

STATUTORY RULES OF NORTHERN IRELAND

2012 No. 255

HEALTH AND SAFETY

**The Health and Safety (Fees)
Regulations (Northern Ireland) 2012**

Made - - - - *27th June 2012*

Coming into operation *30th July 2012*

The Department of Enterprise, Trade and Investment ^{M1}, being the Department concerned ^{M2}, makes the following Regulations in exercise of the powers conferred by section 2(2) of the European Communities Act 1972 ^{M3} and Articles 40(2) and (4), 49 and 55(2) of the Health and Safety at Work (Northern Ireland) Order 1978 ^{M4}.

The Department was designated ^{M5} for the purposes of section 2(2) in relation to the control and regulation of genetically modified organisms.

The Regulations give effect without modifications to proposals submitted to it by the Health and Safety Executive for Northern Ireland under Article 13(1A) of the 1978 Order ^{M6}.

Marginal Citations

- M1** Formerly the Department of Economic Development; *see* S.I. 1999/283 (N.I. 1), **Article 3(5)**; that Department was formerly the Department of Manpower Services, *see* S.I. 1982/846 (N.I. 11), **Article 3**
- M2** *See* **Article 2(2)** of S.I. 1978/1039 (N.I. 9)
- M3** 1972 c. 68: the enabling powers conferred by section 2(2) were extended by virtue of section 1 of the **European Economic Area Act 1993 (c. 51)**. Section 2(2) was further amended by section 27(1), and paragraphs 2 and 3 of Schedule 2 by section 27(2), of the Legislative and Regulatory Reform Act 2006 (C. 51).
- M4** S.I. 1978/1039 (N.I. 9)
- M5** S.I. 1991/755
- M6** **Article 13(1)** was substituted by S.I. 1998/2795 (N.I. 18), **Article 4**

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Health and Safety (Fees) Regulations (Northern Ireland) 2012 and shall come into operation on 30th July 2012.

(2) In these Regulations—

“the 1978 Order” means the Health and Safety at Work (Northern Ireland) Order 1978;

“employment medical adviser” means an employment medical adviser appointed under Article 48(3) of the 1978 Order^{M7};

“the Executive” means the Health and Safety Executive for Northern Ireland; and

“renewal of licence” means the granting of a licence to follow a previous licence of the same kind without any amendment or gap in time.

(3) The Interpretation Act (Northern Ireland) 1954^{M8} shall apply to these Regulations as it applies to an Act of the Northern Ireland Assembly.

Marginal Citations

M7 Article 48(3) was amended by [S.I. 1998/2795 \(N.I. 18\)](#), [Article 5\(c\)](#)

M8 [1954 c. 33 \(N.I.\)](#), as amended by [S.I. 1999/663](#)

Fees payable under the Petroleum (Consolidation) Act (Northern Ireland) 1929 and the Petroleum (Transfer of Licences) Act (Northern Ireland) 1937

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

Date from which fees are payable under the Petroleum (Consolidation) Act (Northern Ireland) 1929 and the Petroleum (Transfer of Licences) Act (Northern Ireland) 1937

3. Notwithstanding the provisions of section 4 of the Petroleum (Consolidation) Act (Northern Ireland) 1929^{M9} or section 1(4) of the Petroleum (Transfer of Licences) Act (Northern Ireland) 1937^{M10}, the fees specified in Schedule 1 shall be payable for any petroleum-spirit licence first having effect or any transfer or renewal of a licence first taking effect on or after the date of the coming into operation of these Regulations irrespective of the date of the application for that licence, transfer or renewal.

Marginal Citations

M9 [1929 c. 13 \(N.I.\)](#); section 4 was amended by [S.R. 1992 No. 396](#) and [S.I. 1998/2795 \(N.I. 18\)](#)

M10 [1937 c. 4 \(N.I.\)](#) (1 Edw. 8 & 1 Geo. 6); section 1(4) was amended by [S.R. 1992 No. 396](#) and [S.I. 1998/2795 \(N.I. 18\)](#)

Fees payable for medical examination or surveillance by an employment medical adviser

4.—(1) A fee shall be 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 2.

(2) The fee payable under paragraph (1) shall be a basic fee for each examination or on each occasion when the 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 or surveillance.

(3) For the purposes of paragraph (2), in the case of an examination or surveillance carried out for the purposes of a provision specified in column 1 of Schedule 2—

(a) the basic fee shall be the amount specified in column 3 of that Schedule for that provision;

- (b) the additional fee for X-rays shall be the amount specified in column 4 of that Schedule for that provision and shall cover all X-rays taken in connection with any one examination or any one occasion when surveillance is carried out;
 - (c) the additional fee for laboratory tests shall be the amount specified in column 5 of that Schedule for that provision and shall cover all such tests carried out in connection with any one examination or any one occasion when surveillance is carried out.
- (4) Where an employment medical adviser carries out a medical examination of a self-employed person for the purposes of the Control of Asbestos Regulations (Northern Ireland) 2012 ^{M11}, that self-employed person shall pay fees to the Executive ascertained in accordance with paragraphs (2) and (3).

