
STATUTORY INSTRUMENTS

1999 No. 743

The Control of Major Accident Hazards Regulations 1999

PART 6

FUNCTIONS OF COMPETENT AUTHORITY

Fee payable by operator

22.—(1) A fee shall be payable by the operator of an establishment to the Executive for the performance by or on behalf of the competent authority of any function conferred on the authority by these Regulations (except regulations 10(2), (6) and (7)).

(2) A fee shall be payable by the operator of an establishment to the Executive for the performance—

- (a) by or on behalf of the Executive or the Agency of any function relating to the enforcement of these Regulations conferred on the Executive or Agency by the 1974 Act or by virtue of regulation 20; and
- (b) by an inspector or authorised person of any such function conferred on him by the Act or by virtue of that regulation.

(3) The fee referred to in paragraphs (1) and (2) shall—

- (a) not exceed the sum of the costs reasonably incurred by the competent authority, the Executive or the Agency, as the case may be, for the performance of the functions in relation to the establishment concerned;
- (b) be payable within 30 days from the date of the invoice that the Executive has sent or given to the operator such invoice to include a statement of the work done and the cost incurred including the period to which the statement relates.

(4) The Executive shall pay to the Agency any such fee or part of any such fee it recovers as is attributable to work done by or on behalf of the Agency or by an authorised person in performing the functions concerned.

(5) Any fee payable under this regulation shall be recoverable only as a civil debt.

(6) Any fee payable under this regulation shall not include costs connected with—

- (a) in England and Wales, any criminal investigation or prosecution incurred (in either case) from the date any summons is obtained from a Magistrate's Court;
- (b) in Scotland, any investigation carried out with a view to it being ascertained whether the operator should be prosecuted for an offence of contravening these Regulations, or where such a prosecution has been commenced against the operator, any costs connected with that prosecution; and
- (c) any appeal pursuant to section 24 of the 1974 Act incurred from the date that a notice of appeal has been received by the Secretary of Tribunals pursuant to, in England and Wales,

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the Employment Tribunals (Constitution and Rules of Procedure) Regulations 1993(1) and, in Scotland, the Employment Tribunals (Constitution and Rules of Procedure) (Scotland) Regulations 1993(2).

(7) In this regulation “inspector” means a person appointed by the Executive under section 19 of the 1974 Act and “authorised person” means a person authorised by the Agency under section 108 of the Environment Act 1995.

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- (1) S.I. 1993/2687, amended by S.I. 1994/538 and 1996/1758. The title of these Regulations, formerly the “Industrial Tribunals (Constitution and Rules of Procedure) Regulations 1993” was amended by operation of section 1 of the Employment Rights (Dispute Resolution) Act 1998 c. 8.
- (2) S.I. 1993/2688, amended by S.I. 1994/538 and 1996/1758. The title of these Regulations, formerly the “Industrial Tribunals (Constitution and Rules of Procedure) (Scotland) Regulations 1993” was amended by operation of section 1 of the Employment Rights (Dispute Resolution) Act 1998 c. 8.