
STATUTORY INSTRUMENTS

2024 No. 322

HEALTH AND SAFETY

The Health and Safety and Nuclear (Fees) (Amendment) and Gas Safety (Miscellaneous Amendment) Regulations 2024

<i>Made</i>	- - - -	<i>6th March 2024</i>
<i>Laid before Parliament</i>		<i>7th March 2024</i>
<i>Coming into force</i>	- -	<i>1st April 2024</i>

The Secretary of State makes these 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, 5(2) 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) of the 2013 Act, the Secretary of State has consulted the Office for Nuclear Regulation and considers that there are no other persons that it is appropriate to consult.

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

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- (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. Paragraph 5 of Schedule 4 was amended by section 28(b)(i) and paragraph 47(3) of Schedule 5 to the European Union (Withdrawal Agreement) Act 2020 (c. 1). There are other amendments 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).

PART 1

Introductory

Citation, commencement, extent and application

1.—(1) These Regulations may be cited as the Health and Safety and Nuclear (Fees) (Amendment) and Gas Safety (Miscellaneous Amendment) Regulations 2024 and come into force on 1st April 2024.

(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 in Great Britain.

PART 2

Amendment of the Health and Safety and Nuclear (Fees) Regulations 2022

Amendment of the Health and Safety and Nuclear (Fees) Regulations 2022

2. The Health and Safety and Nuclear (Fees) Regulations 2022(6) are amended in accordance with regulations 3 to 16.

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

3. In paragraph (10) of regulation 8 (fees payable in connection with the Ionising Radiations Regulations 2017 etc.) for “£26” substitute “£27”.

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

4. For regulation 9 (fees payable in relation to the Explosives Regulations 2014 and the Acetylene Safety (England and Wales and Scotland) Regulations 2014) substitute—

“9.—(1) A fee is payable to the Executive or the ONR, as appropriate, by the person referred to in column 3 of the table in Part 1 of Schedule 7, for the performance by or on behalf of the Executive or by the ONR of such functions as are conferred on the Executive or the ONR by virtue of the provision specified in column 1 of that table for the purpose specified in column 2 of that table.

(2) Where an application is made to the Executive in relation to a provision specified in column 1 of the table in Part 2 of Schedule 7, 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 Executive.

(3) Where an application is made to a licensing authority specified in paragraph 1(a) of Schedule 1 to the Explosives Regulations 2014(7) in relation to a provision specified in column 1 of the table in Part 3 of Schedule 7, for a purpose specified in column 2 of that

(5) S.I. 2013/240.

(6) S.I. 2022/1378. This instrument was amended by S.I. 2023/247 and 284.

(7) S.I. 2014/1638. This instrument was amended by S.I. 2014/3248, 2015/627 and 2016/315.

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

(4) Where a licensing authority specified in paragraph 1(a) of Schedule 1 to the Explosives Regulations 2014 varies, or proposes to vary, a licence as described in column 1 of the table in Part 3 of Schedule 7, without the agreement of the explosives licensee as permitted by regulation 16 of the Explosives Regulations 2014, the fee specified in the corresponding entry of column 3 of that table is payable by the explosives licensee to that licensing authority.

(5) Where any application in relation to the provision specified in column 1 of the table in Part 4 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 3 and 4 of Schedule 7 have effect subject to, respectively, the Notes to Parts 3 and 4.

(8) A fee is payable to the acetylene licensing authority by the person referred to in column 2 of the table in Part 5 of Schedule 7, for the performance by or on behalf of the acetylene licensing authority of such functions as are conferred on it for the purpose specified in column 1 of that table.

(9) Where a fee is payable under paragraphs (1) to (5) or (8), the fee is payable—

- (a) in relation to applications for new licences, prior to notification of the result of the application;
- (b) for existing licences, within 30 days from—
 - (i) the date on which the variation of the licence takes effect; or
 - (ii) if the licence is not varied, the date of the invoice given to the relevant licensee in respect of that fee.

(10) Subject to paragraphs (12) and (13), a fee is payable by the relevant person to the Executive for the performance by or on behalf of the Executive, or by an inspector appointed by it, of the functions specified in paragraph (11).

(11) The functions referred to in paragraph (10) are any functions conferred on the Executive or the inspector by the 1974 Act which relate to the enforcement of any of the relevant statutory provisions against that relevant person.

(12) No fee is payable under paragraph (10) for the performance by or on behalf of the Executive, or by an inspector appointed by it, of any functions conferred on them by the 1974 Act which relate to the enforcement of Part 13 of the Explosives Regulations 2014.