Marginal Citations

M11 [S.R. 2012 No. 179](#)

Fees payable for medical surveillance by an employment medical adviser under the Control of Lead at Work Regulations (Northern Ireland) 2003

5.—(1) Fees shall be payable in accordance with paragraph (2) by an employer to the Executive 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 (Northern Ireland) 2003 ^{M12}.

(2) The fee payable for each item described in column 1 of Schedule 3 shall be that specified in the corresponding entry in column 2 of that Schedule.

Marginal Citations

M12 [S.R. 2003 No. 35](#), amended by [S.R. 2005 No. 165](#), [S.R. 2006 No. 173](#), [S.R. 2009 No. 238](#) and [S.R. 2010 No. 160](#)

Fees payable for various applications under the Control of Asbestos Regulations (Northern Ireland) 2012

6.—(1) A fee shall be payable by the applicant to the Executive on each application for a licence under the Control of Asbestos Regulations (Northern Ireland) 2012 (“the 2012 Regulations”).

(2) The fee payable on application for a licence described in column 1 of Table 1 in Schedule 4 shall be that specified in column 2 of that Table.

(3) Where the Executive refuses to grant an applicant a licence under the 2012 Regulations and offers to reassess whether to grant the application if shortcomings leading to the refusal are remedied, a fee shall be 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) shall be that specified in column 1 of Table 2 in Schedule 4.

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

(6) The fee payable under paragraph (5) shall be that specified in column 2 of Table 2 in Schedule 4.

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

(8) The fee payable under paragraph (7) shall be that specified in column 3 of Table 2 in Schedule 4.

Fee payable on application for approval under the Freight Containers (Safety Convention) Regulations (Northern Ireland) 1992

7.—(1) A fee shall be payable by the applicant to the Executive on each application for approval of a scheme or programme for examination of containers under the Freight Containers (Safety Convention) Regulations (Northern Ireland) 1992 ^{M13}.

(2) The fee payable on application for the approval described in column 1 of Schedule 5 shall be that specified in column 2 of that Schedule.

Marginal Citations

M13 S.R. 1992 No. 2, amended by S.R. 1998 No. 125 and S.R. 1999 No. 150

Fees associated with notifications and applications under the Genetically Modified Organisms (Contained Use) Regulations (Northern Ireland) [F12015]

8.—(1) The fee specified in column 2 of Schedule 6 shall be payable by a notifier [^{F2}or applicant] to the competent authority on each such notification or application under the [^{F3}2015] Regulations as is referred to in the corresponding entry in column 1 of that Schedule.

[^{F4}(2) No fee shall be returned to a notifier where the notifier withdraws a notification under regulation 17 of the 2015 Regulations or the competent authority returns a notification under regulation 24(6) of the 2015 Regulations.]

[^{F5}(3) In this regulation, “the 2015 Regulations” means the Genetically Modified Organisms (Contained Use) Regulations (Northern Ireland) 2015 and “notifier” and “competent authority” have the same meaning as in those Regulations.]

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|-----------|---|
| F1 | Word in reg. 8 heading substituted (23.10.2015) by The Genetically Modified Organisms (Contained Use) Regulations (Northern Ireland) 2015 (S.R. 2015/339), regs. 1, 34(2)(a) (with reg. 3(1)(2)) |
| F2 | Words in reg. 8(1) added (23.10.2015) by The Genetically Modified Organisms (Contained Use) Regulations (Northern Ireland) 2015 (S.R. 2015/339), regs. 1, 34(2)(b) (with reg. 3(1)(2)) |
| F3 | Word in reg. 8(1) substituted (23.10.2015) by The Genetically Modified Organisms (Contained Use) Regulations (Northern Ireland) 2015 (S.R. 2015/339), regs. 1, 34(2)(b) (with reg. 3(1)(2)) |
| F4 | Reg. 8(2) substituted (23.10.2015) by The Genetically Modified Organisms (Contained Use) Regulations (Northern Ireland) 2015 (S.R. 2015/339), regs. 1, 34(2)(c) (with reg. 3(1)(2)) |
| F5 | Reg. 8(3) substituted (23.10.2015) by The Genetically Modified Organisms (Contained Use) Regulations (Northern Ireland) 2015 (S.R. 2015/339), regs. 1, 34(2)(d) (with reg. 3(1)(2)) |

Fees payable in respect of offshore installations

9.—(1) A fee shall be payable to the Executive by the person referred to in column 2 of Schedule 7 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 shall be payable to the Executive by an operator or owner who has prepared a current safety case pursuant to the 2007 Regulations [^{F6}or the 2016 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 1978 Order 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.

