer of police prior to that check being carried out.

(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 to the licensing authority by the applicant 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 the licensing authority's inspectors in connection with any application in relation to those Regulations that is made for a purpose specified in column 1 of Part 4 of Schedule 7 and for which there is a corresponding entry in column 3 of that Part.

(10) The fee for work in connection with any purpose specified in paragraph (9) 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.

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

“the 1968 Act” means the Firearms Act 1968(18);

“the 2014 Acetylene Regulations” means the Acetylene Safety (England and Wales and Scotland) Regulations 2014(19);

(18) 1968 c. 27.

(19) S.I. 2014/1639.

“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(20);

“firearm certificate”, “firearms dealer” and “shot gun certificate” have the same meanings as in the 1968 Act(21);

“firearms dealer certificate” means a certificate granted or caused to be granted under section 33(4) of the 1968 Act(22) 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; and
- (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 a provision in the Petroleum (Consolidation) Regulations 2014(23) 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 to the petroleum enforcement authority by the applicant.

Fees for applications for or changes to an explosives licence under Part 5 of the Dangerous Goods in Harbour Areas Regulations 2016

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 5 of the Dangerous Goods in Harbour Areas Regulations 2016(24).

(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 that application.

(3) For the purposes of this regulation, “appropriate authority” has the same meaning as in regulation 2(1) of the Dangerous Goods in Harbour Areas Regulations 2016.

Estimate of cost of work

12.—(1) Where any fee is to be assessed on the basis of 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—

(20) These definitions are found in regulation 2 of the Explosives Regulations 2014, except for “on-site mixing” which is defined in regulation 13(10)(b).

(21) These definitions are found in section 57 of the Firearms Act 1968. The definition of “firearms dealer” was amended by section 31 of the Violent Crime Reduction Act 2006 (c. 38), paragraph 1 of schedule 2 to the Air Weapons and Licensing (Scotland) Act 2015 (2015 asp 10).

(22) There are amendments to section 33 of the 1968 Act, but none is relevant to these Regulations.

(23) S.I. 2014/1637. This instrument was amended by S.I. 2015/483.

(24) S.I. 2016/721. This instrument was amended by S.I. 2017/304.

- (a) on receipt of the application or request, as the case may be, prepare and send an estimate of the cost of carrying out the relevant work to the person making that application or request; 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);
 - (b) in relation to the licensing authority, any work under regulation 9(4).

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 and Schedule 9, “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 or the 2015 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(**25**);

“the 2015 Regulations” means the Offshore Installations (Offshore Safety Directive) (Safety Case etc.) Regulations 2015(**26**);

“competent authority” has the meaning given in the 2015 Regulations(**27**);

“current safety case”, “installation”, “owner” and “safety case”—

(25) *S.I. 2005/3117*. This instrument was amended by *S.I. 2009/229*, *2015/398* and *2016/912*. Other amendments have been made, but none is relevant to these Regulations.

(26) *S.I. 2015/398*. There are amendments to this instrument, but none are relevant to these Regulations.

(27) The definition of “competent authority” is in regulation 2(1) of the 2015 Regulations.

- (a) in a case concerning the 2005 Regulations have the same meanings as in those Regulations(28);
 - (b) in a case concerning the 2015 Regulations, have the same meanings as in the 2015 Regulations(29); and
- “operator”—
- (a) in a case concerning the 2005 Regulations, has the meaning—
 - (i) in a case of the dismantling of a fixed installation under regulation 11 of those Regulations, given in regulation 11(4) of those Regulations;
 - (ii) in any other case, given in regulation 2(1) of those Regulations in relation to a production installation;
 - (b) in a case concerning the 2015 Regulations, has the meaning given in those Regulations(30).

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
- (b) a contractor in relation to work carried out by that contractor on or in connection with that work, 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(31) 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 and Schedule 11—

(28) “Current safety case”, “installation” and “owner” are defined in regulation 2(1) of the 2005 Regulations. “Safety case” has the meaning given in regulation 2(2) of those Regulations.

(29) “Current safety case”, “installation” and “owner” are defined in regulation 2(1) of the 2015 Regulations. “Safety case” has the meaning given in regulation 2(2) of those Regulations.

(30) “Operator” is defined in regulation 2(1) of the 2015 Regulations.

(31) *S.I. 1996/825*. There are amendments to this instrument, but none are relevant to these Regulations.

“the 1996 Regulations” means the Gas Safety (Management) Regulations 1996⁽³²⁾;
“network”, “network emergency co-ordinator” and “safety case” have the same meanings as in the 1996 Regulations⁽³³⁾; 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⁽³⁴⁾;

“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;

“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 on 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⁽³⁵⁾) other than—

- (a) a provision of the Nuclear Safeguards Act 2000⁽³⁶⁾; or
- (b) a provision of nuclear safeguards regulations⁽³⁷⁾.

⁽³²⁾ S.I. 1996/551. There are amendments to this instrument, but none are relevant to these Regulations.