(13) No fee is payable under this regulation for the performance by or on behalf of the Executive of the functions referred to in paragraph (10) 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(8).

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

“the 1968 Act” means the Firearms Act 1968(9);

(8) S.I. 2015/483. This instrument was amended by S.I. 2015/1393, 2016/1154, 2017/304 and 1200, 2018/269, 378 and 1370, 2019/720, 2020/1567, 2022/634 and 2023/1071.

(9) 1968 c. 27.

“the 2014 Acetylene Regulations” means the Acetylene Safety (England and Wales and Scotland) Regulations 2014⁽¹⁰⁾;

“acetylene licensee” means a licensee within the meaning given in the 2014 Acetylene Regulations (see regulation 2 of those Regulations);

“acetylene licensing authority” means a licensing authority within the meaning given in the 2014 Acetylene Regulations (see regulation 2 of those Regulations);

“ammonium nitrate blasting intermediate”, “chief officer of police”, “civil explosive”, “explosives certificate”, “licence”, “licensing authority”, “manufacture”, “prohibited person”, “shooters’ powder” and “site” have the same meanings as in the Explosives Regulations 2014⁽¹¹⁾;

“explosives licensee” means a licensee within the meaning given in the Explosives Regulations 2014 (see regulation 2(1) of those Regulations);

“firearm certificate”, “firearms dealer” and “shot gun certificate” have the same meanings as in the 1968 Act⁽¹²⁾;

“firearms dealer certificate” means a certificate granted or caused to be granted under section 33(4) of the 1968 Act⁽¹³⁾ to a person who is registered as a firearms dealer under that section;

“recipient competent authority document” means a document obtained under regulation 8(1) of the Explosives Regulations 2014 for the transfer of civil explosives;

“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;

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

“relevant person” means an explosives licensee or an acetylene licensee as the case may be;

“site manufacturing code” means the code attributed to a site that manufactures civil explosives by the Executive under regulation 34 of the Explosives Regulations 2014.”

5. In regulation 10 (fees payable in relation to the Petroleum (Consolidation) Regulations 2014) for “Part 5” substitute “Part 6”.

6. For Schedule 7 (fees payable in relation to the Explosives Regulations 2014, the 2014 Acetylene Regulations etc) substitute—

⁽¹⁰⁾ S.I. 2014/1639.

⁽¹¹⁾ These definitions are found in regulation 2 of the Explosives Regulations 2014.

⁽¹²⁾ 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) and paragraph 1 of schedule 2 to the Air Weapons and Licensing (Scotland) Act 2015 (asp 10).

⁽¹³⁾ There are amendments to section 33 of the 1968 Act, but none is relevant to these 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, variations, transfers or replacements of licences, to manufacture or to store explosives, made to the Executive or the ONR under the Explosives Regulations 2014

<i>1 (Provision of the Explosives Regulations 2014 under which a licence is granted, varied, transferred or replaced)</i>	<i>2 (Purpose of application or exercise of function)</i>	<i>3 (Person by whom the fee is payable)</i>
Regulation 13, including as extended by regulation 2(2) of those Regulations to the manufacture and storage of ammonium nitrate blasting intermediate	Licence to store explosives	Applicant
	Licence to manufacture explosives	Applicant
	Renewal of any of the above licences	Explosives licensee
Regulation 16	Varying, or proposing to vary, a licence to manufacture or store explosives	Explosives licensee
Regulation 17	Transfer of any of the above licences	Transferee of explosives licence
	Replacement of any of the above licences, if lost	Explosives licensee
Regulation 23(1)(c)	Revocation of any of the above licences	Explosives licensee

PART 2

Fees for applications to issue a recipient competent authority document or site manufacturing code for civil explosives under the Explosives Regulations 2014

<i>1 (Provision of the Explosives Regulations 2014 under which a licence, document or code is issued)</i>	<i>2 (Purpose of application or exercise of function)</i>	<i>3 (Fee)</i>
Regulation 8	Recipient competent authority document for the transfer of civil explosives	£138
Regulation 34	Attribution of site manufacturing code for civil explosives	£69

PART 3

Fees for applications for licences, or variations to, or transfer of, licences to store explosives, made to licensing authorities specified in paragraph 1(a) of Schedule 1 to the Explosives Regulations 2014

<i>1 (Provision of the Explosives Regulations 2014 under which application is made or function is exercised)</i>	<i>2 (Purpose of application or exercise of function)</i>	<i>3 (Fee)</i>
Regulation 13 (see Note)	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	£202
	(b) two years' duration	£266
	(c) three years' duration	£333
	(d) four years' duration	£409
	(e) five years' duration	£463
	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	