[^{F7}(3) In this regulation, regulation 11 and Schedule 7—

“the 2007 Regulations” means the Offshore Installations (Safety Case) Regulations (Northern Ireland) 2007 and “the 2016 Regulations” means the Offshore Installations (Offshore Safety Directive) (Safety Case etc) Regulations (Northern Ireland) 2016;

“installation”, “current safety case”, “safety case” and “owner”, in a case concerning the 2007 Regulations have the same meanings as in those Regulations or in a case concerning the 2016 Regulations, have the same meanings as in the 2016 Regulations;

“operator”—

- (a) in a case concerning the 2007 Regulations has the meaning—
 - (i) in the 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 2016 Regulations, has the meaning given in those Regulations; and

“competent authority” has the meaning given in the 2016 Regulations.]

- F6** Words in reg. 9(2) inserted (19.12.2016) by [The Offshore Installations \(Offshore Safety Directive\) \(Safety Case etc.\) Regulations \(Northern Ireland\) 2016 \(S.R. 2016/406\)](#), reg. 1, **Sch. 14 para. 43(2)(a)** (with reg. 4(2), Sch. 15)
- F7** Reg. 9(3) substituted (19.12.2016) by [The Offshore Installations \(Offshore Safety Directive\) \(Safety Case etc.\) Regulations \(Northern Ireland\) 2016 \(S.R. 2016/406\)](#), reg. 1, **Sch. 14 para. 43(2)(b)** (with reg. 4(2), Sch. 15)

Fees payable in respect of gas safety functions

10.—(1) A fee shall be payable to the Executive by the person referred to in column 2 of Schedule 8 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 shall be payable to the Executive by a person conveying gas who has prepared a safety case pursuant to the 1997 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 1978 Order which relates to the enforcement of any of the relevant statutory provisions against one or other 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 network including work on a pipeline that it is intended will form part of that network;

insofar as such enforcement is for the purpose of protecting persons from risks arising from the manner in which gas is or is to be conveyed or used.

(3) A fee shall be payable to the Executive by a person conveying gas who has prepared a safety case pursuant to the 1997 Regulations and a major accident prevention document pursuant to the Pipelines Safety Regulations (Northern Ireland) 1997^{M14} 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 1978 Order which relates to the enforcement of any of the relevant statutory provisions against one or other or both of the following—

- (a) that person in relation to work relating to a major accident hazard pipeline, including the construction of a pipeline that it is intended will form part of the network, to which the major accident prevention document relates; or
 - (b) a contractor in relation to work carried out by that contractor relating to a major accident hazard pipeline, including the construction of a pipeline that it is intended will form part of the network, to which the major accident prevention document relates.
- (4) For the purposes of this regulation, regulation 11 and Schedule 8—
- (a) “the 1997 Regulations” means the Gas Safety (Management) Regulations (Northern Ireland) 1997^{M15}, and “network”, “network emergency co-ordinator” and “safety case” have the same meanings as in those Regulations; and
 - (b) “major accident hazard pipeline” has the same meaning as in the Pipelines Safety Regulations (Northern Ireland) 1997.

Marginal Citations

M14 S.R. 1997 No. 193, amended by S.R. 1999 No. 150 and S.R. 2009 No. 238

M15 S.R. 1997 No. 195, amended by S.R. 1999 No. 150 and S.R. 2000 No. 388

Provisions supplementary to regulations 9 and 10

- 11.—(1) Any fee referred to in regulations 9 and 10 shall—
- (a) not exceed the sum of the costs reasonably incurred by the Executive for the performance of the function referred to in the respective regulation; and
 - (b) be payable within 30 days from the date of the invoice that the Executive has sent or given to the person who shall pay that fee, and such invoices shall 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 9 and 10 shall include any costs connected with any—
- (a) criminal investigation or prosecution incurred (in either case) from the date any summons is obtained from a Magistrates' Court; or
 - (b) appeal pursuant to Article 26 of the 1978 Order (appeal against improvement or prohibition notice) and [F8 rule 102 of Schedule 1 to the Industrial Tribunals and Fair Employment Tribunal (Constitution and Rules of Procedure) Regulations (Northern Ireland) 2020] .
- (3) For the purposes of regulation 9 and paragraph (2)(a), an installation shall be treated as being in Northern Ireland if it is in the Northern Irish area within the meaning of Article 1 of the Civil Jurisdiction (Offshore Activities) Order 1987^{M16}.
- (4) Any reference in regulation 9 to a person who has prepared a current safety case includes a reference to—
- (a) a person who shall 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 2007 Regulations.

(5) Any reference in regulation 10 to a person who has prepared a safety case includes a reference to a person who shall 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 9 and 10 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 9 and 10 to a function conferred on an inspector by the 1978 Order which relates to enforcement against a person of any of the relevant statutory provisions includes a reference to any function conferred on an inspector by that Order which is exercised for the purpose of carrying into effect those provisions in relation to that person.

F8 Words in [reg. 11\(2\)\(b\)](#) substituted (27.1.2020) by [The Industrial Tribunals and Fair Employment Tribunal \(Constitution and Rules of Procedure\) Regulations \(Northern Ireland\) 2020 \(S.R. 2020/3\)](#), [reg. 1\(2\)](#), [Sch. 4 Pt. 2 para. 8](#) (with [reg. 18](#))

Marginal Citations

M16 S.I. 1987 No. 2197

Estimate of cost of Work

12. Where any fee is to be assessed on the reasonable cost to the Executive of carrying out any work under regulation 11(1) or 11(2) the Executive shall—

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

[^{F9}Fees for notifications under the Borehole Sites and Operations Regulations (Northern Ireland) 1995

12A.—(1) Subject to paragraph (3), a fee is payable to the Executive by the person referred to in column 2 of Schedule 9 for the performance by the Executive of such functions conferred on it as are specified in column 1 of that Schedule.

