

2003 No. 510

HEALTH AND SAFETY

**Health and Safety (Fees) Regulations
(Northern Ireland) 2003**

Made - - - - - *5th December 2003*

Coming into operation *19th January 2004*

ARRANGEMENT OF REGULATIONS

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The Department of Enterprise, Trade and Investment(**a**), being a Department designated(**b**) for the purposes of section 2(2) of the European Communities Act 1972(**c**) 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(**d**) (“the 1978 Order”) and, being the Department concerned(**e**), in exercise of the powers conferred by Articles 40(2) and (4) and 55(2) of the 1978 Order and of every other power 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 the 1978 Order(**f**) 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) 2003 and shall come into operation on 19th January 2004.

(2) In these Regulations –

“employment medical adviser” means an employment medical adviser appointed under Article 48(3) of the 1978 Order; and

(a) 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

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

(c) 1972 c. 68: the enabling powers conferred by section 2(3) were extended by virtue of section 1 of the European Economic Area Act 1993 (c. 51)

(d) S.I. 1978/1039 (N.I. 9)

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

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

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

(3) The Interpretation Act (Northern Ireland) 1954^(a) 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^(b) or section 1(4) of the Petroleum (Transfer of Licences) Act (Northern Ireland) 1937^(c), 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^(d), that self-employed person shall pay to the Executive fees ascertained in accordance with paragraphs (2) and (3).

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^(e).

(a) 1954 c. 33 (N.I.)

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

(c) 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)

(d) S.R. 2003 No. 33

(e) S.R. 2000 No. 375

(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 £58 together with an additional fee of £59 in respect of all X-rays taken, and £35 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 £31.

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(a).

(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(b) (“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 granted under the 1984 Regulations or the Executive 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.

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(c).

(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.

(a) S.R. 2003 No. 35

(b) S.R. 1984 No. 205, to which the relevant amendment is S.R. 1998 No. 125, regulation 12 and Schedule 9

(c) S.R. 1992 No. 2, to which the relevant amendment is S.R. 1998 No. 125, regulation 12 and Schedule 9

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(a), 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(b);

“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 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 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(c) and “competent authority” has the same meaning as in those Regulations.

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(d) 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.

(a) S.R. 1994 No. 6, to which the relevant amendment is S.R. 1998 No. 125, regulation 9 and Schedule 6

(b) S.R. 1985 No. 63, revoked by S.R. 1994 No. 6

(c) S.R. 2001 No. 295

(d) S.R. 1997 No. 249

(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(a) 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.

Fees payable in respect of offshore installations

14.—(1) A fee shall be payable to the Executive by the person referred to in column 2 of Schedule 11 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 safety case pursuant to the 1993 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 –

- (a) that operator or owner in relation to the installation to which the safety case relates;
- (b) a contractor in relation to any work carried out by him on or in connection with that installation.

(3) In this regulation, regulation 16 and Schedule 11, “the 1993 Regulations” means the Offshore Installations (Safety Case) Regulations (Northern Ireland) 1993(b), and “installation”, “safety case”, “operator” and “owner” have the same meanings as in those Regulations.

(a) S.R. 2000 No. 119

(b) S.R. 1993 No. 221, amended by S.R. 1995 No. 340, S.R. 1995 No. 345, S.R. 1996 No. 228 and S.R. 1999 No. 150

Fees payable in respect of gas safety functions

15.—(1) A fee shall be payable to the Executive by the person referred to in column 2 of Schedule 12 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 –

(a) that person in relation to the network to which the safety case relates; and

(b) a contractor in relation to work carried out by him on or in connection with that network, insofar as such enforcement is for the purpose of protecting persons from risks arising from the manner in which gas is conveyed or used.

(3) In this regulation, regulation 16 and Schedule 12, “the 1997 Regulations” means the Gas Safety (Management) Regulations (Northern Ireland) 1997^(a) and “network”, “network emergency co-ordinator” and “safety case” have the same meanings as in the 1997 Regulations.

Provisions supplementary to regulations 14 and 15

16.—(1) The fees referred to in regulations 14 and 15 above 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 is required to pay the fees, such invoices to include a statement of the work done and the costs incurred including the period to which the statement relates.

(2) Any fees payable under regulations 14 and 15 shall not 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 regulation 6(5) of, and Schedule 4 to, the Industrial Tribunals (Constitution and Rules of Procedure) Regulations (Northern Ireland) 1996^(b).