<i>1 (Provision of the Explosives Regulations 2014 under which application is made or function is exercised)</i>	<i>2 (Purpose of application or exercise of function)</i>	<i>3 (Fee)</i>
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meters separation distance is prescribed:

(a) one year's duration	£119
(b) two years' duration	£154
(c) three years' duration	£190
(d) four years' duration	£226
(e) five years' duration	£260

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	£94
(b) two years' duration	£161
(c) three years' duration	£226
(d) four years' duration	£291
(e) five years' duration	£357

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	£59
(b) two years' duration	£94
(c) three years' duration	£132
(d) four years' duration	£166
(e) five years' duration	£202

Regulation 16

Varying, or proposing to vary, a licence:

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<i>1 (Provision of the Explosives Regulations 2014 under which application is made or function is exercised)</i>	<i>2 (Purpose of application or exercise of function)</i>	<i>3 (Fee)</i>
	(a) varying name of explosives licensee or address of site	£40
	(b) any other kind of variation or any proposal to vary a licence	The reasonable cost to the licensing authority of having the work carried out
Regulation 17	Transfer of licence	£40
	Replacement of licence	£40

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 or 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 4

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,	

<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>
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by virtue of regulation 27 of, and Schedule 5 to, the 2014 Regulations, no minimum separation distance is prescribed or a 0 metres minimum separation distance is prescribed:

(i) one year's duration	£142
(ii) two years' duration	£178
(iii) three years' duration	£214
(iv) four years' duration	£250
(v) five years' duration	£286

(b) Renewal of the explosives certificate referred to in (a):

(i) one year's duration	£125
(ii) two years' duration	£148
(iii) three years' duration	£171
(iv) four years' duration	£197
(v) five years' duration	£220

(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	£154
(ii) two years' duration	£190
(iii) three years' duration	£226
(iv) four years' duration	£260
(v) five years' duration	£297

(d) Renewal of the explosives certificate referred to in (c):

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<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>
	(i) one year's duration	£148
	(ii) two years' duration	£178
	(iii) three years' duration	£208
	(iv) four years' duration	£238
	(v) five years' duration	£266
	(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	£208
	(ii) two years' duration	£250
	(iii) three years' duration	£291
	(iv) four years' duration	£333
	(v) five years' duration	£375
	(f) Renewal of the explosives certificate referred to in (e):	
	(i) one year's duration	£183
	(ii) two years' duration	£220
	(iii) three years' duration	£255
	(iv) four years' duration	£291
	(v) five years' duration	£327
	(g) Explosives certificate for acquiring and keeping shooters' powder only, 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	£28

<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>
	certificate application which is to be determined at the same time	
	(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	£17
	(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	£50
	(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	£20
	(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	£142
	(ii) two years' duration	£178
	(iii) three years' duration	£214
	(iv) four years' duration	£250
	(v) five years' duration	£286

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<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>
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- (l) Renewal of the explosives certificate referred to in (k):
- | | |
|-----------------------------|------|
| (i) one year's duration | £125 |
| (ii) two years' duration | £148 |
| (iii) three years' duration | £171 |
| (iv) four years' duration | £197 |
| (v) five years' duration | £220 |

(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 £28

(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 £17

(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 £50

(p) Renewal of the explosives certificate referred to in (o) £20

<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>
	where no relevant application under the 1968 Act by the applicant is to be determined at the same time	
	(q) Replacement of any explosives certificate referred to in entries (a) to (f) and (k) and (l) if lost	£40
	(r) Replacement of any explosives certificate referred to in entries (g) to (j) and (m) to (p) if lost	£11

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

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PART 5

Fees for applications under and replacements of licences under the 2014 Acetylene Regulations

<i>1 (Purpose of application under the 2014 Acetylene Regulations)</i>	<i>2 (Person by whom the fee is payable)</i>
Application for a licence for the manufacture of compressed acetylene gas, the compression of acetylene gas, the filling of a cylinder with compressed acetylene gas or any combination of those activities under regulation 6	Applicant
Application to renew a licence under regulation 6	Acetylene licensee
Application to vary a licence under regulation 6, including where the acetylene licensing authority proposes to vary or varies a licence without the consent of the acetylene licensee as permitted by regulation 9(5)(a) of the 2014 Acetylene Regulations	Acetylene licensee
Application to transfer a licence under regulation 6	Transferee of the acetylene licence
Replacement of any of the licences referred to in this Part if lost	Acetylene licensee