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

- (a) not to exceed the sum of the costs reasonably incurred by the Executive for the performance of the function; and
- (b) payable within 30 days from the date of the invoice that the Executive has sent or given to the person who shall pay that fee, and such invoices shall 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 9 to the extent that, in respect of any such function, a fee is payable

or has been paid pursuant to the [^{F10}Control of Major Accident Hazards Regulations (Northern Ireland) 2015] .

(4) For the purposes of this regulation and Schedule 9, “the 1995 Regulations” means the Borehole Sites and Operations Regulations (Northern Ireland) 1995, and “borehole site” and “operator” have the same meaning as in those Regulations.]

- F9** Reg. 12A inserted (12.12.2014) by [The Health and Safety \(Fees\) \(Amendment\) Regulations \(Northern Ireland\) 2014 \(S.R. 2014/280\)](#), regs. 1(1), **2(2)**
- F10** Words in [reg. 12A](#) substituted (28.9.2015) by [The Control of Major Accident Hazards Regulations \(Northern Ireland\) 2015 \(S.R. 2015/325\)](#), reg. 1, **Sch. 6 Pt. 2** (with reg. 3(2))

Revocation

13.—(1) Subject to paragraph (2), the Health and Safety (Fees) Regulations (Northern Ireland) 2010 ^{M17} are revoked.

(2) The Regulations referred to in paragraph (1) shall continue to apply in relation to any medical examination or medical surveillance carried out before 30th July 2012 as if these Regulations had not been made.

^{F11}(3)

- F11** [Reg. 13\(3\)](#) revoked (28.9.2015) by [The Control of Major Accident Hazards Regulations \(Northern Ireland\) 2015 \(S.R. 2015/325\)](#), reg. 1, **Sch. 7** (with reg. 3(2))
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- Marginal Citations**
M17 [S.R 2010 No. 60](#)

Sealed with the Official Seal of the Department of Enterprise, Trade and Investment on 27th June 2012.

L.S.

Jackie Kerr
A senior officer of the
Department of Enterprise, Trade and Investment

SCHEDULE 1

Regulation 2

FEES RELATING TO APPLICATIONS FOR PETROLEUM-SPIRIT LICENCES

Column 1	Column 2	Column 3
<i>Provision under which a fee is payable</i>	<i>Purpose of application</i>	<i>Fee</i>
<i>Petroleum (Consolidation) Act (Northern Ireland) 1929 (1929 c. 13)</i>		
Section 4 (see notes 1 and 2)	Licence to keep petroleum-spirit of a quantity—	
	not exceeding 2,500 litres	£42 for each year of licence
	exceeding 2,500 litres but not exceeding 50,000 litres	£58 for each year of licence
	exceeding 50,000 litres	£120 for each year of licence
<i>Petroleum (Transfer of Licences) Act (Northern Ireland) 1937 (1937 c.4)</i>		
Section 1(4)	Transfer of petroleum-spirit licence	£8

Notes:

1. In the case of a solid substance for which by virtue of an order made under section 19 of the Petroleum (Consolidation) Act (Northern Ireland) 1929 a licence is required, the fee payable under this Schedule shall be calculated as if one kilogram of the substance were equivalent to one litre.

2. The fee payable for a licence of more or less than one year's duration shall be the fee set out above increased or decreased, as the case may be, proportionately according to the duration of the period for which the licence is granted or renewed.

SCHEDULE 2

Regulation 4

FEES PAYABLE FOR MEDICAL EXAMINATION OR SURVEILLANCE BY AN EMPLOYMENT MEDICAL ADVISER

Column 1	Column 2	Column 3	Column 4	Column 5
<i>Provision</i>	<i>Reference</i>	<i>Basic Fee</i>	<i>Fee for X-Rays</i>	<i>Fee for Laboratory tests</i>
(a) Regulation of the Work in Compressed Air Regulations (Northern Ireland) 2004	10 S. R. 2004 No. 241	£71	£73	£42
(b) Regulation of the Control of Asbestos	22 of S. R. 2012 No. 179	£71	£73	£42

Changes to legislation: There are currently no known outstanding effects for the The Health and Safety (Fees) Regulations (Northern Ireland) 2012. (See end of Document for details)

Regulations (Northern Ireland) 2012						
(c)	Regulation 11 of the Control of Substances Hazardous to Health Regulations (Northern Ireland) 2003	S.R. 2003 No. 34	£71		£73	£42
(d)	[^{F12} Regulation 25 of the Ionising Radiations Regulations (Northern Ireland) 2017]	[^{F13} S.R. 2017 No. 229]	£38	where surveillance is confined to examination of, and making entries in, records.	£73	£42
			£71	in other cases		

