STATUTORY RULES OF NORTHERN IRELAND

# 2012 No. 255

# HEALTH AND SAFETY

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

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| *Made - - - -* | *27th June 2012* |
| *Coming into operation* | *30th July 2012* |

The Department of Enterprise, Trade and Investment [F1], being the Department concerned [F2], makes the following Regulations in exercise of the powers conferred by section 2(2) of the European Communities Act 1972 [F3] and Articles 40(2) and (4), 49 and 55(2) of the Health and Safety at Work (Northern Ireland) Order 1978 [F4].

The Department was designated [F5] 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 [F6].

**F1** 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**

**F2** *See* Article 2(2) of S.I. 1978/1039 (N.I. 9)

**F3** 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).

**F4** S.I. 1978/1039 (N.I. 9)

**F5** S.I. 1991/755

**F6** 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 [F7];

"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 [F8] shall apply to these Regulations as it applies to an Act of the Northern Ireland Assembly.

**F7** Article 48(3) was amended by S.I. 1998/2795 (N.I. 18), **Article 5(c)**
**F8** 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 [F9] or section 1(4) of the Petroleum (Transfer of Licences) Act (Northern Ireland) 1937 [F10], 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.

**F9** 1929 c. 13 (N.I.); section 4 was amended by S.R. 1992 No. 396 and S.I. 1998/2795 (N.I. 18)
**F10** 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 [F11], that

self-employed person shall pay fees to the Executive ascertained in accordance with paragraphs (2) and (3).

**F11** 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 [F12].

(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.

**F12** 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 [F13].

(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.

**F13** 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) [F14 2015]

**8.**—(1) The fee specified in column 2 of Schedule 6 shall be payable by a notifier **[**F15 or applicant**]** to the competent authority on each such notification or application under the **[**F16 2015**]** Regulations as is referred to in the corresponding entry in column 1 of that Schedule.

**[**F17 (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.**]**

**[**F18 (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.**]**

**F14** 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))
**F15** 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))
**F16** 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))
**F17** 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))
**F18** 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 **[**F19 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.

**[**F20 (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.**]**

**F19** 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)

**F20** 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 **F21** 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—