PART 6

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(14) 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	£48 for each year of certificate
	exceeding 2,500 litres but not exceeding 50,000 litres	£65 for each year of certificate
	exceeding 50,000 litres	£137 for each year of certificate
Regulation 14	Licence to keep petrol of a quantity—	

<i>1 (Provision of the Petroleum (Consolidation) Regulations 2014(14) under which a fee is payable)</i>	<i>2 (Purpose of application)</i>	<i>3 (Fee)</i>
	not exceeding 2,500 litres	£48 for each year of certificate
	exceeding 2,500 litres but not exceeding 50,000 litres	£65 for each year of certificate
	exceeding 50,000 litres	£137 for each year of certificate”.

Fees in relation to Part 5 of the Dangerous Goods in Harbour Areas Regulations 2016

7. For regulation 11 (fees in relation to Part 5 of the Dangerous Goods in Harbour Areas Regulations 2016) substitute—

“11.—(1) A fee is payable to the appropriate authority by the person referred to in column 2 of the table in Schedule 8, for the performance by or on behalf of the appropriate authority of such functions as are conferred on it for the purpose specified in column 1 of that table.

(2) Where a fee is payable under paragraph (1), the fee is payable—

- (a) in relation to applications for new licences, prior to notification of the result of the application;
- (b) for existing licences, within 30 days from—
 - (i) the date on which the variation of the licence takes effect; or
 - (ii) if the licence is not varied or the fee relates to the grant of an exemption, the date of the invoice given to the relevant licensee in respect of that fee.

(3) A fee is payable by the explosives licensee to the appropriate authority for the performance by or on behalf of the appropriate authority, or by an inspector appointed by it, of the functions specified in paragraph (4).

(4) The functions referred to in paragraph (3) are any functions conferred on the appropriate authority or the inspector by the 1974 Act which relate to the enforcement of any of the relevant statutory provisions against that explosives licensee.

(5) For the purposes of this regulation and Schedule 8—

“appropriate authority” has the same meaning as in regulation 2(1) of the Dangerous Goods in Harbour Areas Regulations 2016(15);

“explosives licensee” has the meaning given in regulation 2(1) of the Dangerous Goods in Harbour Areas Regulations 2016.”.

8. For Schedule 8 (fees in relation to Part 5 of the Dangerous Goods in Harbour Areas Regulations 2016) substitute—

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

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

“SCHEDULE 8

Regulation 11

Fees in relation to Part 5 of the Dangerous Goods in Harbour Areas Regulations 2016

<i>1 (Type of work)</i>	<i>2 (Person by whom the fee is payable)</i>
Grant of an explosives licence under Part 5 of the Dangerous Goods in Harbour Areas Regulations 2016	Applicant
Altering or proposing to alter the terms of an existing explosives licence under Part 5 of the Dangerous Goods in Harbour Areas Regulations 2016, including where the appropriate authority proposes to alter or alters an explosives licence without an application as permitted by regulation 16(2) or 17(2) of those Regulations	Explosives licensee
Granting of an exemption under regulation 28 of the Dangerous Goods in Harbour Areas Regulations 2016 to any requirement or prohibition imposed by or under Part 5 of those Regulations	Explosives licensee
Varying name of licensee or address of site	Explosives licensee”.

Fees payable in respect of boreholes and onshore oil, gas and geothermal well and borehole operations

9. After regulation 14 (fees payable in respect of offshore installations) insert—

“Fees payable in respect of boreholes and onshore oil, gas and geothermal well and borehole operations

14A.—(1) Subject to paragraph (2), 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) 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.

(3) Subject to paragraph (7), a fee is payable to the Executive by a borehole site operator of a borehole site that is located onshore, or a well operator of a well that is located onshore, for the performance by or on behalf of the Executive, or by an inspector appointed by it, of the functions specified in paragraph (4).

(4) The functions referred to in paragraph (3) are any functions conferred on the Executive or the inspector by the 1974 Act which relate to the enforcement of any of the relevant statutory provisions against one or more of the following—

- (a) the borehole site operator of a borehole site; or
- (b) the well operator of a well; or

(c) a contractor in relation to any work carried out by that contractor on or in connection with that borehole site or well.

(5) Subject to paragraph (7), a fee is payable to the Executive by a geothermal operator of a geothermal well or borehole operation that is located onshore, for the performance by or on behalf of the Executive, or by an inspector appointed by it, of the functions specified in paragraph (6).

