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STATUTORY INSTRUMENTS

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**2003 No. 547**

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

**Citation, commencement and interpretation**

1.—(1) These Regulations may be cited as the Health and Safety (Fees) Regulations 2003 and shall come into force on 1st April 2003.

(2) In these Regulations—

“approval” includes the amendment of an approval, and “amendment of an approval” includes the issue of a new approval replacing the original incorporating an amendment;

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

“the mines and quarries provisions” means such of the relevant statutory provisions as relate exclusively to—

(a) mines within the meaning of section 180 of the Mines and Quarries Act 1954<sup>(1)</sup>;

(b) tips and quarries within the meaning of regulations 2(1) and 3 respectively of the Quarries Regulations 1999<sup>(2)</sup>; and

(c) tips within the meaning of section 2(1) of the Mines and Quarries (Tips) Act 1969<sup>(3)</sup>; and includes regulations, rules and orders relating to a particular mine (whether they are continued in force by regulation 7(3) of the Mines and Quarries Acts 1954 to 1971 (Repeals and Modifications) Regulations 1974<sup>(4)</sup> or are health and safety regulations);

“original approval” does not include an amendment of an approval;

“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;

“respiratory protective equipment” includes any respirator and any breathing apparatus; and

“working days” does not include weekends or public holidays.

**Fees payable under the mines and quarries provisions**

2.—(1) A fee shall be payable by the applicant to the Executive on each application for an original approval, an amendment of approval or a renewal of approval under any of the mines and quarries provisions.

(2) The fee payable under paragraph (1) on application for such approval as is mentioned in column 1 of Part I of Schedule 1 shall be respectively that specified in the corresponding entry in column 2, 3 or 4 of that Part and shall be payable on making the application for approval, or, where any such entry specifies a fee as the reasonable cost to the Executive of having the work carried out, the fee so costed shall be payable prior to the notification of the result of the application.

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(1) 1954 c. 70.

(2) S.I. 1999/2024, to which there are amendments not relevant to these Regulations.

(3) 1969 c. 10.

(4) S.I. 1974/2013, modified by S.I.1979/318.

(3) Where the Executive requires testing to be carried out to decide whether approval can be granted, a fee shall be payable to the Executive by the applicant prior to the notification of the result of the application for the approval as described below—

- (a) in the case of explosives and detonators, for each test specified in column 1 of Part II of Schedule 1, the fee shall be that specified in the corresponding entry in column 2 of that Part;
- (b) in any other case, the fee shall be as set out in Part III of Schedule 1 (that is to say the reasonable cost to the Executive of having the testing carried out).

### **Fee for applications for approval of respiratory protective equipment**

3.—(1) A fee shall be payable by the applicant to the Executive on each application for approval of respiratory protective equipment—

- (a) under the Factories Act 1961(5), or any regulations made or having effect as if made under that Act;
- (b) under the Control of Lead at Work Regulations 2002(6);
- (c) under the Ionising Radiations Regulations 1999(7);
- (d) under the Control of Asbestos at Work Regulations 2002(8); and
- (e) under the Control of Substances Hazardous to Health Regulations 2002(9).

(2) The fee payable on application for approval of respiratory protective equipment shall be that specified in column 2 of Schedule 2 (that is to say the reasonable cost to the Executive of having the work, including any testing, carried out).

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

4.—(1) A fee shall be payable by the applicant to the Executive on each application for approval of plant and equipment under the Agriculture (Tractor Cabs) Regulations 1974(10).

(2) The fee payable on application for such an approval or revision of an approval as is described in column 1 of Schedule 3 shall be that specified in the corresponding entry in column 2 of that Schedule.

### **Fee for application for approval under the Freight Containers (Safety Convention) Regulations 1984**

5.—(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 freight containers under the Freight Containers (Safety Convention) Regulations 1984(11).

(2) The fee payable on application for the approval described in column 1 of Schedule 4 shall be that specified in column 2 of that Schedule.

(5) 1961 c. 34; sections 34 to 38 were repealed by S.I.2000/128.

(6) S.I. 2002/2676.

(7) S.I. 1999/3232, amended by S.I. 2001/2975.

(8) S.I. 2002/2675.

(9) S.I. 20022677.

(10) S.I. 1974/2034; relevant amending instruments are S.I. 1976/1247, 1980/1036, 1981/1414 and 1990/1075.

(11) S.I. 1984/1890, amended by S.I. 1986/392.

### **Fees for various applications under the Asbestos (Licensing) Regulations 1983**

6.—(1) A fee shall be payable by the applicant to the Executive on each application for a licence under the Asbestos (Licensing) Regulations 1983<sup>(12)</sup> (“the 1983 Regulations”).

(2) The fee payable on application for a licence described in column 1 of Table 1 to Schedule 5 shall be that specified in column 2 of that Table.

(3) Where the Executive refuses to grant an applicant a licence under the 1983 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 5.

(5) Where the Executive amends a licence granted under the 1983 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 5.

(7) Where the Executive replaces a lost licence granted under the 1983 Regulations or the Executive amends a licence granted under the 1983 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 5.