⁽³³⁾ The definitions of “network”, “network emergency coordinator” and “safety case” are in regulation 2(1) of the 1996 Regulations.

⁽³⁴⁾ 1965 c. 57. Section 1 was substituted by paragraph 17 of Schedule 12 to the Energy Act 2013 (“the 2013 Act”). Section 3 was substituted by paragraph 18 of Schedule 12 to the 2013 Act, and amended by S.I. 2016/1154 and S.S.I. 2018/219. There are other amendments to the 1965 Act, but none is relevant to these Regulations.

⁽³⁵⁾ Section 82 has been amended by paragraph 4 of the Schedule to the Nuclear Safeguards Act 2018 (c. 15) (“the 2018 Act”) and S.I. 2016/562.

⁽³⁶⁾ 2000 c. 5.

⁽³⁷⁾ “Nuclear safeguards regulations” is defined in section 112 of the Energy Act 2013. That definition was inserted by section 1(3) (a) of the 2018 Act.

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 invoice 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⁽³⁸⁾ or paragraph 6 of Schedule 8 to the 2013 Act (appeal against improvement notice or prohibition notice) 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⁽³⁹⁾ 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 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

⁽³⁸⁾ [S.I. 2013/1237](#). This instrument was amended by [S.I. 2014/468](#). Other amending instruments have been made, but none are relevant to these Regulations.

⁽³⁹⁾ [S.I. 1987/2197](#).

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 same 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⁽⁴⁰⁾.

(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.

(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

⁽⁴⁰⁾ S.I. 1989/1671. Regulation 5 was amended by S.I. 1993/1823 and 2015/398.

(b) where the site visit is in connection with an approval relating to the 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 in columns 1 and 2 of that Table is to be reduced by an amount of £153.

(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.

(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 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 £57 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 under the 1995 Regulations 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 2015⁽⁴¹⁾.

(4) For the purposes of this regulation and Schedule 14, “the 1995 Regulations” means the Borehole Sites and Operations Regulations 1995⁽⁴²⁾, and “borehole site” and “operator” have the same meaning as in those Regulations⁽⁴³⁾.

Fees payable in connection with work relating to biocides

21.—(1) The 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;
- (b) work it carries out in order to evaluate an application under regulation 13 of the 2013 Biocidal Products and Chemicals Regulations (essential use);
- (c) work it carries out in order to evaluate an application for a change to an authorised product under Regulation 354/2013; and
- (d) work it carries out to determine an application to be a participant for the review of an active substance/product-type combination under Article 17 of Regulation 1062/2014.

(2) Any fee payable under paragraph (1) must be calculated in accordance with paragraphs (3) to (9).

(3) Where a fee is payable under paragraph (1), 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.

(4) The person to whom the estimate of costs specified in paragraph (3) is sent by the competent authority must pay to that authority the amount of that estimate within 30 days of its issue.

(5) 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.

(6) If the cost referred to in paragraph (5) is greater than the amount estimated in accordance with paragraph (3), the competent authority must notify the amount of the 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.

(7) If the cost referred to in paragraph (5) is less than the amount estimated in accordance with paragraph (3), the fee must be adjusted accordingly and the amount of the difference must be paid

⁽⁴¹⁾ S.I. 2015/483. There are amendments to this instrument, but none is relevant to these Regulations.

⁽⁴²⁾ S.I. 1995/2038. There are amendments to this instrument, but none is relevant to these Regulations.

⁽⁴³⁾ Those definitions are in regulation 2(1) of the 1995 Regulations.

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.

(8) Subject to paragraph (9), 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.

(9) 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.

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

(11) 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⁽⁴⁴⁾;

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

“Regulation 354/2013” means Commission Implementing Regulation (EU) No 354/2013 of 18 April 2013 on changes of biocidal products authorised in accordance with Regulation (EU) No 528/2012 of the European Parliament and of the Council⁽⁴⁵⁾;

“Regulation 1062/2014” means Commission Delegated Regulation (EU) No 1062/2014 of 4 August 2014 on the work programme for the systematic examination of all existing active substances contained in biocidal products referred to in Regulation (EU) No 528/2012 of the European Parliament and of the Council⁽⁴⁶⁾.

(12) 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 payable for activities under the CLP Regulation

22.—(1) The Agency may charge fees for work it carries out within the scope of the CLP Regulation which relates to the activities listed in column 1 of Schedule 16.

(2) Any fee payable under paragraph (1) must be calculated in accordance with paragraphs (3) to (9).

(3) Where a fee is payable under paragraph (1), the Agency must prepare and send to the person referred to in column 2 of Schedule 16 (“the applicant”) an estimate of the fee, which will be at least £5,000.

(4) The applicant must pay the Agency the amount of that estimate within 30 days of its issue.

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

(6) If the cost referred to in paragraph (5) is greater than the amount estimated in accordance with paragraph (3), the Agency must notify the amount of the difference to the applicant who must pay the amount of the difference, which will be the final fee payable, without delay.