(6) The functions referred to in paragraph (5) are any functions conferred on the Executive or the inspector by the 1974 Act which relate to the enforcement of any of the relevant statutory provisions against one or more than one of the following—

- (a) the geothermal operator of a geothermal well or borehole operation; or
- (b) a contractor in relation to any work carried out by that contractor on or in connection with that geothermal well or borehole operation.

(7) No fee is payable under paragraphs (3) and (5) for the performance by the Executive of any of the functions referred to in Schedule 14 to the extent that, in respect of any such function, a fee is payable or has been paid pursuant to paragraph (1).

(8) For the purposes of this regulation and Schedule 14—

“the 1995 Regulations” means the Borehole Sites and Operations Regulations 1995⁽¹⁶⁾;

“borehole site” and “borehole site operator” have the meanings given in regulation 2 of the 1995 Regulations;

“geothermal well or borehole” means any well or borehole that is drilled or converted for the purposes of the discovery or commercial production of geothermal resources and is either—

- (a) a well or borehole that is deeper than 500 metres;
- (b) a well or borehole that is deeper than 30 metres and within a mining area as defined in regulation 2(1) of the 1995 Regulations;
- (c) a well that is reasonably presumed to contain geothermal resources; or
- (d) a well, decommissioned or otherwise, that has been used in connection with the exploitation or production of petroleum and is, or will be, converted or reactivated for use in connection with the production of geothermal resources or employed for reinjecting geothermal resources.

“geothermal well or borehole operation” means an activity or operation in the course or furtherance of, or in connection with the cessation of—

- (a) the drilling of a geothermal well or borehole, including the recommencement of drilling after a geothermal well or borehole has been completed, suspended or abandoned by plugging at the surface; or
- (b) any other operation on a geothermal well or borehole which would make a significant alteration to it, or involve a risk of the accidental release of fluids from that geothermal well or borehole;

“geothermal operator” means, in relation to a geothermal well or borehole, the person appointed in writing by the owner to exercise for the time being the function of organising or supervising geothermal well or borehole operations at the site, where that function involves the exercise of overall control of the geothermal well or borehole operation, or where for the time being there is no such person, the owner;

“onshore” means—

⁽¹⁶⁾ S.I. 1995/2038. This instrument was amended by S.I. 1999/3242, 2011/1043, 2018/1370 and 2020/660.

- (a) for the purposes of a borehole site or well, on land in Great Britain, or
- (b) for the purposes of a geothermal well and borehole, on land in Great Britain or within territorial waters;

“owner” means, in relation to a geothermal well or borehole operation, the person who has the right to undertake the geothermal well or borehole operation which is being or is to be undertaken at the site;

“petroleum”, “well” and “well operator” have the meanings given in regulation 2 of the Offshore Installations and Wells (Design and Construction etc) Regulations 1996(17)

“territorial waters” means United Kingdom territorial waters adjacent to Great Britain and “within territorial waters” includes on, over and under them.”.

10. Omit regulation 20 (fees for notifications under the Borehole Sites and Operations Regulations 1995).

11. In Schedule 14 (fees for notifications under the Borehole Sites and Operations Regulations 1995) for the shoulder reference substitute “Regulation 14A”.

Fees payable in relation to pipelines conveying fluid under the Pipeline Safety Regulations 1996, onshore wind energy installations and offshore wind or marine energy installations

12. After regulation 15 (fees payable in respect of gas safety functions) insert—

“Fees payable in relation to pipelines conveying fluids under the Pipeline Safety Regulations 1996

15A.—(1) Subject to paragraph (3), a fee is payable to the Executive by the operator of a pipeline (including a major accident hazard pipeline) for the performance by or on behalf of the Executive, or by an inspector appointed by it, of the functions specified in paragraph (2).

(2) The functions referred to in paragraph (1) are any functions conferred on the Executive or the inspector by the 1974 Act which relate to the enforcement of any of the relevant statutory provisions, against one or both of the following—

- (a) the operator of a pipeline, in relation to any work relating to that pipeline, including the construction of the pipeline and any activities undertaken to ensure that the pipeline is left in a safe condition once it has ceased to be used for the conveyance of fluid; or
- (b) a contractor in relation to any work carried out by that contractor on or in connection with that pipeline, including the construction of the pipeline and any activities undertaken to ensure that the pipeline is left in a safe condition once it has ceased to be used for the conveyance of fluid.

(3) No fee is payable under paragraph (1) for the performance by the Executive of any of the functions referred to in regulations 14 and 15 to the extent that, in respect of any such function, a fee is payable or has been paid pursuant to one of those regulations.