F12 Words in Sch. 2 substituted (1.1.2018) by [The Ionising Radiations Regulations \(Northern Ireland\) 2017 \(S.R. 2017/229\)](#), reg. 1, **Sch. 9 para. 10(2)(a)** (with reg. 41, Sch. 8)

F13 Words in Sch. 2 substituted (1.1.2018) by [The Ionising Radiations Regulations \(Northern Ireland\) 2017 \(S.R. 2017/229\)](#), reg. 1, **Sch. 9 para. 10(2)(b)** (with reg. 41, Sch. 8)

SCHEDULE 3

Regulation 5

FEE PAYABLE FOR MEDICAL SURVEILLANCE BY AN EMPLOYMENT MEDICAL ADVISER UNDER THE CONTROL OF LEAD AT WORK REGULATIONS (NORTHERN IRELAND) 2003

Column 1 <i>Item</i>	Column 2 <i>Fee</i>
(a) On the first assessment of an employee (including any clinical medical examination and laboratory tests in connection with the assessment)	£71
(b) On each subsequent assessment of an employee—	
(i) for laboratory tests where these are carried out	£42
(ii) for a clinical medical examination where this is carried out	£42

SCHEDULE 4

Regulation 6

FEES PAYABLE FOR VARIOUS APPLICATIONS UNDER THE CONTROL OF ASBESTOS REGULATIONS (NORTHERN IRELAND) 2012

Table 1

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

Table 2

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

SCHEDULE 5

Regulation 7

FEE PAYABLE ON APPLICATION FOR APPROVAL UNDER THE FREIGHT CONTAINERS (SAFETY CONVENTION) REGULATIONS (NORTHERN IRELAND) 1992

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

SCHEDULE 6

Regulation 8

FEES ASSOCIATED WITH NOTIFICATIONS AND APPLICATIONS UNDER THE GENETICALLY MODIFIED ORGANISMS (CONTAINED USE) REGULATIONS (NORTHERN IRELAND) [^{F14}2015]

F14 Word in Sch. 6 heading substituted (23.10.2015) by [The Genetically Modified Organisms \(Contained Use\) Regulations \(Northern Ireland\) 2015 \(S.R. 2015/339\)](#), regs. 1, **34(3)(a)** (with reg. 3(1)(2))

Column 1	Column 2
<i>Description</i>	<i>Fee</i>
[^{F15} (a) Notification of premises to be used for contained use for the first time under regulation 9(2)]	£472

Changes to legislation: There are currently no known outstanding effects for the The Health and Safety (Fees) Regulations (Northern Ireland) 2012. (See end of Document for details)

[^{F16} (b) Notification of class 2 contained use under regulation 10(2)]	£943
[^{F17} (c) Notification of premises to be used for contained use for the first time under regulation 9(2) at the same time as notification of class 2 contained use under regulation 10(2)]	£943
[^{F18} (d) Notification of class 3 contained use under regulation 11(2)]	£1,022
[^{F19} (e) Notification of premises to be used for contained use for the first time under regulation 9(2) at the same time as notification of class 3 contained use under regulation 11(2)]	£1,022
[^{F20} (f) Notification of class 4 contained use under regulation 11(2)]	£1,178
[^{F21} (g) Notification of premises to be used for contained use for the first time under regulation 9(2) at the same time as notification of class 4 contained use under regulation 11(2)]	£1,178
[^{F22} (h) Notification of contained use under regulation 12(2)]	£943
[^{F23} (i) Notification of premises to be used for contained use for the first time under regulation 9(2) at the same time as notification of contained use under regulation 12(2)]	£943
[^{F24} (j) Notification of a change or new information affecting risks under regulation 15(1)]	£706
(k) Application for the written agreement of the competent authority under regulation [^{F25} 19(2)] where the application is made after a notification has been submitted pursuant to regulation [^{F25} 9(2), 10(2), 11(2) or 12(2)]	£706

- F15** Words in Sch. 6 substituted (23.10.2015) by [The Genetically Modified Organisms \(Contained Use\) Regulations \(Northern Ireland\) 2015 \(S.R. 2015/339\)](#), regs. 1, **34(3)(b)(i)** (with reg. 3(1)(2))
- F16** Words in Sch. 6 substituted (23.10.2015) by [The Genetically Modified Organisms \(Contained Use\) Regulations \(Northern Ireland\) 2015 \(S.R. 2015/339\)](#), regs. 1, **34(3)(b)(ii)** (with reg. 3(1)(2))
- F17** Words in Sch. 6 substituted (23.10.2015) by [The Genetically Modified Organisms \(Contained Use\) Regulations \(Northern Ireland\) 2015 \(S.R. 2015/339\)](#), regs. 1, **34(3)(b)(iii)** (with reg. 3(1)(2))
- F18** Words in Sch. 6 substituted (23.10.2015) by [The Genetically Modified Organisms \(Contained Use\) Regulations \(Northern Ireland\) 2015 \(S.R. 2015/339\)](#), regs. 1, **34(3)(b)(iv)** (with reg. 3(1)(2))
- F19** Words in Sch. 6 substituted (23.10.2015) by [The Genetically Modified Organisms \(Contained Use\) Regulations \(Northern Ireland\) 2015 \(S.R. 2015/339\)](#), regs. 1, **34(3)(b)(v)** (with reg. 3(1)(2))