⁽⁴⁴⁾ EUR 2012/528.

⁽⁴⁵⁾ EUR 2013/354.

⁽⁴⁶⁾ EUR 2014/1062.

(7) If the cost referred to in paragraph (5) is less than the amount estimated in accordance with paragraph (3), the fee must be adjusted accordingly and the amount of the difference must be paid without delay by the Agency to the applicant.

(8) Subject to paragraph (9), in estimating or stating the cost of carrying out any work, the Agency must determine that cost by reference to the daily rate per person specified in column 3 of Schedule 16 that corresponds to the activity listed in column 1.

(9) 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.

(10) Any unpaid fees may be recovered by the Agency as a civil debt.

(11) For the purposes of this regulation and Schedule 16, “the CLP Regulation” means Regulation (EC) No 1272/2008 of the European Parliament and of the Council of 16 December 2008 on classification, labelling and packaging of substances and mixtures⁽⁴⁷⁾.

(12) Expressions used in the CLP Regulation which are also used in this regulation or Schedule 16 have the same meaning in these Regulations as they have in the CLP Regulation.

Fees for intervention

23.—(1) Subject to regulation 24, 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 the performance of the functions described in paragraphs (2) and (3).

(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 24 and 25, “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”⁽⁴⁸⁾.

(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 reason for that opinion; and

⁽⁴⁷⁾ EUR 2008/1272.

⁽⁴⁸⁾ A copy of HSE 47 – Guidance on the application of Fee for Intervention can be obtained from <https://www.hse.gov.uk/pubns/hse47.htm>, or in hard copy from the Health and Safety Executive, Redgrave Court, Merton Road, Bootle, Merseyside, L20 7HS.

(c) inform the person to whom it is given that a fee for intervention is payable to the Executive in accordance with this regulation and regulation 24.

(7) A 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 23

24.—(1) A 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 23.

(2) A 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 23(5), should not have been notified in writing to that person.

(4) 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.

(5) 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 by the Executive or, as the case may be, any written charge is issued by the Executive;
- (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(49).

(6) No fee for intervention is payable by a person in respect of any contravention of the relevant statutory provisions by that person in their capacity as an employee.

(7) 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.

(8) 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.

(9) 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 a 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 23.

(10) No fee for intervention is payable in respect of any contravention of the relevant statutory provisions which relates to any contained use.

(11) In paragraph (10), “contained use” has the same meaning as in the 2014 GMO Regulations.

(49) S.I. 2013/1237. There are amendments to this instrument, but none are relevant to these Regulations.

(12) 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⁽⁵⁰⁾.

(13) 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.

(14) In paragraph (13), “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.

(15) 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 2015⁽⁵¹⁾;
- (b) the Chemicals (Hazard Information and Packaging for Supply) Regulations 2009⁽⁵²⁾;
- (c) the 2013 Biocidal Products and Chemicals Regulations; and
- (d) the 2014 GMO Regulations.

Repayments and disputes

25.—(1) If a person is—

- (a) charged with, but not convicted of, a criminal offence; or
- (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, the preparation and service of 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 preparation and service of the enforcement notices that are cancelled.

(3) Paragraphs (1)(a) and (2)(a) apply only in the following circumstances—

- (a) where the person is acquitted of the criminal offence with which they have been charged (including, in Scotland, where a verdict of not proven is delivered); or
- (b) where proceedings are concluded and the Inspector no longer reasonably holds the opinion set out in regulation 23(1).

(4) 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.

(5) 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 a 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

⁽⁵⁰⁾ S.I. 2002/2677. There are amendments to this instrument, but none is relevant to these Regulations.

⁽⁵¹⁾ S.I. 2015/483. There are amendments to this instrument, but none is relevant to these Regulations.

⁽⁵²⁾ S.I. 2009/716. There are amendments to this instrument, but none is relevant to these Regulations.

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

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

(7) If a dispute relating to a fee for intervention is not upheld, the fee for intervention payable is to include costs reasonably incurred by the Executive in handling the dispute.

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

Review

26.—(1) The Secretary of State must from time to time—

- (a) carry out a review of the regulatory provisions contained in these Regulations; and
- (b) publish a report setting out the conclusions of the review.

(2) The first report must be published before the period of five years ending with the date five years after these Regulations entered into force.

(3) Subsequent reports must be published at intervals not exceeding five years.

(4) Section 30(4) of the Small Business, Enterprise and Employment Act 2015(**53**) requires that a report published under this regulation must, in particular—

- (a) set out the objectives intended to be achieved by the regulatory provision referred to in paragraph (1)(a);
- (b) assess the extent to which those objectives are achieved;
- (c) assess whether those objectives remain appropriate; and
- (d) if those objectives remain appropriate, assess the extent to which they could be achieved in another way which involves less onerous regulatory provision.

(5) In this regulation, “regulatory provision” has the same meaning as in sections 28 to 32 of the Small Business, Enterprise and Employment Act 2015 (see section 32 of that Act).