(4) In this regulation, “fluid”, “operator” and “pipeline” have the meanings given in regulation 2 of the Pipeline Safety Regulations 1996(18).

(17) S.I. 1996/913. This instrument was amended by S.I. 1997/1993, 2005/1093, 1643 and 3117, 2011/1042, 2013/1471, 2015/398, 2018/1370 and 2020/660.

(18) S.I. 1996/825. This instrument was amended by S.I. 2003/2562, 2013/448, 2015/21 and 2018/269.

Fees payable in relation to onshore wind energy installations

15B.—(1) A fee is payable to the Executive by the client of an onshore wind energy installation project for the performance by or on behalf of the Executive, or by an inspector appointed by it, of the functions specified in paragraph (2).

(2) The functions referred to in paragraph (1) are any functions conferred on the Executive or the inspector by the 1974 Act which relate to the enforcement of any of the relevant statutory provisions against one or both of the following—

- (a) the client in relation to any work, including construction work, carried out for the onshore wind energy installation project;
- (b) a contractor in relation to any work, including construction work, carried out by that contractor on or in connection with that project.

(3) A fee is payable to the Executive by the operator of an onshore wind energy installation for the performance by or on behalf of the Executive, or by an inspector appointed by it, of the functions specified in paragraph (4).

(4) The functions referred to in paragraph (3) are any functions conferred on the Executive or the inspector by the 1974 Act which relate to the enforcement of any of the relevant statutory provisions against one or both of the following—

- (a) the operator, in relation to any work relating to the operation of an onshore wind energy installation;
- (b) a contractor in relation to any work carried out by that contractor on or in connection with the operation of that installation.

(5) In this regulation—

“client”, “construction work” and “project” have the meanings given in regulation 2(1) of the Construction (Design and Management) Regulations 2015⁽¹⁹⁾;

“onshore wind energy installation” means an installation onshore of one or more wind turbines for, or activities connected with or preparatory to, the production of energy from wind resources, including anything related to or connected with that installation within the site boundary of the installation;

“onshore wind energy installation project” means a project to design, construct, install, maintain, decommission or demolish an onshore wind energy installation;

“onshore” means on land in Great Britain;

“operator” means the person appointed by the owner of the onshore wind energy installation to execute the management functions for operations to be carried out at that installation or, where no such person has been appointed, the owner of that installation;

“owner” means in relation to an onshore wind energy installation the person who controls the operation of that installation;

“site boundary” means the boundary of the land on which the onshore wind energy installation is situated or, in the case of the construction of a new onshore wind energy installation, the land on which construction work is being carried out, that is controlled or owned by the owner.

Fees payable in relation to offshore wind or marine energy installations

15C.—(1) A fee is payable to the Executive by the client of an offshore wind or marine energy installation project for the performance by or on behalf of the Executive, or by an inspector appointed by it, of the functions specified in paragraph (2).

⁽¹⁹⁾ S.I. 2015/51. This instrument was amended by S.I. 2015/1682 and 2017/1075.

(2) The functions referred to in paragraph (1) are any functions conferred on the Executive or the inspector by the 1974 Act which relate to the enforcement of any of the relevant statutory provisions against one or both of the following—

- (a) the client in relation to any work, including construction work, carried out for the offshore wind or marine energy installation project;
- (b) a contractor in relation to any work, including construction work, carried out by that contractor on or in connection with that project.

(3) A fee is payable to the Executive by the operator of an offshore wind or marine energy installation for the performance by or on behalf of the Executive, or by an inspector appointed by it, of the functions specified in paragraph (4).

(4) The functions referred to in paragraph (3) are any functions conferred on the Executive or the inspector by the 1974 Act which relate to the enforcement of any of the relevant statutory provisions against one or both of the following—

- (a) the operator in relation to any work relating to the operation of an offshore wind or marine energy installation;
- (b) a contractor in relation to any work carried out by that contractor on or in connection with the operation of that installation.