(3) For the purposes of regulation 14 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^(c).

(4) Any reference in regulations 14 and 15 to a person who has prepared a safety case includes a reference to a person who is required to prepare a safety case, and in that connection as if any reference in those regulations to the installation or network to which the safety case relates were a reference to the installation or network to which the safety case would have related if it had been prepared in accordance with such requirement.

(5) Any reference in regulation 14 to a person who has prepared a safety case includes a reference to a person who is treated as having prepared a safety case by virtue of regulation 2(9) of the 1993 Regulations.

(6) Any reference in regulations 14 and 15 to work carried out by a contractor is a reference to work carried out by the contractor or his employees for the benefit of the person by whom the fees are payable under that regulation, whether pursuant to an agreement or an arrangement he has made with that person or with another person.

(7) Any reference in regulations 14 and 15 to a function conferred on an inspector by the 1978 Order which relates to enforcement against a person of any of the relevant statutory

(a) S.R. 1997 No. 195

(b) S.R. 1996 No. 173

(c) S.I. 1987 No. 2197

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.

Revocations

17.—(1) The Regulations specified in column 1 of Schedule 13 are hereby revoked to the extent specified in the corresponding entry in column 3 of that Schedule.

(2) Subject to paragraph (3), the Health and Safety (Fees) Regulations (Northern Ireland) 1998(a) are hereby revoked.

(3) The Regulations referred to in paragraph (2) shall continue to apply in relation to any medical examination or medical surveillance carried out before 19th January 2004 as if these Regulations had not been made.

Sealed with the Official Seal of the Department of Enterprise, Trade and Investment on 5th December 2003.

(L.S.)

Michael J. Bohill

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

(a) S.R. 1998 No. 125

SCHEDULE 1

Regulation 2

FEES RELATING TO APPLICATIONS FOR PETROLEUM-SPIRIT LICENCES

Column 1 <i>Provision under which a fee is payable</i>	Column 2 <i>Purpose of application</i>	Column 3 <i>Fee</i>
<i>Petroleum (Consolidation) Act 1929 c. 13 (N.I.)</i>		
Section 4 (see notes 1 and 2)	Licence to keep petroleum spirit of a quantity –	
	not exceeding 2,500 litres	£35 for each year of licence
	exceeding 2,500 litres but not exceeding 50,000 litres	£50 for each year of licence
	exceeding 50,000 litres	£99 for each year of licence
<i>Petroleum (Transfer of Licences) Act 1937 c. 4 (N.I.)</i>		
Section 1(4)	Transfer of petroleum-spirit licence	£8

Note:

1. In the case of a solid substance for which by virtue of an Order in Council or 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 <i>Provision</i>	Column 2 <i>Reference</i>	Column 3 <i>Basic Fee</i>	Column 4 <i>Additional fees where appropriate Fee for X-Rays</i>	Column 5 <i>Fee for Laboratory tests</i>
(a) Regulation 14 of the Work in Compressed Air Special Regulations (Northern Ireland) 1963	S. R. & O. (N.I.) 1963 No. 85 (relevant amending Regulations are S.R. 1979 No. 187)	£58	£59	£35
(b) Regulation 21 of the Control of Asbestos at Work Regulations (Northern Ireland) 2003	S. R. 2003 No. 33	£58	£59	£35
(c) Regulation 11 of the Control of Substances Hazardous to Health Regulations (Northern Ireland) 2003	S.R. 2003 No. 34	£58	£59	£35

SCHEDULE 3

Regulation 6

FEES 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)	£58
(b) On each subsequent assessment of an employee –	
(i) for laboratory tests where these are carried out	£35
(ii) for a clinical medical examination where this is carried out	£35

SCHEDULE 4

Regulation 7

FEES PAYABLE FOR VARIOUS APPLICATIONS UNDER THE ASBESTOS (LICENSING)
REGULATIONS (NORTHERN IRELAND) 1984

Table 1

Column 1 <i>Subject matter of licence</i>	Column 2 <i>Fee</i>
Licence for work with asbestos insulation or asbestos coating or asbestos insulating board or renewal of (original) licence	£886

Table 2

Column 1 <i>Fee for re-assessment of licence application</i>	Column 2 <i>Fee for amendment of condition, or duration, of licence</i>	Column 3 <i>Fee for other amendment, or replacement, of a licence</i>
£245	£245	£65