Revocations

27. The Health and Safety and Nuclear (Fees) Regulations 2021(**54**) are revoked.

28. Regulation 14 of the Chemicals (Health and Safety) Trade and Miscellaneous Amendments Regulations 2022(**55**) (amendment of the Health and Safety and Nuclear (Fees) Regulations 2021) is revoked.

Signed by authority of the Secretary of State

19th December 2022

Mims Davies
Parliamentary Under Secretary of State
Department of Work and Pensions

(53) 2015 c. 26. Section 30 was amended by section 19 of the Enterprise Act 2016 (c. 12) and paragraph 36 of Schedule 8 to the European Union (Withdrawal) Act 2018 (c. 16).

(54) S.I. 2021/33, as amended by S.I. 2022/1037.

(55) S.I. 2022/1037.

We consent

19th December 2022

Amanda Solloway
Scott Mann
Two of the Lord's Commissioners of His
Majesty's Treasury

SCHEDULE 1

Regulation 3

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

<i>1 (Subject matter)</i>	<i>2 (Fee)</i>
(a) Original approval of a tractor cab	£515
(b) Revision of an existing approval of a tractor cab	£283

SCHEDULE 2

Regulation 4

Fee for application for approval under the Freight Containers (Safety Convention) Regulations 2017

<i>1 (Subject matter)</i>	<i>2 (Fee)</i>
Approval of scheme or programme for examination of freight containers	£100

SCHEDULE 3

Regulation 5

Fees for various applications under the Control of Asbestos Regulations 2012

Table 1

<i>1 (Subject matter of licence)</i>	<i>2 (Fee)</i>
Licence for work with asbestos or renewal of (original) licence	£3,439

Table 2

<i>1 (Fee for re-assessment of licence application)</i>	<i>2 (Fee for amendment of condition, or duration, of licence)</i>	<i>3 (Fee for other amendment, or replacement, of a licence)</i>
£788	£788	£85

SCHEDULE 4

Regulation 6

Fees for examination or surveillance by an employment medical adviser

<i>1 (Provision)</i>	<i>2 (Reference)</i>	<i>3 (Basic fee)</i>	<i>4 (Fee for x-rays)</i>	<i>5 (Fee for laboratory tests)</i>
The Regulations	2017 S.I. 2017/1075	£41 where surveillance is	£78	£45

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

<i>1 (Provision)</i>	<i>2 (Reference)</i>	<i>3 (Basic fee)</i>	<i>4 (Fee for x-rays)</i>	<i>5 (Fee for laboratory tests)</i>
		confined to examination of, and making entries in, records, and £76 in other cases		
The Asbestos Regulations 2012	S.I. 2012/632	£78	£78	£45
The Control of Substances Hazardous to Health Regulations 2002	S.I. 2002/2677	£78	£78	£45
The Work in Compressed Air Regulations	S.I. 1996/1656	£78	£78	£45

SCHEDULE 5

Regulation 7

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

<i>1 (Item)</i>	<i>2 (Fee)</i>
(a) On the first assessment of an employee (including any clinical medical examination and laboratory tests in connection with the assessment)	£78
(b) On each subsequent assessment of an employee—	
(i) for laboratory tests, where these are carried out	£45
(ii) for a clinical medical examination, where this is carried out	£45

SCHEDULE 6

Regulation 8

Fees payable in connection with the Ionising Radiations Regulations 2017 and the Radiation (Emergency Preparedness and Public Information) Regulations 2019

Table 1

<i>1 (Description)</i>	<i>2 (Fee)</i>	<i>3 (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 36 of the 2017 Regulations for the purposes of those Regulations		
Group I – Dose record keeping		
(a) where the application is solely in respect of Group I functions	£856	£144 per hour worked
(b) where the application for Group I functions is linked to an application in respect of functions in another group	£856	£144 per hour worked
Group II – External dosimetry		
(a) whole body (beta, gamma, thermal neutrons) thermoluminescent film	£856	£144 per hour worked
(b) whole body (beta, gamma, thermal neutrons) thermoluminescent dosimeter	£856	£144 per hour worked
(c) whole body (neutron), other than subgroups (a) or (b)	£856	£144 per hour worked
(d) whole body, other than subgroups (a), (b) or (c)	£856	£144 per hour worked
(e) extremity monitoring	£856	£144 per hour worked
(f) accident dosimetry, other than in the previous subgroups	£856	£144 per hour worked
Group III – Internal dosimetry		
(a) bio-assay, in-vivo monitoring or air sampling	£856	£144 per hour worked

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

<i>1 (Description)</i>	<i>2 (Fee)</i>	<i>3 (Fee for work by Inspectors or person appointed to advise the Executive)</i>
(b) for each additional one of the above techniques	£856	£144 per hour worked
Original type approval of apparatus under paragraph 1(d)(i) or 1(e)(i) of Schedule 1 to the 2017 Regulations (which exempts such type approved apparatus from the notification requirements of regulation 5 of those Regulations	£144	£144 per hour worked
Amendment of an original approval of dosimetry services granted under regulation 36 of the 2017 Regulations for the purposes of those Regulations, or an original type approval of apparatus under paragraph 1(d)(i) or 1(e)(i) of Schedule 1 to those Regulations	£59	£144 per hour worked