(5) In this regulation—

“client”, “construction work” and “project” have the meanings given in regulation 2(1) of the Construction (Design and Management) Regulations 2015;

“energy structure” and “renewable energy zone” have the meanings given in article 9 of the Health and Safety at Work etc. Act 1974 (Application Outside Great Britain) Order 2013(20);

“offshore wind or marine energy installation” means—

- (a) an installation of one or more energy structures and technology, including cables, within the territorial sea or a renewable energy zone for the purposes specified in article 9(1)(a) to (c) (the production of energy from water or wind) of the Health and Safety at Work etc. Act 1974 (Application Outside Great Britain) Order 2013, or
- (b) any activities within the territorial sea or a renewable energy zone that are associated with the installation referred to in paragraph (a) and are connected with or preparatory to the purposes specified in article 9(1)(a) to (c) (the production of energy from water or wind) of the Health and Safety at Work etc. Act 1974 (Application Outside Great Britain) Order 2013;

“offshore wind or marine energy installation project” means a project to design, construct, install, maintain, decommission or demolish an offshore wind or marine energy installation;

“operator” means the person appointed by the owner of the offshore wind or marine energy installation to execute the management functions for operations to be carried out at that installation or, where no such person has been appointed, the owner of that installation;

“owner” means in relation to an offshore wind or marine energy installation the person who controls the operation of that installation.

“territorial sea” has the meaning given in article 2 of the Health and Safety at Work etc. Act 1974 (Application Outside Great Britain) Order 2013.”.

Provisions supplementary to regulations 8(3A), 9, 11 and 14 to 16 of the Health and Safety and Nuclear (Fees) Regulations 2022

13. In regulation 17 (provisions supplementary to regulations 8(3A) and 14 to 16)—
- (a) in the heading, after “8(3A)” insert “, 9, 11”;
 - (b) in paragraph (1)—
 - (i) in the words before sub-paragraph (a), after “regulations 8(3A)” insert “, 9(1), (8) and (10), 11(1) and (3)”;
 - (ii) in sub-paragraph (a)(ii), for “or the ONR” substitute “, the ONR, the acetylene licensing authority or the appropriate authority”;
 - (iii) omit paragraph (b) and the “and” immediately preceding it;
 - (c) in paragraph (2), after “8(3A)” insert “, 9(1), (8) and (10), 11(1) and (3)”;
 - (d) after paragraph (2), insert—
 - “(2A) Where a fee is payable under any of regulations 8(3A), 9(1), (8) and (10), 11(1) and (3) and 14 to 16, the Executive, the ONR, the acetylene licensing authority or the appropriate authority, as the case may be, must send or give to the person who must pay the fee an invoice which—
 - (a) includes a statement of the work done and the costs incurred, and
 - (b) specifies the period to which that statement relates.
 - (2B) Any fee referred to in regulations 8(3A), 9(10), 11(3) and 14 to 16 above is payable within 30 days from the date of the invoice that the Executive, the ONR, the acetylene licensing authority or the appropriate authority has sent or given to the person who must pay that fee.”;
 - (e) in paragraph (7), after “regulations” insert “9(11), 11(4) and”;
 - (f) for paragraph (9), substitute—
 - “(9) For the purposes of this regulation—
 - “acetylene licensing authority” has the same meaning given in regulation 9;
 - “appropriate authority” has the same meaning given in regulation 11;
 - “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

14. In regulation 18 (fees for applications for approvals under the Offshore Installations and Pipeline Works (First-Aid) Regulations 1989) for “£153” substitute “£161”.

Provisions supplementary to regulation 18

15. In regulation 19 (provisions supplementary to regulation 18) for “£57” substitute “£60”.

Increases to the amounts of fees set out in various Schedules to the Health and Safety and Nuclear (Fees) Regulations 2022

16. The Schedule makes amendments to the amounts of fees set out in a number of Schedules to the Health and Safety and Nuclear (Fees) Regulations 2022(21).

(21) [S.I. 2022/1378](#). This instrument was amended by [S.I. 2023/247](#) and [284](#).

PART 3

Miscellaneous amendment to the Gas Safety (Management) Regulations 1996

Amendment to the Gas Safety (Management) Regulations 1996

17. In regulation 10(2)(b) (pipes used to convey biogas or gas made from biogas: transitional provisions) of the Gas Safety (Management) Regulations 1996(22), for “before or after 6th October 2024” substitute “before, on or after 6th October 2024”.