SCHEDULE 5

Regulation 8

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

Column 1 <i>Subject matter of approval</i>	Column 2 <i>Fee</i>
Approval of scheme or programme for examination of freight containers	£79

SCHEDULE 6

Regulation 9

FEES ASSOCIATED WITH NOTIFICATIONS AND APPLICATIONS UNDER THE NOTIFICATION OF NEW SUBSTANCES REGULATIONS (NORTHERN IRELAND) 1994

Table 1

Column 1 <i>Subject matter</i>	Column 2 <i>Fee payable</i>
For the evaluation of a notification under regulation 4 (“base set”) of a substance not already notified under the 1994 Regulations or to a competent authority of a member State for the purposes of the Directive	£4,745
For the evaluation of a notification under regulation 4 of a substance already notified –	£2,255
(i) under that regulation,	
(ii) regulation 4(1) of the 1985 Regulations, or	
(iii) to a competent authority of a member State, other than the competent authority for Northern Ireland, for the purposes of either Article 6(1) of the predecessor Directive or Article 7 of the Directive,	
and either regulation 11 of the 1994 Regulations applies or the agreement of the competent authority for Northern Ireland has been obtained pursuant to regulation 13(1) of the 1994 Regulations.	
For the evaluation of information provided for the purposes of regulation 5(1)(a) (>10 tonnes per year)	£2,490
For the evaluation of information provided for the purposes of regulation 5(1)(b) (>100 tonnes per year)	£4,900
For the evaluation of information provided for the purposes of regulation 5(1)(c) (>1000 tonnes per year)	£3,435
For the evaluation of a notification under regulation 6, subject to the entry below relating to an evaluation of a notification in respect of an RTP polymer –	
(a) quantity of the new substance equal to or more than 100 kg (regulation 6(1))	£1,122
(b) quantity of the new substance equal to or more than 10kg but less than 100kg (regulation 6(2))	£708
For the evaluation of a notification (whether made under regulation 6(1) or 6(2), as the case may be), in respect of an RTP polymer of an amount equal to or more than 10kg per annum but less than one tonne per annum or the total amount is equal to or more than 500kg but less than 5 tonnes	£1,122
For the evaluation of information provided under regulation 6(4)(d)(i) in respect of a substance for the purpose of process-orientated research and development	£615
For an application made by a notifier for an exemption relating to him under regulation 23	£2,490

Table 2

Column 1 <i>Circumstances described</i>	Column 2 <i>Fee payable</i>
Where, in the opinion of the Executive, an adequate risk assessment has not been included with a notification under regulation 4 (“base set”)	£2,280 (plus £399 VAT)
Where, in the opinion of the Executive, an adequate risk assessment has not been included with a notification under regulation 6 –	
(a) quantity of the new substance equal to or more than 100kg (regulation 6(1))	£550 (plus £96.25 VAT)
(b) quantity of the new substance equal to or more than 10kg but less than 100kg (regulation 6(2))	£550 (plus £96.25 VAT)

SCHEDULE 7

Regulation 10

FEES ASSOCIATED WITH NOTIFICATIONS AND APPLICATIONS UNDER THE
GENETICALLY MODIFIED ORGANISMS (CONTAINED USE) REGULATIONS
(NORTHERN IRELAND) 2001

Column 1 <i>Description</i>	Column 2 <i>Fee</i>
(a) Notification of the intention to use premises for the first time for the purpose of undertaking activities involving genetic modification under regulation 9(1)	£288
(b) Notification of an activity involving genetic modification in class 2 under regulation 10(1), except a notification to which paragraph 4(1) or paragraph 5(1) of Schedule 10 applies	£576
(c) 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)	£576
(d) Notification of an activity involving genetic modification in class 3 under regulation 11(1), except a notification to which paragraph 4(2) or paragraph 5(2) of Schedule 10 applies	£624
(e) 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)	£624
(f) Notification of an activity involving genetic modification in class 4 under regulation 11(1), except a notification to which paragraph 4(2) or paragraph 5(2) of Schedule 10 applies	£720
(g) 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)	£720
(h) Notification of an activity involving genetic modification of organisms other than micro-organisms under regulation 12(1)	£576
(i) 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)	£576
(j) Notification of additional information under regulation 15(3)	£432
(k) Application for the written agreement of the competent authority under regulation 18(2) where the application is made after a notification has been submitted pursuant to regulation 9(1), 10(1), 11(1) or 12(1)	£432