Table 2

<i>1 (Purpose of application)</i>	<i>2 (Fee)</i>	<i>3 (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 36 of the 2017 Regulations for the purposes of regulation 18 of the 2019 Regulations	£2,017	£144 per hour worked
Amendment of an original approval of dosimetry services granted under regulation 36 of the 2017 Regulations for the purposes of regulation 18 of the 2019 Regulations	£59	£144 per hour worked

Table 3

<i>1 (Statutory provision)</i>	<i>2 (Fee)</i>	<i>3 (Purpose of the work)</i>
Section 11(1) and 11(2)(a) and (b) of the 1974 Act	£3.73	Processing information contained in a record sent to the Executive pursuant to

<i>1 (Statutory provision)</i>	<i>2 (Fee)</i>	<i>3 (Purpose of the work)</i>
		regulation 22(3)(e) of the 2017 Regulations

SCHEDULE 7

Regulations 9 and 10

Fees payable in relation to the Explosives Regulations 2014, the 2014 Acetylene Regulations 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) of those Regulations

<i>1 (Provision of the Explosives Regulations 2014 under which a licence is granted)</i>	<i>2 (Purpose of application)</i>	<i>3 (Fee)</i>	<i>4 (Fee for work undertaken)</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	£670	£135 per hour worked
	Licence to manufacture or store only ammonium nitrate blasting intermediate	£166 per hour worked	
	Licence to manufacture explosives by means of on-site mixing	£248	£135 per hour worked
	Licence to store explosives	£670	£135 per hour worked
	Renewal of any of the above licences	£88	£135 per hour worked
Regulation 16	Varying a licence to manufacture or store explosives, not being	£460	£135 per hour worked

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

<i>1 (Provision of the Explosives Regulations 2014 under which a licence is granted)</i>	<i>2 (Purpose of application)</i>	<i>3 (Fee)</i>	<i>4 (Fee for work undertaken)</i>
	ammonium nitrate blasting intermediate		
	Varying a licence to manufacture or store ammonium nitrate blasting intermediate	£166 per hour worked	
Regulation 17	Transfer of any of the above licences	£55	
	Replacement of any of the licences referred to in this Part if lost	£55	

PART 2

Fees for applications for licences, or variations to, or transfer of, licences to store explosives made to 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 (Provision of the Explosives Regulations 2014 under which application is made)</i>	<i>2 (Purpose of application)</i>	<i>3 (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 meters is required:	
	(a) one year's duration	£189
	(b) two years' duration	£248
	(c) three years' duration	£311
	(d) four years' duration	£382
	(e) five years' duration	£432
	Licence to store explosives where, by virtue of regulation 27 of, and Schedule 5 to, the 2014 Regulations, no	

<i>1 (Provision of the Explosives Regulations 2014 under which application is made)</i>	<i>2 (Purpose of application)</i>	<i>3 (Fee)</i>
	minimum separation distance or a 0 meters separation distance is prescribed:	
	(a) one year's duration	£111
	(b) two years' duration	£144
	(c) three years' duration	£177
	(d) four years' duration	£211
	(e) five years' duration	£243
	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 meters is prescribed:	
	(a) one year's duration	£88
	(b) two years' duration	£150
	(c) three years' duration	£211
	(d) four years' duration	£272
	(e) five years' duration	£333
	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 meters minimum separation distance is prescribed:	
	(a) one year's duration	£55
	(b) two years' duration	£88
	(c) three years' duration	£123
	(d) four years' duration	£155
	(e) five years' duration	£189
Regulation 16	Varying a licence:	
	(a) varying name of licensee of address of site	£37

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

<i>1 (Provision of the Explosives Regulations 2014 under which application is made)</i>	<i>2 (Purpose of application)</i>	<i>3 (Fee)</i>
	(b) any other kind of variation	The reasonable cost to the licensing authority of having the work carried out
Regulation 17	Transfer of licence	£37
	Replacement of licence	£37

Note:

The fee payable for a licence or renewal of a licence—

- (a) of less than one year's duration is, respectively, the fee set out above for a licence or renewal of a licence of one year's duration decreased proportionately according to the duration of the period for which the licence renewal is granted;
- (b) of more than one but less than two years' duration is, respectively, the fee set out above for a licence, or a renewal of a licence, of one year's duration increased proportionately according to the duration of the period for which the licence or renewal is granted;
- (c) of more than two but less than three years' duration is, respectively, the fee set out above for a licence or renewal of a licence of two years duration increased proportionately according to the duration of the period for which the licence or renewal is granted;
- (d) of more than three but less than four years' duration is, respectively, the fee set out above for a licence or renewal of a licence of three years' duration increased proportionately according to the duration of the period for which the licence or renewal is granted;
- (e) of more than four but less than five years' duration is, respectively, the fee set out above for a licence or renewal of a licence of four years duration increased proportionately according to the duration of the period for which the licence or renewal is granted.