Signed by authority of the Secretary of State

6th March 2024

Younger
Parliamentary Under Secretary of State
Department of Work and Pensions

We consent

5th March 2024

Joy Morrissey
Amanda Milling
Two of the Lords Commissioners of His
Majesty’s Treasury

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

SCHEDULE

Regulation 16

Changes to amounts of fees payable under the Health and Safety and Nuclear (Fees) Regulations 2022

In the provisions of the Health and Safety and Nuclear (Fees) Regulations 2022 listed in column 1 of the table below for the fee listed in the corresponding entry in column 2 of the table substitute the fee listed in the corresponding entry in column 3 of the table—

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>
<i>(provision of the Health and Safety and Nuclear (Fees) Regulations 2022)</i>	<i>(existing fee)</i>	<i>(new fee)</i>
Schedule 1		
Column 2	£525	£552
Column 2	£289	£303
Schedule 2		
Column 2	£102	£107
Schedule 3		
Table 1, column 2	£3,508	£3,683
Table 2, column 1	£804	£844
Table 2, column 2	£804	£844
Table 2, column 3	£87	£91
Schedule 4		
Column 3	£42	£44
Column 3	£80 (in each place it occurs)	£84
Column 4	£80 (in each place it occurs)	£84
Column 5	£46 (in each place it occurs)	£48
Schedule 5		
Column 2	£80	£84
Column 2	£46 (in both places it occurs)	£48
Schedule 6		
Table 1, column 2	£873 (in each place it occurs)	£917
Table 1, column 2	£147	£154
Table 1, column 2	£60	£63
Table 1, column 2	£26	£27
Table 1, column 3	£147 (in each place it occurs)	£154
Table 2, column 2	£2,057	£2,160
Table 2, column 2	£60	£63

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>
<i>(provision of the Health and Safety and Nuclear (Fees) Regulations 2022)</i>	<i>(existing fee)</i>	<i>(new fee)</i>
Table 2, column 3	£147 (in both places it occurs)	£154
Table 3, column 2	£3.80	£3.99
Schedule 9		
Column 2	£512	£538
Column 2	£1,023 (in each place it occurs)	£1,074
Column 2	£1,108 (in both places it occurs)	£1,163
Column 2	£1,277 (in both places it occurs)	£1,341
Column 2	£765 (in both places it occurs)	£803
Schedule 13		
Table 1, column 1	£1,836	£1,928
Table 1, column 2	£2,529	£2,655
Table 1, column 3	£128	£134
Table 1, column 4	£128	£134
Table 2, column 1	£613	£644
Table 2, column 2	£1,447	£1,520
Table 3, column 1	£624	£655
Table 3, column 2	£1,447	£1,520
Table 3, column 3	£613	£644
Table 3, column 4	£1,447	£1,520
Table 4, column 1	£624	£655
Table 4, column 2	£1,447	£1,520
Table 4, column 3	£624	£655
Schedule 15		
Column 2	£485 (in each place it occurs)	£509
Column 2	£475 (in each place it occurs)	£499
Column 2	£426 (in each place it occurs)	£448
Schedule 16		
Column 3	£475	£499

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Health and Safety and Nuclear (Fees) Regulations 2022 (S.I. 2022/1378) (“the 2022 Regulations”) to make various changes to the fees fixed by or determined under those Regulations.

In particular, these Regulations:

- (a) introduce new full cost recovery fee charging provisions for the following areas:
 - (i) explosives, including acetylene safety (see regulations 4 and 6 which amend and restate regulation 9 and Schedule 7, respectively, in the 2022 Regulations) and dangerous goods in harbour areas (see regulations 7 and 8 which amend and restate regulation 11 and Schedule 8, respectively, in the 2022 Regulations);
 - (ii) onshore oil, gas and geothermal well and borehole operations (see regulation 9 that inserts a new regulation 14A into the 2022 Regulations);
 - (iii) pipelines conveying fluid under the Pipelines Safety Regulations 1996 (S.I. 1996/825) (see regulation 12 that inserts a new regulation 15A into the 2022 Regulations);
 - (iv) onshore wind energy installations and offshore wind or marine energy installations (see regulation 12 that inserts new regulations 15B and 15C into the 2022 Regulations);
- (b) introduce fee increases for the fees that were fixed or determined by the 2022 Regulations (see regulations 3, 14 to 16, and the Schedule, as well as the Schedules replaced by regulations 6 and 8). The fees are raised by 5% from the level set out in the 2022 Regulations, as amended by the Health and Safety and Nuclear (Fees) (Amendment) Regulations 2023 (S.I. 2023/247). The increase is in line with inflation or at a rate less than inflation (based on RPI for the 12-month period when the policy was determined, from September 2022 to September 2023).

These Regulations also make a miscellaneous amendment to the Gas Safety (Management) Regulations 1996 (S.I. 1996/551) (see regulation 17).

Guidance on the application of the new charging provisions in the relevant areas will be available on the charging website of the Health and Safety Executive(23) from the date this instrument comes into force.

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.

(23) The charging guides are accessible online at <https://www.hse.gov.uk/charging/>.