## **EXPLANATORY NOTE**

(This note is not part of the Regulations)

1. These Regulations revoke and re-enact the Health and Safety (Fees) Regulations (Northern Ireland) 2008 (S.R. 2008 No. 21). They consolidate amendments made to those Regulations and also update fees to be charged. They also extend charging for general health and safety in high hazard industries. They fix or determine the fees payable by an applicant to, in most cases, the Health and Safety Executive for Northern Ireland ("the Executive"), in respect of an application made for—

- (a) a licence under the Petroleum (Consolidation) Act (Northern Ireland) 1929 (1929 c. 13 (N.I.)) and for the transfer of a licence under the Petroleum (Transfer of Licences) Act (Northern Ireland) 1937 (1937 c. 4 (N.I.)) (regulation 2 and Schedule 1);
- (b) a licence under the Control of Asbestos Regulations (Northern Ireland) 2007 (S.R. 2007 No. 31) and 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 6 and Schedule 4*);
- (c) an approval of a scheme or programme under the Freight Containers (Safety Convention) Regulations (Northern Ireland) 1992 (S.R. 1992 No. 2) (*regulation 7 and Schedule 5*);

and in respect of-

(d) a notification or application under the Genetically Modified Organisms (Contained Use) Regulations (Northern Ireland) 2001 (S.R. 2001 No. 295) (*regulation 8 and Schedule 6*).

**2.** The Regulations fix fees to be paid in respect of medical examinations and surveillance by an employment medical adviser, which are required under certain of the relevant statutory provisions *(regulations 4 and 5 and Schedules 2 and 3).* 

**3.** The Regulations 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 and in relation to general health and safety functions at those sites *(regulations 9 to 11 and Schedules 7 and 8)*.

**4.** The Regulations introduce fees for work done by the Executive in relation to the enforcement of general health and safety functions conferred by the 1978 Order relating to the transportation of gas through "major accident hazard pipelines", including where such work is not directly concerned with protecting persons from the risks arising from the manner in which gas is conveyed or used *(regulation 10)*.

**5.** The Regulations amend the Control of Major Accident Hazards Regulations (Northern Ireland) 2000 (as amended) ("the COMAH Regulations") to introduce fees for work done by the Executive in relation to the enforcement of general health and safety functions conferred by the 1978 Order for establishments that are required by regulation 7 of the COMAH Regulations to prepare a safety report (*regulation 12*).

6. 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.

7. The new fees compared with those fixed by or determined under the previous fee-charging provisions are as follows:

## Table

Provision Previous Fee	New Fee	Percentage Increase
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	e £40 for each year of licence	2.56
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Control of Lead at Work Regulations (Northern Ireland) 2003								
(a) on £66 the first assessment of an employee (including any clinical medical examination and			£68			3.03		

Provision Previous Fee of these Regulations which fixes or determines the fees laboratory tests in connection with the	New Fee	Percentage Increase
assessment) (b) on each subsequent assessment of an employee—		
(i) for £39 laboratory tests where these are carried out	£40	2.56
(ii) for a £39 clinical medical examination where this is carried out	£40	2.56
Regulation 6 and Schedule 4 Applications under the Control of Asbestos Regulations (Northern		

Provision Previous Fee	New Fee	Parcontage Increase
Provision Previous Fee of these Regulations which fixes or determines the	New Fee	Percentage Increase
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Table 1		
Licence £1,050 for work with asbestos or renewal of (original) licence	£1,160	10.48
Table 2		
Re- £283 assessment of licence application	£300	6.01
Amendmetil83 of condition, or duration, of licence	£300	6.01
Other £76 amendment, or replacement, of a licence	£80	5.26
Regulation 7 and Schedule 5		
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Provision Previous Fee	New Fee	Percentage Increase
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Gas	Sum of the costs reasonably	Sum of the costs reasonably	
Safety	incurred by the Executive	incurred by the Executive	
Function	sfor the function performed	for the function performed	