F20	Words in Sch. 6 substituted (23.10.2015) by The Genetically Modified Organisms (Contained Use) Regulations (Northern Ireland) 2015 (S.R. 2015/339), regs. 1, 34(3)(b)(vi) (with reg. 3(1)(2))
F21	Words in Sch. 6 substituted (23.10.2015) by The Genetically Modified Organisms (Contained Use) Regulations (Northern Ireland) 2015 (S.R. 2015/339), regs. 1, 34(3)(b)(vii) (with reg. 3(1)(2))
F22	Words in Sch. 6 substituted (23.10.2015) by The Genetically Modified Organisms (Contained Use) Regulations (Northern Ireland) 2015 (S.R. 2015/339), regs. 1, 34(3)(b)(viii) (with reg. 3(1)(2))
F23	Words in Sch. 6 substituted (23.10.2015) by The Genetically Modified Organisms (Contained Use) Regulations (Northern Ireland) 2015 (S.R. 2015/339), regs. 1, 34(3)(b)(ix) (with reg. 3(1)(2))
F24	Words in Sch. 6 substituted (23.10.2015) by The Genetically Modified Organisms (Contained Use) Regulations (Northern Ireland) 2015 (S.R. 2015/339), regs. 1, 34(3)(b)(x) (with reg. 3(1)(2))
F25	Words in Sch. 6 substituted (23.10.2015) by The Genetically Modified Organisms (Contained Use) Regulations (Northern Ireland) 2015 (S.R. 2015/339), regs. 1, 34(3)(b)(xi) (with reg. 3(1)(2))

SCHEDULE 7

Regulation 9

FEES PAYABLE IN RESPECT OF OFFSHORE INSTALLATIONS

Column 1	Column 2
<i>Function</i>	<i>Person by whom fee is payable</i>
Assessing a design notification (sent to the Executive pursuant to regulation 6(1) or 9(1) of the 2007 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 2007 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 2007 Regulations) for the purpose of deciding whether to accept that safety case or revision and accepting any such safety case or revision	The operator or owner who sent the safety case or revision to the Executive pursuant to that provision
Providing advice with respect to the preparation of a safety case or a revision to a current safety case which is proposed to be sent to the Executive pursuant to any provision of the 2007 Regulations	The operator or owner who has requested that advice
Assessing whether to grant an exemption pursuant to regulation 23 of the 2007 Regulations and granting any such exemption	The operator or owner who has requested the exemption
[^{F26} Assessing a design notification (sent to the competent authority pursuant to regulation 15(1) or 19(1) of the 2016 Regulations) for the purpose	The operator or owner who sent the design notification to the competent authority pursuant to that provision

Changes to legislation: There are currently no known outstanding effects for the The Health and Safety (Fees) Regulations (Northern Ireland) 2012. (See end of Document for details)

of deciding whether to raise matters relating to health and safety and raising such matters	
Assessing a relocation notification (sent to the competent authority pursuant to regulation 15(3) of the 2016 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
Assessing a safety case or a revision to a current safety case (sent to the competent authority pursuant to any provision of the 2016 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 2016 Regulations	The operator or owner who has requested that advice
Assessing whether to grant an exemption pursuant to regulation 35 of the 2016 Regulations and granting any such exemption	The operator or owner who has requested the exemption]

F26 Words in Sch. 7 Table inserted (19.12.2016) by [The Offshore Installations \(Offshore Safety Directive\) \(Safety Case etc.\) Regulations \(Northern Ireland\) 2016 \(S.R. 2016/406\)](#), reg. 1, **Sch. 14 para. 43(3)** (with reg. 4(2), Sch. 15)

SCHEDULE 8

Regulation 10

FEES PAYABLE IN RESPECT OF GAS SAFETY FUNCTIONS

Column 1 <i>Function</i>	Column 2 <i>Person by whom fee is payable</i>
Assessing a safety case or a revision of a safety case (sent to the Executive pursuant to any provision of the 1997 Regulations) for the purpose of deciding whether to accept that safety case or revision, and accepting any such safety case or revision	The person conveying gas, the person intending to convey gas or the network emergency co-ordinator who has prepared the safety case or revision pursuant to that provision
Providing advice with respect to the preparation of a safety case or revision to a safety case which is proposed to be sent to the Executive pursuant to any provision of the 1997 Regulations	The person conveying gas, the person intending to convey gas or the network co-ordinator who has requested that advice
Assessing whether to grant an exemption pursuant to regulation 11 of the 1997 Regulations	The operator or owner who has requested the exemption

