STATUTORY RULES OF NORTHERN IRELAND

2005 No. 523

HEALTH AND SAFETY

The Health and Safety (Fees) Regulations (Northern Ireland) 2005

Made - - - - 28th November 2005

Coming into operation- 16th January 2006

The Department of Enterprise, Trade and Investment(**1**), being a Department designated(**2**) for the purposes of section 2(2) of the European Communities Act 1972(**3**) in relation to the notification and control of substances and the control and regulation of genetically modified organisms, in exercise of the powers conferred on it by the said section 2(2) and Articles 49 and 55(2) of the Health and Safety at Work (Northern Ireland) Order 1978(**4**) and, being the Department concerned(**5**), in exercise of the powers conferred by Articles 40(2) and (4) and 55(2) of that Order and of all other powers enabling it in that behalf, and for the purpose of giving effect without modifications to proposals submitted to it by the Health and Safety Executive for Northern Ireland under Article 13(1A)(c) of that Order(**6**) hereby makes the following Regulations:

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Health and Safety (Fees) Regulations (Northern Ireland) 2005 and shall come into operation on 16th January 2006.

(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(**7**); and

"renewal of approval" or "renewal of licence" means respectively the granting of an approval or licence to follow a previous approval or licence without any amendment or gap in time.

(**1**) 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

(**2**) S.I. 1981/1536 for the designation in relation to the notification and control of substances and S.I. 1991/755 in relation to the control and regulation of genetically modified organisms

(**3**) 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)

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

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

(**6**) Article 13(1) was substituted by S.I. 1998/2795 (N.I. 18), Article 4

(**7**) Article 48(3) was amended by S.I. 1998/2795 (N.I. 18), Article 5(c)

(3) The Interpretation Act (Northern Ireland) 1954(**8**) shall apply to these Regulations as it applies to an Act of the Northern Ireland Assembly.

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(**9**) or section 1(4) of the Petroleum (Transfer of Licences) Act (Northern Ireland) 1937(**10**), 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.

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 his 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 at Work Regulations (Northern Ireland) 2003(**11**), that self-employed person shall pay to the Executive fees ascertained in accordance with paragraphs (2) and (3).

(**8**) 1954 c. 33 (N.I.)
(**9**) 1929 c. 13 (N.I.); section 4 was amended by S.R. 1992 No. 396 and S.I. 1998/2795 (N.I. 18)
(**10**) 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)
(**11**) S.R. 2003 No. 33

Fees payable for medical surveillance by an employment medical adviser under the Ionising Radiations Regulations (Northern Ireland) 2000

5.—(1) Fees shall be payable in accordance with paragraphs (2) and (3) by an employer to the Executive in respect of medical surveillance of any of his employees by an employment medical adviser for the purposes of the Ionising Radiations Regulations (Northern Ireland) 2000(**12**).

(2) Subject to paragraph (3), where the medical surveillance includes an examination of, or interview with, the employee, the fee shall be a basic fee for each examination or interview or combination thereof of £62 together with an additional fee of £63 in respect of all X-rays taken, and £37 in respect of all laboratory tests carried out, in connection with any one such examination or interview or combination thereof.

(3) Where the medical surveillance is confined to an examination of, and making of entries in, records, the fee shall be £33.

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

6.—(1) Fees shall be payable in accordance with paragraph (2) by an employer to the Executive in respect of medical surveillance of any of his employees by an employment medical adviser for the purposes of the Control of Lead at Work Regulations (Northern Ireland) 2003(**13**).

(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.

Fees payable for various applications under the Asbestos (Licensing) Regulations (Northern Ireland) 1984

7.—(1) A fee shall be payable by the applicant to the Executive on each application for a licence under the Asbestos (Licensing) Regulations (Northern Ireland) 1984(**14**) ("the 1984 Regulations").

(2) The fee payable on application for a licence described in column 1 of Table 1 to 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 1984 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 to Schedule 4.

(5) Where the Executive amends a licence granted under the 1984 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 to Schedule 4.

(7) Where the Executive replaces a lost licence or amends a licence granted under the 1984 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 to Schedule 4.

(**12**) S.R. 2000 No. 375, amended by S.R. 2001 No. 436; revoked in part by S.R. 2001 No. 436, S.R. 2003 No. 510 and S.R. 2003 No. 533
(**13**) S.R. 2003 No. 35, amended by S.R. 2005 No. 165
(**14**) S.R. 1984 No. 205, to which the relevant amendment is S.R. 1998 No. 125, regulation 12 and Schedule 9

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

8.—(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(**15**).

(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.

Fees associated with notifications and applications under the Notification of New Substances Regulations (Northern Ireland) 1994

9.—(1) The fee specified in column 2 of Table 1 to Schedule 6 shall be payable by a notifier to the competent authority, within the meaning of the Notification of New Substances Regulations (Northern Ireland) 1994(**16**), on each such notification or application under those Regulations as is referred to in the corresponding entry in column 1 of that Table.

(2) In the circumstances described in column 1 of Table 2 to Schedule 6, the fee specified in the corresponding entry in column 2 of that Table shall be payable by the notifier to the Executive in addition to the fee payable under paragraph (1) in respect of the notification concerned.

