Changes to legislation: *There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Health and Safety and Nuclear (Fees) Regulations 2016. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

STATUTORY INSTRUMENTS

2016 No. 253

HEALTH AND SAFETY

The Health and Safety and Nuclear (Fees) Regulations 2016

Made - - - -	*2nd March 2016*
Laid before Parliament	*7th March 2016*
Coming into force - -	*6th April 2016*

The Secretary of State is a Minister designated for the purposes of section 2(2) of the European Communities Act 1972 [F1] in relation to measures relating to the control and regulation of genetically modified organisms [F2] and biocides [F3].

The Secretary of State makes these Regulations in exercise of the powers conferred by section 2(2) of that Act, and sections 43(2), (4), (5) and (6) and 82(3)(a) of the Health and Safety at Work etc. Act 1974 [F4] ("the 1974 Act") and sections 101(1), (2) and (3) and 113(1), (6) and (7) of the Energy Act 2013 [F5] ("the 2013 Act").

The Secretary of State makes these Regulations for the purpose of giving effect without modifications to proposals submitted to him by the Health and Safety Executive under section 11(3) of the 1974 Act [F6]; and the Office for Nuclear Regulation under section 81(1)(a)(iii) and (iv) of the 2013 Act.

F1 1972 c.68; section 2(2) was amended by section 27(1)(a) of the Legislative and Regulatory Reform Act 2006 (c.51) and Part 1 of the Schedule to the European Union (Amendment) Act 2008 (c.7).
F2 S.I. 1991/755, to which there are amendments not relevant to these Regulations.
F3 S.I. 1999/2788, to which there are amendments not relevant to these Regulations.
F4 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.
F5 2013 c.32.
F6 Section 11 was substituted by S.I. 2008/960 and amended by paragraph 2 of Schedule 12 to the Energy Act 2013 (c.32) and by section 1 of the Deregulation Act 2015 (c.20).

Citation, commencement and extent

1.—(1) These Regulations may be cited as the Health and Safety and Nuclear (Fees) Regulations 2016 and come into force on 6th April 2016.

(2) These Regulations cease to have effect at the end of the period of five years beginning on 6thApril 2016.

(3) These Regulations extend to Great Britain.

Interpretation

2.—(1) In these Regulations—

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

"the 2013 Act" means the Energy Act 2013;

[[F7]"the 2017 Regulations" means the Ionising Radiations Regulations 2017 [SI 2017/1075];**]**

"the 2012 Asbestos Regulations" means the Control of Asbestos Regulations 2012 [F8];

"the 2013 Biocidal Products and Chemicals Regulations" means the Biocidal Products and Chemicals (Appointment of Authorities and Enforcement) Regulations 2013 [F9];

"the 2014 GMO Regulations" means the Genetically Modified Organisms (Contained Use) Regulations 2014 [F10];

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

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

"the ONR" means the Office for Nuclear Regulation [F11];

"original approval" and "original type approval" do not include an amendment of an approval; and

"working days" does not include weekends or public holidays.

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

F7 Words in reg. 2(1) substituted (1.1.2018) by The Ionising Radiations Regulations 2017 (S.I. 2017/1075), reg. 1(2), **Sch. 9 para. 16(2)** (with regs. 2(5), 3, Sch. 8)
F8 S.I. 2012/632.
F9 S.I. 2013/1506.
F10 S.I. 2014/1663.
F11 The Office for Nuclear Regulation was established by section 77 of the Energy Act 2013(c.32).

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

3.—(1) A fee is payable by the applicant to the Executive on each application for approval of plant and equipment under the Agriculture (Tractor Cabs) Regulations 1974 [F12].

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

F12 S.I. 1974/2034; amended by S.I. 1976/1247, 1981/1414 and 1990/1075.

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

4.—(1) A fee is payable by the applicant to the Executive on each application for approval of a scheme or programme for examination of freight containers under the Freight Containers (Safety Convention) Regulations 1984 [F13].

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

F13 S.I. 1984/1890, amended by S.I. 1986/392.

Fees for various applications under the Control of Asbestos Regulations 2012

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

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

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

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

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

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

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

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

Fees for examination or surveillance by an employment medical adviser

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

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

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

(b) the additional fee for X-rays is the amount specified in column 4 of that Schedule for that provision, and covers all X-rays taken in connection with any one examination;

(c) the additional fee for laboratory tests is the amount specified in column 5 of that Schedule for that provision, and covers all such tests carried out in connection with any one examination.

(3) Where an employment medical adviser carries out a medical examination of a self-employed person for the purposes of the 2012 Asbestos Regulations, that self-employed person must pay fees to the Executive ascertained in accordance with paragraph (2).

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

7.—(1) A fee is payable to the Executive by an employer in respect of medical surveillance of any of that employer's employees by an employment medical adviser for the purposes of the Control of Lead at Work Regulations 2002 [F14].

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

F14 S.I. 2002/2676, amended by S.I. 2008/960 and 2014/469; there are other amending instruments but none is relevant.