PART 3

Fees for explosives certificates under the Explosives Regulations 2014

<i>1 (Provision of the Explosives Regulations 2014 under which a fee is payable)</i>	<i>2 (Purpose of application)</i>	<i>3 (Fee)</i>
Regulation 11 (see note)	(a) Explosives certificate for acquiring and keeping explosives, not including an application for an explosives certificate referred to in entries (c), (g) or (i), at a site in relation to which a person holds a licence to store explosives and, by virtue of regulation 27 of, and Schedule 5 to, the 2014 Regulations no minimum separation distance	

<i>1 (Provision of the Explosives Regulations 2014 under which a fee is payable)</i>	<i>2 (Purpose of application)</i>	<i>3 (Fee)</i>
	is prescribed or a 0 metres minimum separation distance is prescribed:	
	(i) one year's duration	£133
	(ii) two years' duration	£166
	(iii) three years' duration	£200
	(iv) four years' duration	£233
	(v) five years' duration	£267
	(b) Renewal of the explosives certificate referred to in (a):	
	(i) one year's duration	£117
	(ii) two years' duration	£138
	(iii) three years' duration	£160
	(iv) four years' duration	£184
	(v) five years' duration	£205
	(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	£144
	(ii) two years' duration	£177
	(iii) three years' duration	£211
	(iv) four years' duration	£243
	(v) five years' duration	£277
	(d) Renewal of the explosives certificate referred to in (c):	
	(i) one year's duration	£138
	(ii) two years' duration	£166

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

1 (Provision of the Explosives Regulations 2014 under which a fee is payable)	2 (Purpose of application)	3 (Fee)
	(iii) three years' duration	£194
	(iv) four years' duration	£222
	(v) five years' duration	£248
	(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	£194
	(ii) two years' duration	£233
	(iii) three years' duration	£272
	(iv) four years' duration	£311
	(v) five years' duration	£350
	(f) Renewal of the explosives certificate referred to in (e):	
	(i) one year's duration	£171
	(ii) two years' duration	£205
	(iii) three years' duration	£238
	(iv) four years' duration	£272
	(v) five years' duration	£305
	(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	£26

1 (Provision of the Explosives Regulations 2014 under which a fee is payable)	2 (Purpose of application)	3 (Fee)
	(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	£16
	(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	£47
	(j) Renewal of the explosives certificate referred to in (i) where no relevant application under the 1968 Act by the same applicant is to be determined at the same time	£19
	(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	£133
	(ii) two years' duration	£166
	(iii) three years' duration	£200
	(iv) four years' duration	£233
	(v) five years' duration	£267
	(l) Renewal of the explosives certificate referred to in (k):	
	(i) one year's duration	£117
	(ii) two years' duration	£138

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

1 (Provision of the Explosives Regulations 2014 under which a fee is payable)	2 (Purpose of application)	3 (Fee)
	(iii) three years' duration	£160
	(iv) four years' duration	£184
	(v) five years' duration	£205
	(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	£26
	(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	£16
	(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	£47
	(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	£19
	(q) Replacement of any explosives certificate referred	£37

<i>1 (Provision of the Explosives Regulations 2014 under which a fee is payable)</i>	<i>2 (Purpose of application)</i>	<i>3 (Fee)</i>
	to in entries (a) to (f) and (k) and (l) if lost	
	(r) Replacement of any explosives certificate referred to in entries (g) to (j) and (m) to (p) if lost	

Note:

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

PART 4

Applications under and replacements of licences under the 2014 Acetylene Regulations

<i>1 (Purpose of application under the 2014 Acetylene Regulations)</i>	<i>2 (Fee)</i>	<i>3 (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	£42	£135 per hour worked

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

<i>1 (Purpose of application under the 2014 Acetylene Regulations)</i>	<i>2 (Fee)</i>	<i>3 (Fee for work by inspector)</i>
or any combination of those activities under regulation 6		
Application to renew a licence under regulation 6	£42	£135 per hour worked
Application to vary a licence under regulation 6	£42	£135 per hour worked
Application to transfer a licence under regulation 6	£42	£135 per hour worked
Replacement of any of the licences referred to in this Part if lost	£42	

PART 5

Fees payable in respect of applications for the granting of storage certificates and petrol licences under the Petroleum (Consolidation) Regulations 2014

<i>1 (Provision of the Petroleum (Consolidation) Regulations 2014 under which a fee is payable)</i>	<i>2 (Purpose of application)</i>	<i>3 (Fee)</i>
Regulation 6	Storage certificate, where premises to be used to store petrol of a quantity—	
	not exceeding 2,500 litres	£45 for each year of certification
	exceeding 2,500 litres but not exceeding 50,000 litres	£61 for each year of certificate
	exceeding 50,000 litres	£128 for each year of certificate
Regulation 14	Licence to keep petrol of a quantity—	
	not exceeding 2,500 litres	£45 or each year of certification
	exceeding 2,500 litres but not exceeding 50,000 litres	£61 for each year of certificate
	exceeding 50,000 litres	£128 for each year of certificate