SCHEDULE 8

Regulation 11

FEE PAYABLE FOR VOCATIONAL TRAINING CERTIFICATES UNDER THE CARRIAGE OF DANGEROUS GOODS BY ROAD (DRIVER TRAINING) REGULATIONS (NORTHERN IRELAND) 1997

Column 1 <i>Description</i>	Column 2 <i>Fee</i>
Issue or extension of vocational training certificate	£3

SCHEDULE 9

Regulation 12

FEE PAYABLE ON APPLICATION FOR APPROVAL OF TRAINING OR REFRESHER COURSES UNDER THE CARRIAGE OF DANGEROUS GOODS BY ROAD (DRIVER TRAINING) REGULATIONS (NORTHERN IRELAND) 1997

Column 1 <i>Purpose of application</i>	Column 2 <i>Fee for an original approval</i>	Column 3 <i>Fee for renewal approval</i>
(a) For approval of training	the reasonable cost to the Secretary of State of having the work carried out	
(b) For approval of a refresher course	the reasonable cost to the Secretary of State of having the work carried out	

SCHEDULE 10

Regulation 13

FEE PAYABLE FOR VOCATIONAL TRAINING CERTIFICATE UNDER THE TRANSPORT OF DANGEROUS GOODS (SAFETY ADVISERS) REGULATIONS (NORTHERN IRELAND) 2000

Column 1 <i>Description</i>	Column 2 <i>Fee</i>
Issue or extension of vocational training certificate	the reasonable cost to the Secretary of State, or the person designated by him for the purpose of issuing vocational training certificates, of having the work carried out

SCHEDULE 11

Regulation 14

FEES PAYABLE IN RESPECT OF OFFSHORE INSTALLATIONS

Column 1 <i>Function</i>	Column 2 <i>Person by whom fee is payable</i>
Assessing a safety case (sent to the Executive pursuant to regulation 3(1) of the 1993 Regulations) for the purpose of deciding whether to raise matters relating to health and safety and raising such matters	The operator who sent the safety case to the Executive pursuant to that provision
Assessing a safety case or a revision to a safety case (sent to the Executive pursuant to any other provision of the 1993 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 revision to a safety case which is proposed to be sent to the Executive pursuant to any provision of the 1993 Regulations	The operator or owner who has requested that advice
Assessing whether to grant an exemption pursuant to regulation 16 of the 1993 Regulations and granting any such exemption	The operator or owner who has requested the exemption

SCHEDULE 12

Regulation 15

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 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 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

SCHEDULE 13

Regulation 17

REVOCATIONS

Column 1 <i>Title of Regulations</i>	Column 2 <i>Reference</i>	Column 3 <i>Extent of Revocation</i>
Transport of Dangerous Goods (Safety Advisers) Regulations (Northern Ireland) 2000	S.R. 2000 No. 119	Regulation 13 and Schedule 5
Ionising Radiations Regulations (Northern Ireland) 2000	S.R. 2000 No. 375	Regulation 41(1) to the extent that it modifies S.R. 1998 No. 125
Genetically Modified Organisms (Contained Use) Regulations (Northern Ireland) 2001	S.R. 2001 No. 295	Regulations 27 and 31(4) and Schedule 9
Carriage of Dangerous Goods (Amendment) Regulations (Northern Ireland) 2002	S.R. 2002 No. 34	Regulation 6 and Schedule 5

EXPLANATORY NOTE

(This note is not part of the Regulations.)

1. These Regulations revoke and re-enact, in some cases with increases in rates of fees, the provisions listed in regulation 17 and Schedule 13.