Fees payable in connection with [F15the Ionising Radiations Regulations 2017] and the [F16Radiation (Emergency Preparedness and Public Information) Regulations 2019]

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

(a) an original approval of dosimetry services granted for the purposes of the 1999 Regulations;

(b) the reassessment of an original approval of dosimetry services previously granted for the purposes of the 1999 Regulations; or

(c) the amendment, pursuant to section 11(1) of the 1974 Act, of an original approval granted for the purposes of the 1999 Regulations.

(2) A fee is payable by the applicant to the Executive on each application for an original type approval of apparatus pursuant to paragraphs **[**F17**]**1(d)(i) or 1(e)(i)**]** of Schedule 1 to the **[**F18**]**2017**]** Regulations or for an amendment, pursuant to section 11(1) of the 1974 Act, of an original type approval.

[F19**]**(2A) A fee is payable to the appropriate authority (within the relevant meaning given in the 2017 Regulations) on each application for registration or for a consent to carry out specified practices for the purposes of the 2017 Regulations.**]**

(3) The fee payable for an application referred to in **[**F20**]**paragraph (1), (2) or (2A)**]** in respect of each matter specified in column 1 of Table 1 in Schedule 6 is that specified in the corresponding entry in column 2 of that Table.

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

(a) an original approval of dosimetry services for the purposes of regulation 14 of the **[**F21**]**2019**]** Regulations;

(b) the reassessment of an original approval of dosimetry services previously granted for the purposes of regulation 14 of the **[**F21**]**2019**]** Regulations; or

(c) the amendment of an original approval granted for the purposes of regulation 14 of the **[**F21**]**2019**]** Regulations and amended pursuant to section 11(1) of the 1974 Act.

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

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

(a) its inspectors; or

(b) a person appointed to advise the Executive,

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

(7) Where the Executive requires an inspection to be carried out in connection with any application mentioned in **[**F22paragraph (1), (2) or (4)**]**, a fee is payable by the applicant to the Executive of an amount equal to the reasonable cost of travelling and subsistence of any member of the Executive's staff in connection with the inspection.

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

(9) Subject to paragraph (10), a fee is payable by an employer to the Executive for each dose record sent by or on behalf of that employer pursuant to **[**F23regulation 22(3)(e) of the 2017 Regulations**]** in the amount set out in column 2 of Table 3 in Schedule 6 for the work carried out by or on behalf of the Executive by virtue of the provisions set out in column 1 of that Table and for the purpose specified in column 3 of that Table.

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

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

[F24"the 2019 Regulations" means the Radiation (Emergency Preparedness and Public Information) Regulations 2019**]**

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

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

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

(a) organisation, adaptation or alteration of the information;

(b) retrieval or consultation of the information; and

(c) disclosure by transmission, dissemination or otherwise making available the information, in whatever format.

F15 Words in reg. 8 heading substituted (1.1.2018) by The Ionising Radiations Regulations 2017 (S.I. 2017/1075), reg. 1(2), **Sch. 9 para. 16(3)** (with regs. 2(5), 3, Sch. 8)

F16 Words in reg. 8 heading substituted (22.5.2019) by The Radiation (Emergency Preparedness and Public Information) Regulations 2019 (S.I. 2019/703), reg. 1(1), **Sch. 10 para. 12(2)(a)** (with reg. 3)

F17 Words in reg. 8(2) substituted (1.1.2018) by The Ionising Radiations Regulations 2017 (S.I. 2017/1075), reg. 1(2), **Sch. 9 para. 16(4)(a)(i)** (with regs. 2(5), 3, Sch. 8)

F18 Word in reg. 8(2) substituted (1.1.2018) by The Ionising Radiations Regulations 2017 (S.I. 2017/1075), reg. 1(2), **Sch. 9 para. 16(4)(a)(ii)** (with regs. 2(5), 3, Sch. 8)

F19 Reg. 8(2A) inserted (1.1.2018) by The Ionising Radiations Regulations 2017 (S.I. 2017/1075), reg. 1(2), **Sch. 9 para. 16(4)(b)** (with regs. 2(5), 3, Sch. 8)

F20 Words in reg. 8(3) substituted (1.1.2018) by The Ionising Radiations Regulations 2017 (S.I. 2017/1075), reg. 1(2), **Sch. 9 para. 16(4)(c)** (with regs. 2(5), 3, Sch. 8)

F21 Words in reg. 8(4) substituted (22.5.2019) by The Radiation (Emergency Preparedness and Public Information) Regulations 2019 (S.I. 2019/703), reg. 1(1), **Sch. 10 para. 12(2)(b)** (with reg. 3)

F22 Words in reg. 8(7) substituted (1.1.2018) by The Ionising Radiations Regulations 2017 (S.I. 2017/1075), reg. 1(2), **Sch. 9 para. 16(4)(d)** (with regs. 2(5), 3, Sch. 8)