SCHEDULE 8

Regulation 11

Fees for application for or changes to an explosives licence under Part 5 of the Dangerous Goods in Harbour Areas Regulations 2016

<i>1 (Purpose of application)</i>	<i>2 (Fee)</i>
Grant of an explosives licence or an alteration of the terms of an existing explosives licence	£732 plus £135 per hour worked
Varying name of licensee or address of site	£57

SCHEDULE 9

Regulation 13

Fees for notifications and applications under the 2014 GMO Regulations

<i>1 (Description)</i>	<i>2 (Fee)</i>
(a) Notification of premises to be used for contained use for the first time under regulation 9(2)	£502
(b) Notification of class 2 contained under regulation 10(2)	£1,003
(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)	£1,003
(d) Notification of class 3 contained use under regulation 11(2)	£1,086
(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)	£1,086
(f) Notification of class 4 contained use under regulation 11(2)	£1,252
(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)	£1,252
(h) Notification of contained use under regulation 12(2)	£1,003
(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)	£1,003
(j) Notification of change or new information affecting risks under regulation 15(1)	£750

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

<i>1 (Description)</i>	<i>2 (Fee)</i>
(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 (2), 10(2), 11(2) or 12(2)	£750

SCHEDULE 10

Regulation 14

Fees payable in respect of offshore installations

<i>1 (Function)</i>	<i>2 (Person by whom the 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 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
Assessing a design notification (sent to the competent authority pursuant to regulation 15(1) or 19(1) of the 2015 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 competent authority pursuant to that provision
Assessing a relocation notification (sent to the competent authority pursuant to regulation 15(3) of the 2015 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 competent authority pursuant to that provision

<i>1 (Function)</i>	<i>2 (Person by whom the fee is payable)</i>
Assessing a safety case or a revision to a current safety case (sent to the competent authority pursuant to any provision of the 2015 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 competent authority 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 competent authority pursuant to any provision of the 2015 Regulations	The operator or owner who has requested that advice
Assessing whether to grant an exemption pursuant to regulation 35 of the 2015 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 (Function)</i>	<i>2 (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 coordinator 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 emergency coordinator 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

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

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 (Statutory provision(s))</i>	<i>2 (Purpose of the work)</i>	<i>3 (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	

Table 2

<i>1 (Statutory provision(s))</i>	<i>2 (Purpose of the work)</i>	<i>3 (Person by whom the fee is payable)</i>
Section 78 of the 2013 Act and sections 1(3) 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

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

Table 1

<i>1 (Fee for an original approval of offshore first-aid training)</i>	<i>2 (Fee for an original approval of offshore medical training)</i>	<i>3 (Fee for renewal of approval of offshore first-aid training)</i>	<i>4 (Fee for renewal of approval of offshore medical training)</i>
£1,800	£2,479	£125	£125

Table 2

<i>1 (Fee for an additional site visit relating to offshore first-aid training)</i>	<i>2 (Fee for additional site visit relating to offshore medical training)</i>
£601	£1,419

Table 3

<i>1 (Fee for an initial site visit relating to offshore first-aid training)</i>	<i>2 (Fee for an initial site visit relating to offshore medical training)</i>	<i>3 (Fee for any additional site visit relating to offshore first-aid training)</i>	<i>4 (Fee for any additional site visit relating to offshore medical training)</i>
£612	£1,419	£601	£1,419

Table 4

<i>1 (Fee for a site visit to investigate a complaint relating to offshore first-aid training)</i>	<i>2 (Fee for a site visit to investigate a complaint relating to offshore medical training)</i>	<i>3 (Fee for a cancelled site visit relating to offshore first-aid training)</i>	<i>4 (Fee for a cancelled site visit relating to offshore medical training)</i>
£612	£1,419	£612	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 (Function)</i>	<i>2 (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	The operator of a borehole site or, in the case of particulars previously notified under

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

<i>1 (Function)</i>	<i>2 (Person by whom fee is payable)</i>
to raise matters relating to health and safety and raising such matters	regulation 6(3) of the 1995 Regulations, the person entitled to drill the borehole