[^{F27}SCHEDULE 9

Regulation 12A

FEES FOR NOTIFICATIONS UNDER THE BOREHOLE SITES
AND OPERATIONS REGULATIONS (NORTHERN IRELAND) 1995

F27 Sch. 9 inserted (12.12.2014) by [The Health and Safety \(Fees\) \(Amendment\) Regulations \(Northern Ireland\) 2014 \(S.R. 2014/280\)](#), reg. 1(1), [Sch.](#)

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

EXPLANATORY NOTE

(This note is not part of the Regulation)

1. These Regulations revoke and re-enact the Health and Safety (Fees) Regulations (Northern Ireland) 2010 (S.R. 2010 No. 60) (“the 2010 Regulations”). They update fees to be charged and fix or determine the fees payable by an applicant to, in most cases, the Health and Safety Executive for Northern Ireland (“the Executive”), in respect of an application made for—

Changes to legislation: There are currently no known outstanding effects for the The Health and Safety (Fees) Regulations (Northern Ireland) 2012. (See end of Document for details)

- (a) a licence under the Petroleum (Consolidation) Act (Northern Ireland) 1929 (1929 c. 13 (N.I.)) and for the transfer of a licence under the Petroleum (Transfer of Licences) Act (Northern Ireland) 1937 (1937 c. 4 (N.I.)) (*regulation 2 and Schedule 1*);
- (b) a licence under the Control of Asbestos Regulations (Northern Ireland) 2012 (S.R. 2012 No. 179) and for the re-assessment of whether to grant an application for an asbestos licence and for amendments to, and replacements of lost, asbestos licences (*regulation 6 and Schedule 4*);
- (c) an approval of a scheme or programme under the Freight Containers (Safety Convention) Regulations (Northern Ireland) 1992 (S.R. 1992 No. 2) (*regulation 7 and Schedule 5*);

and in respect of—

- (d) a notification or application under the Genetically Modified Organisms (Contained Use) Regulations (Northern Ireland) 2001 (S.R. 2001 No. 295) (*regulation 8 and Schedule 6*).

2. The Regulations fix fees to be paid in respect of medical examinations and surveillance by an employment medical adviser, which are required under certain of the relevant statutory provisions (*regulations 4 and 5 and Schedules 2 and 3*).

3. The Regulations determine fees payable by specified persons in respect of the performance by the Executive of certain functions specified in the Offshore Installations (Safety Case) Regulations (Northern Ireland) 2007 (*regulation 9 and Schedule 7*).

4. These Regulations determine fees payable by specified persons in respect of the performance by the Executive of the following functions specified in the Gas Safety (Management) Regulations (Northern Ireland) 1997—

- (a) assessing a safety case or a revision of a safety case;
- (b) providing advice with respect to the preparation of a safety case; and
- (c) assessing whether to grant an exemption (*regulation 10 and Schedule 8*)

5. These Regulations determine fees payable, in respect of 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 Health and Safety at Work (Northern Ireland) Order 1978 which relates to the enforcement of any of the relevant statutory provisions—

- (a) in relation to an offshore installation, by the operator or owner who has prepared a current safety case pursuant to the Offshore Installations (Safety Case) Regulations (Northern Ireland) 2007 (*regulation 9*);
- (b) by—
 - (i) a person conveying gas who has prepared a safety case pursuant to the Gas Safety (Management) Regulations (Northern Ireland) 1997 or by a network emergency co-ordinator, in relation to a network (including a pipeline that it is intended will form part of the network) to which the safety case relates; and
 - (ii) a person conveying gas who has prepared a safety case pursuant to the Gas Safety (Management) Regulations (Northern Ireland) 1997 and a major accident prevention document pursuant to the Pipelines Safety Regulations (Northern Ireland) 1997 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 (*regulation 10*).

6. These Regulations contain a saving provision to ensure that regulation 12 of the Health and Safety (Fees) Regulations (Northern Ireland) 2009 (S.R. 2009 No. 132) continues to have effect (*regulation 13(3)*).

Changes to legislation: There are currently no known outstanding effects for the The Health and Safety (Fees) Regulations (Northern Ireland) 2012. (See end of Document for details)

7. An estimate of the costs associated with these Regulations has been prepared by the Executive and is held at its offices at 83 Ladas Drive, Belfast, BT6 9FR, from where a copy may be obtained on request.

8. The new fees compared with those fixed by or determined under the previous fee-charging provisions are as follows:

Table

<i>Provision of these Regulations which fixes or determines the fees</i>	<i>Previous Fee</i>			<i>New Fee</i>			<i>Percentage Increase</i>		
Regulation 2 and Schedule 1									
Licence to keep petroleum-spirit of a quantity—									
—not exceeding 2,500 litres	£41 for each year of licence			£42 for each year of licence			2.44		
—exceeding 2,500 litres but not exceeding 50,000 litres	£57 for each year of licence			£58 for each year of licence			1.75		
—exceeding 50,000 litres	£118 for each year of licence			£120 for each year of licence			1.69		
Transfer of petroleum-spirit licence	£8			£8					
Regulation 4 and Schedule 2									
	<i>Basic</i>	<i>X-Rays</i>	<i>Laboratory Tests</i>	<i>Basic</i>	<i>X-Rays</i>	<i>Laboratory Tests</i>	<i>Basic</i>	<i>X-Rays</i>	<i>Laboratory Tests</i>
Medical examination or surveillance by an employment medical adviser under the—									
Work in Compressed Air Regulations (Northern Ireland) 2004	£70	£72	£41	£71	£73	£42	1.43	1.39	2.44
Control of Asbestos Regulations (Northern Ireland) 2012	£70	£72	£41	£71	£73	£42	1.43	1.39	2.44