2. The Regulations –

- (a) increase the rates of fee for a licence under the Petroleum (Consolidation) Act (Northern Ireland) 1929 and for the transfer of a licence under the Petroleum (Transfer of Licences) Act (Northern Ireland) 1937 (*regulation 2 and Schedule 1*);
- (b) increase the rates of fee in respect of medical examinations and surveillance by an employment medical adviser, which are required under certain health and safety legislation (*regulations 4, 5 and 6 and Schedules 2 and 3*);
- (c) increase the rate of fee for a licence under the Asbestos (Licensing) Regulations (Northern Ireland) 1984 and add new fees 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 7 and Schedule 4*);
- (d) increase the rate of fee for an approval of a scheme or programme under the Freight Containers (Safety Convention) Regulations (Northern Ireland) 1992 (*regulation 8 and Schedule 5*);
- (e) change, with increases and decreases, the fees in respect of a notification or application under the Notification of New Substances Regulations (Northern Ireland) 1994 (“the NONS Regulations”). In particular, one whereby an additional fee is to be paid if the risk assessment is not adequate in the opinion of the Health and Safety Executive for Northern Ireland (“the Executive”) replaces the former rebate system, whereby an amount of rebate was paid where an adequate draft risk assessment was included. There is also a lower fee for the evaluation of a notification under regulation 4 of the NONS Regulations in the case of a substance which has already been notified under those Regulations or notified to a competent authority of a European Community member State, than for an evaluation of a notification under regulation 4 where there has been no such earlier notification. There is now also specific provision for the fee for the evaluation of a notification under regulation 6(1) or (2) of the NONS Regulations in the case of polymers of certain amounts for which a reduced test package is acceptable (*regulation 9 and Schedule 6*);
- (f) increase the rates of fees previously fixed by the Genetically Modified Organisms (Contained Use) Regulations (Northern Ireland) 2001 (S.R. 2001 No. 295) (“the GMO Regulations”) in respect of a notification or application under the GMO Regulations (*regulation 10 and Schedule 7*);
- (g) increase the fee for a vocational training certificate under the Carriage of Dangerous Goods by Road (Driver Training) Regulations (Northern Ireland) 1997 (*regulation 11 and Schedule 8*);
- (h) change the fee to be paid for applications for approvals under the Carriage of Dangerous Goods by Road (Driver Training) Regulations (Northern Ireland) 1997 from a fixed amount to the reasonable cost to the Secretary of State of having the work carried out (*regulation 12 and Schedule 9*);
- (i) change the fee to be paid for a vocational training certificate under the Transport of Dangerous Goods (Safety Advisers) Regulations (Northern Ireland) 2000 from a fixed amount to the reasonable cost to the Secretary of State, or the person designated by him for the purpose of issuing vocational training certificates, of having the work carried out (*regulation 13 and Schedule 10*);
- (j) fix or determine the fees payable by specified persons in the offshore and gas industries for the performance by the Executive of the functions specified in those provisions (*regulations 14 to 16 and Schedules 11 and 12*).

3. Where these Regulations increase the fees fixed by the previous fee-charging provisions the details of those increases are set out in the Table.

4. 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.

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	£30	40		£35			15	13		
– exceeding 2,500 litres but not exceeding 50,000 litres	£45			£50			11	11		
– exceeding 50,000 litres	£88	40		£99			11	99		
Transfer of petroleum spirit licence	£7	20		£8	00		11	11		
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>	
Work in Compressed Air Special Regulations (Northern Ireland) 1963	£43	65	£47	£28	£58	£59	£35	32	88	25
Control of Asbestos at Work Regulations (Northern Ireland) 2003	£46	50	£47	£28	£58	£59	£35	24	73	25
Control of Substances Hazardous to Health Regulations (Northern Ireland) 2003	£46	50	£47	£28	£58	£59	£35	24	73	25
Regulation 5										
Ionising Radiation Regulations (Northern Ireland) 2000										
(a) where surveillance is confined to examination of, and making entries in, records	£26				£31			19	23	
(b) in other cases	£42	£47	£28	£58	£59	£35	38	10	25	25
Regulation 6 and Schedule 3										
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)	£47				£58			23	40	

<i>Provision of these Regulations which fixes or determines the fees</i>	<i>Previous Fee</i>	<i>New Fee</i>	<i>Percentage Increase</i>
(b) on each subsequent assessment of an employee –			
(i) for laboratory tests where these are carried out	£28	£35	25
(ii) for a clinical medical examination where this is carried out	£29	£35	20.69
Regulation 7 and Schedule 4			
Licence to work with asbestos insulation or asbestos coating or asbestos insulating board or renewal of (original) licence	£362	£886	144.75
Regulation 8 and Schedule 5			
Approval of scheme or programme for examination of freight containers	£75	£79	5.33
Regulation 9 and Schedule 6			
Notification of New Substances Regulations (Northern Ireland) 1994			
For the evaluation of a notification under regulation 4 (“base set”)	£4,090 (excluding the previous rebate of £2,000 plus £350 VAT where an adequate risk assessment was included)	£4,745	16
For the evaluation of a notification under regulation 4 as an additional fee to the fee above for such notification where no adequate risk assessment is included	£2,000 plus £350 VAT (the previous rebate where an adequate risk assessment was included)	£2,280 plus £399 VAT	14
For the evaluation of a notification under regulation 5(1)(a) (>10 tonnes per year)	£2,000	£2,490	24.5
For the evaluation of a notification under regulation 5(1)(b) (>100 tonnes per year)	£4,200	£4,900	16.66
For the evaluation of a notification under regulation 5(1)(c) (>1000 tonnes per year)	£3,500	£3,435	1.86 (decrease)
For notifications under regulation 6 –			
(a) quantity of the new substance equal to or more than 100kg (regulation 6(1))	£670 (excluding the previous rebate of £500 plus £87.50 VAT where an adequate risk assessment was included)	£1,122	67.46
(b) quantity of the new substance equal to or more than 10kg but less than 100kg (regulation 6(2))	£415 (excluding the previous rebate of £500 plus £87.50 VAT where an adequate risk assessment was included)	£708	70.60