SCHEDULE 15

Regulation 21

Fees payable for work in connection with biocides

<i>1 (Activity)</i>	<i>2 (Fee per person per day worked)</i>
(a) Validation of an application for approval of an active substance	£475
(b) Evaluation of an application to approve an active substance	£475
(c) Evaluation of an application to renew an active substance approval	£475
(d) Validation of an application to amend the conditions of approval of an active substance	£475
(e) Evaluation of an application to amend the conditions of approval of an active substance	£475
(f) Work relating to a request for inclusion of an active substance in the Simplified Active Substance List made on behalf of an economic operator	£475
(g) Validation of an application to amend the conditions of inclusion of an active substance in the Simplified Active Substance List	£475
(h) Evaluation of an application to amend the conditions of inclusion of an active substance in the Simplified Active Substance List	£475
(i) Meetings with applicants and prospective applicants	£475
(j) Evaluation of an application to authorise a biocidal product under the simplified procedure	£418
(k) Validation of an application for a national authorisation of a biocidal product	£418
(l) Evaluation of an application for a national authorisation of a biocidal product	£418
(m) Evaluation of an application to renew a national authorisation of a biocidal product	£418
(n) Determination of an application to amend an existing biocidal product	£418
(o) Evaluation of an application for an emergency use permit	£418

<i>1 (Activity)</i>	<i>2 (Fee per person per day worked)</i>
(p) Assessment of an application to be included in the list of suppliers maintained under Article 95 of the Biocides Regulation	£475
(q) Determination of a request that information on an active substance or product is not made publicly available	£475
(r) Determination of the classification of a proposed change to an authorised product in accordance with Regulation 354/2013	£475
(s) Determination of an application to be a participant for the review of an active substance/product-type combination under Article 17 of Regulation 1062/2014	£475
(t) Assessment of technical equivalence	£475
(u) Evaluation of an application under regulation 13 of the 2013 Biocidal Products and Chemicals Regulations	£418

SCHEDULE 16

Regulation 22

Fees payable for activities under the CLP Regulation

<i>1 (Activity)</i>	<i>2 (Person by whom fee is payable)</i>	<i>3 (Fee per person per day worked)</i>
Consideration of a proposal submitted under paragraph (1) of Article 37A	Person submitting the sub application	£475

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

These Regulations revoke and replace the Health and Safety and Nuclear (Fees) Regulations 2021 (S.I. 2021/33) (“the 2021 Regulations”).

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 of equipment under the Agriculture (Tractor Cabs) Regulations 1974 (regulation 3 and Schedule 1);

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- (b) applications under the Freight Containers (Safety Convention) Regulations 2017 ([S.I. 2017/325](#)) (regulation 4 and Schedule 2);
- (c) applications for approval under the Control of Asbestos Regulations 2012 ([S.I. 2012/632](#)) (regulation 5 and Schedule 3);
- (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 ([S.I. 2002/2676](#)) (regulation 7 and Schedule 5);
- (f) applications under the Ionising Radiations Regulations 2017 ([S.I. 2017/1075](#)) and the Radiation (Emergency Preparedness and Public Information) Regulations 2019 ([S.I. 2019/703](#)) (regulation 8 and Schedule 6);
- (g) applications under the Explosives Regulations 2014 ([S.I. 2014/1638](#)) and the Acetylene Safety (England and Wales and Scotland) Regulations 2014 ([S.I. 2014/1639](#)) (regulation 9 and Schedule 7);
- (h) an application under the Petroleum (Consolidation) Regulations 2014 ([S.I. 2014/1637](#)) (regulation 10 and Schedule 7);
- (i) applications under Part 9 of the Dangerous Goods in Harbour Areas Regulations 2016 ([S.I. 2016/721](#)) (regulation 11 and Schedule 8);
- (j) applications and notifications under the Genetically Modified Organisms (Contained Use) Regulations 2014 ([S.I. 2014/1663](#)) (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 ([S.I. 1995/2038](#)) (regulation 20 and Schedule 14).

Under regulation 21 and Schedule 15, fees are prescribed that are payable for work carried out under—

- (a) 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 (EUR 2012/528) (“the Biocides Regulation”);
- (b) the Biocidal Products and Chemicals (Appointment of Authorities and Enforcement) Regulations 2013 ([S.I. 2013/1506](#));
- (c) Commission Implementing Regulation (EU) No 354/2013 of 18 April 2013 on changes of biocidal products authorised in accordance with the Biocides Regulation (EUR 2013/354); and
- (d) Commission Delegated Regulation (EU) No 1062/2014 of 4 August 2014 on the work programme for the systematic examination of all existing active substances contained in biocidal products referred to in the Biocides Regulation (EUR 2014/1062).

Under regulation 22 and Schedule 16, fees are prescribed that are payable under Regulation ([EC](#)) No [1272/2008](#) of the European Parliament and of the Council of 16 December 2008 on classification, labelling and packaging of substances and mixtures (EUR 2008/1072), in connection with proposals submitted under Article 37A(3)(1) of that Regulation.

Under regulations 23 to 25, 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”).

Regulation 26 requires the Secretary of State to review the operation and effect of these Regulations and to publish a report within five years of the Regulations coming into effect.

Regulation 27 revokes the 2021 Regulations and regulation 14 of the Chemicals (Health and Safety) Trade and Miscellaneous Amendments Regulations 2022 ([S.I. 2022/1037](#)).

A full impact assessment has not been produced for this instrument as no, or no significant, impact on the private, voluntary or public sector is foreseen.