Changes to legislation: There are currently no known outstanding effects for the The Health and Safety (Fees) Regulations (Northern Ireland) 2012. (See end of Document for details)

Control of Substances Hazardous to Health Regulations (Northern Ireland) 2003	£70	£72	£41	£71	£73	£42	1.43	1.39	2.44
Ionising Radiation Regulations (Northern Ireland) 2000									
(a) where surveillance is confined to examination of, and making entries in, records	£37	£72	£41	£38	£73	£42	2.70	1.39	2.44
(b) in other cases	£70	£72	£41	£71	£73	£42	1.43	1.39	2.44

Regulation 5 and Schedule 3

Medical surveillance by an employment medical adviser under the—

Control of Lead at Work Regulations (Northern Ireland) 2003

(a) on the first assessment of an employee (including any clinical medical examination and laboratory tests in connection with the assessment)	£70			£71			1.43		
(b) on each subsequent assessment of an employee—									
(i) for laboratory tests where these are carried out	£41			£42			2.44		
(ii) for a clinical medical	£41			£42			2.44		

examination
where this is
carried out

**Regulation 6 and
Schedule 4**

Applications under
the Control of
Asbestos Regulations
(Northern Ireland)
2012

Table 1

Licence for work with asbestos or renewal of (original) licence	£1,160	£3,236	178.97
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Table 2

Re-assessment of licence application	£300	£741	147.00
Amendment of condition, or duration, of licence	£300	£741	147.00
Other amendment, or replacement, of a licence	£80	£80	

**Regulation 7 and
Schedule 5**

Approval under the
Freight Containers
(Safety Convention)
Regulations
(Northern Ireland)
1992

Approval of scheme or programme for examination of freight containers	£92	£94	2.17
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**Regulation 8 and
Schedule 6**

Genetically
Modified Organisms
(Contained Use)
Regulations

Changes to legislation: There are currently no known outstanding effects for the The Health and Safety (Fees) Regulations (Northern Ireland) 2012. (See end of Document for details)

(Northern Ireland)
2001

Notification of the intention to use premises for the first time for the purpose of undertaking activities involving genetic modification under regulation 9(1)	£465	£472	1.51
Notification of an activity involving genetic modification in class 2 under regulation 10(1)	£929	£943	1.51
Notification of the intention to use premises for the first time for the purpose of undertaking activities involving genetic modification under regulation 9(1) at the same time as notification of an activity involving genetic modification in class 2 under regulation 10(1)	£929	£943	1.51
Notification of an activity involving genetic modification in class 3 under regulation 11(1)	£1,007	£1,022	1.49
Notification of the intention to use premises for the first time for the purpose of undertaking activities involving genetic modification under regulation 9(1) at the same time as notification of an activity involving genetic modification in class 3 under regulation 11(1)	£1,007	£1,022	1.49
Notification of an activity involving	£1,161	£1,178	1.46

genetic modification in class 4 under regulation 11(1)			
Notification of the intention to use premises for the first time for the purpose of undertaking activities involving genetic modification under regulation 9(1) at the same time as notification of an activity involving genetic modification in class 4 under regulation 11(1)	£1,161	£1,178	1.46
Notification of an activity involving genetic modification of organisms other than micro-organisms under regulation 12(1)	£929	£943	1.51
Notification of the intention to use premises for the first time for the purpose of undertaking activities involving genetic modification under regulation 9(1) at the same time as notification of an activity involving genetic modification of organisms other than micro-organisms under regulation 12(1)	£929	£943	1.51
Notification of additional information under regulation 15(3)	£696	£706	1.44
Application for the written agreement of the competent authority under regulation 18(2) where the application	£696	£706	1.44

Changes to legislation: There are currently no known outstanding effects for the The Health and Safety (Fees) Regulations (Northern Ireland) 2012. (See end of Document for details)

is made after a notification has been submitted pursuant to regulation 9(1), 10(1), 11(1) or 12(1)

Regulation 9 and Schedule 7

Offshore Installations	Sum of the costs reasonably incurred by the Executive for the function performed	Sum of the costs reasonably incurred by the Executive for the function performed
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Regulation 10 and Schedule 8

Gas Safety Functions	Sum of the costs reasonably incurred by the Executive for the function performed	Sum of the costs reasonably incurred by the Executive for the function performed
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Changes to legislation:

There are currently no known outstanding effects for the The Health and Safety (Fees) Regulations (Northern Ireland) 2012.