<i>Provision of these Regulations which fixes or determines the fees</i>	<i>Previous Fee</i>	<i>New Fee</i>	<i>Percentage Increase</i>
For notifications under regulation 6 as an additional fee to the fee above for such notification where no adequate risk assessment is included –			
(a) quantity of the new substance equal to or more than 100kg (regulation 6(1))	£500 plus £87.50 VAT (the previous rebate where an adequate risk assessment was included)	£550 plus £96.25 VAT	10
(b) quantity of the new substance equal to or more than 10kg but less than 100kg (regulation 6(2))	£500 plus £87.50 VAT (the previous rebate where an adequate risk assessment was included)	£550 plus £96.25 VAT	10
For an application made by a notifier for an exemption relating to him under regulation 23	£2,000	£2,490	24.5
Regulation 10 and Schedule 7			
Genetically Modified Organisms (Contained Use) Regulations 2001			
Notification of intention to use premises for the first time for the purpose of undertaking activities involving genetic modification under regulation 9(1)	£200	£288	44
Notification of an activity involving genetic modification in class 2 under regulation 10(1), except a notification to which paragraph 4(1) or paragraph 5(1) of Schedule 10 applies	£400	£576	44
Notification of 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)	£400	£576	44
Notification of an activity involving genetic modification in class 3 under regulation 11(1), except a notification to which paragraph 4(2) or paragraph 5(2) of Schedule 10 applies	£430	£624	45.12
Notification of 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	£430	£624	45.12

<i>Provision of these Regulations which fixes or determines the fees</i>	<i>Previous Fee</i>	<i>New Fee</i>	<i>Percentage Increase</i>
activity involving genetic modification in class 3 under regulation 11(1)			
Notification of an activity involving genetic modification in class 4 under regulation 11(1), except a notification to which paragraph 4(2) or paragraph 5(2) of Schedule 10 applies	£500	£720	44
Notification of 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)	£500	£720	44
Notification of an activity involving genetic modification of organisms other than micro-organisms under regulation 12(1)	£400	£576	44
Notification of 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)	£400	£576	44
Notification of additional information under regulation 15(3)	£300	£432	44
Application for the written agreement of the competent authority under regulation 18(2) where the application is made after a notification has been submitted pursuant to regulation 9(1), 10(1), 11(1) or 12(1)	£300	£432	44
Regulation 11 and Schedule 8			
Vocational training certificates under the Carriage of Dangerous Goods by Road (Driver Training) Regulations (Northern Ireland) 1997	£2.80	£3	7.14
Regulation 12 and Schedule 9			
Application for approval of training or refresher courses under the Carriage of Dangerous Goods by			

<i>Provision of these Regulations which fixes or determines the fees</i>	<i>Previous Fee</i>	<i>New Fee</i>	<i>Percentage Increase</i>
Road (Driver Training) Regulations (Northern Ireland) 1997			
Approval of training	£1,000	Reasonable cost to the Secretary of State of having the work carried out	—
Approval of refresher courses	£1,000	Reasonable cost to the Secretary of State of having the work carried out	—
Fee for renewal of approval	£600	Reasonable cost to the Secretary of State of having the work carried out	—
Regulation 13 and Schedule 10			
Issue or extension of vocational training certificate under the Transport of Dangerous Goods (Safety Advisers) Regulations (Northern Ireland) 2000	£170	The reasonable cost to the Secretary of State or the person designated by him for the purpose of issuing vocational training certificates of having the work carried out	—

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