(3) In Schedule 6—

"the 1985 Regulations" means the Notification of New Substances Regulations (Northern Ireland) 1985(**17**);

"the 1994 Regulations" means the Notification of New Substances Regulations (Northern Ireland) 1994;

"the predecessor Directive" has the same meaning as is given to "the Directive" in the first mentioned Regulations;

"RTP polymer" means a polymer, which word has the same meaning as in the second mentioned Regulations, for which a reduced test package is acceptable pursuant to paragraph C.2 of Part D of Schedule 2 to those second mentioned Regulations; and,

references in that Schedule to "competent authority", "the Directive", "member State" and "process-orientated research and development" have the same meanings as in those second mentioned Regulations.

Fees associated with notifications and applications under the Genetically Modified Organisms (Contained Use) Regulations (Northern Ireland) 2001

10.—(1) The fee specified in column 2 of Schedule 7 shall be payable by a notifier to the competent authority on each such notification or application under the 2001 Regulations as is referred to in the corresponding entry in column 1 of that Schedule.

(2) A fee shall not be returned to a notifier where the competent authority returns a notification pursuant to regulation 14(7) of the 2001 Regulations or a notifier withdraws his notification pursuant to regulation 15(7) of the 2001 Regulations.

(3) In this regulation, "the 2001 Regulations" means the Genetically Modified Organisms (Contained Use) Regulations (Northern Ireland) 2001(**18**) and "competent authority" has the same meaning as in those Regulations.

(**15**) S.R. 1992 No. 2, to which the relevant amendment is S.R. 1998 No. 125, regulation 12 and Schedule 9
(**16**) S.R. 1994 No. 6, to which the relevant amendment is S.R. 1998 No. 125, regulation 9 and Schedule 6
(**17**) S.R. 1985 No. 63, revoked by S.R. 1994 No. 6
(**18**) S.R. 2001 No. 295, to which the relevant amendment is S.R. 2003 No. 510, regulation 17 and Schedule 13

Fee payable for vocational training certificates under the Carriage of Dangerous Goods by Road (Driver Training) Regulations (Northern Ireland) 1997

11.—(1) A driver may only be issued with a vocational training certificate in accordance with regulation 4(1) of the Carriage of Dangerous Goods by Road (Driver Training) Regulations (Northern Ireland) 1997(**19**) where a fee of the sum specified in Schedule 8 has been paid to the Secretary of State.

(2) The validity of a vocational training certificate may only be extended in accordance with paragraph (6) of regulation 4 of the Carriage of Dangerous Goods by Road (Driver Training) Regulations (Northern Ireland) 1997 where, within the period of twelve months which precede the expiry of the original certificate or any extension of it granted in accordance with that paragraph, a fee of the sum specified in Schedule 8 has been paid to the Secretary of State.

(3) Nothing in this regulation shall be construed as making a fee payable by a person in any of the capacities specified in Article 40(4) of the 1978 Order.

Fee payable on application for approval under the Carriage of Dangerous Goods by Road (Driver Training) Regulations (Northern Ireland) 1997

12.—(1) A fee shall be payable by the applicant to the Secretary of State on each application for an original approval or a renewal of any approval of—

(a) training under regulation 4(3)(a); or

(b) a refresher course under regulation 4(6)(a),

of the Carriage of Dangerous Goods by Road (Driver Training) Regulations (Northern Ireland) 1997.

(2) The fee payable under paragraph (1) on application for such approval as is mentioned in column 1 of Schedule 9 shall be respectively that specified in the corresponding entry in column 2 or 3 of that Schedule (that is to say the reasonable cost to the Secretary of State of having the work carried out).

Fee payable for a vocational training certificate under the Transport of Dangerous Goods (Safety Advisers) Regulations (Northern Ireland) 2000

13.—(1) An individual may only be issued with a vocational training certificate in accordance with regulation 7(1) of the Transport of Dangerous Goods (Safety Advisers) Regulations (Northern Ireland) 2000(**20**) where a fee as specified in Schedule 10 has been paid to the Secretary of State or the person designated by the Secretary of State for the purpose of issuing vocational training certificates.

(2) The validity of a vocational training certificate may only be extended in accordance with paragraph (5) of regulation 7 of the Transport of Dangerous Goods (Safety Advisers) Regulations (Northern Ireland) 2000 where, within the period of 12 months which precede the expiry of the original certificate or any extension of it granted in accordance with that paragraph, a fee as specified in Schedule 10 has been paid to the Secretary of State or the person designated by the Secretary of State for the purpose of issuing vocational training certificates.

(3) Nothing in this regulation shall be construed as making a fee payable by a person in any of the capacities specified in Article 40(4) of the 1978 Order.

(**19**) S.R. 1997 No. 249, amended by S.R. 1998 No. 125, S.R. 1999 No. 150 and S.R. 2002 No.34
(**20**) S.R. 2000 No. 119, revoked in part by S.R. 2003 No.510 and amended by S.R. 2003 No. 533