### **Fees for examination or surveillance by an employment medical adviser**

7.—(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 6.

(2) The fee payable under paragraph (1) shall be 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 6—

- (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;
- (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.

(3) 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 2002<sup>(13)</sup>, that self-employed person shall pay to the Executive fees ascertained in accordance with paragraph (2).

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<sup>(12)</sup> S.I. 1983/1649, to which there are amendments not relevant to these Regulations.

<sup>(13)</sup> S.I. 2002/2675.

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

8.—(1) A fee shall be payable to the Executive by an employer 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 2002(14).

(2) The fee payable for each item described in column 1 of Schedule 7 shall be that specified in the corresponding entry in column 2 of that Schedule.

### **Fees for various applications in connection with the Ionising Radiations Regulations 1999 and the Radiation (Emergency Preparedness and Public Information) Regulations 2001**

9.—(1) A fee shall be payable by the applicant to the Executive on each application for an approval of dosimetry services, or for the reassessment of an approval of dosimetry services previously granted, for the purposes of the 1999 Regulations.

(2) A fee shall be payable by the applicant to the Executive on each application for the type approval of apparatus pursuant to sub-paragraphs 1(c)(i) and 1(d)(i) of Schedule 1 to the 1999 Regulations.

(3) The fee payable for approval or reassessment or type approval in respect of each matter described in column 1 of Table 1 to Schedule 8 shall be that specified in the corresponding entry in column 2 of that Table.

(4) A fee shall be payable by the applicant to the Executive on each application for an approval of dosimetry services, or for the reassessment of an approval of dosimetry services previously granted, for the purposes of regulation 14 of the Radiation (Emergency Preparedness and Public Information) Regulations 2001(15).

(5) The fee payable for an application for each purpose specified in column I of Table 2 to Schedule 8 shall be that specified in column 2 of that Table.

(6) A fee shall be payable by the applicant to the Executive where the Executive requires any work to be carried out by its nuclear or other specialist inspectors in connection with any application in respect of which a fee is payable —

- (a) by virtue of paragraph (1) or (2), or
- (b) by virtue of paragraph (4)

and the fee for such work in connection with each matter described in column 1 of Tables 1 and 2 to Schedule 8 shall be 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 this regulation, a fee shall be 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) shall be payable prior to notification of the result of the application.

(9) In this regulation “the 1999 Regulations” means the Ionising Radiations Regulations 1999(16).

(14) S.I. 2002/2676.

(15) S.I. 2001/2975, amended by S.I. 2002/2099. An approval of dosimetry services for the purposes of regulation 14 of these Regulations is made under regulation 35 of the Ionising Radiation Regulations 1999 (S.I. 1999/3232).

(16) S.I. 1999/3232, amended by S.I. 2001/2975.

**Fees payable under the Explosives Act 1875 and instruments made thereunder, under the Petroleum (Consolidation) Act 1928, the Petroleum (Transfer of Licences) Act 1936 and the Classification and Labelling of Explosives Regulations 1983**

10.—(1) Where any application in relation to a provision specified in column 1 of Part I of Schedule 9 is made for a purpose specified in column 2 of that Part, the fee specified in the corresponding entry in column 3 of that Part shall be payable by the applicant to the Executive.

(2) The fee or maximum fee payable under each provision specified in column 1 of Part II of Schedule 9 for the purpose described in the corresponding entry in column 2 shall be that specified in the corresponding entry in column 3 of that Part.

(3) A fee shall be payable to the Executive where the Executive requires any work to be carried out by its specialist inspectors in connection with any application in respect of which a fee is payable by virtue of paragraph (1) for any purpose specified in column 2 of Part I of Schedule 9 for which there is a corresponding entry in column 4 of that Part, and the fee for work in connection with each such purpose shall be that specified in the corresponding entry in column 4 of that Part for each hour worked, adjusted pro rata for a period worked of less than one hour, and such fee shall be payable prior to notification of the result of the application.

(4) A fee shall be payable by the applicant to the Executive for each application made for each purpose specified in column 1 of each of Parts III, IV and V of Schedule 9 and such fee shall be payable on making the application save that, in the case of an application for the purpose referred to in entry (a) in column 1 of Part V of that Schedule, the fee shall be payable prior to notification of the result of the application.

(5) The fee for an application for each purpose specified in column 1 of each of Parts III, IV and V of Schedule 9 shall be that specified in the corresponding entry in column 2 in the respective Part and, where the fee is determined as an amount per hour, the fee shall be adjusted pro rata for a period worked of less than one hour.

(6) A fee shall be payable to the Executive where the Executive requires any work to be carried out by its specialist inspectors in connection with any application in respect of which a fee is payable by virtue of paragraph (4) for any purpose specified in column 1 of each of Parts III, IV and V of Schedule 9 for which there is a corresponding entry in column 3 of the respective Part, and the fee for work in connection with each such purpose shall be that specified in the corresponding entry in column 3 of that Part for each hour worked, adjusted pro rata for a period worked of less than one hour, and such fee shall be payable prior to notification of the result of the application.

(7) A fee shall be payable to the Executive where the Executive requires any testing to be carried out in connection with any purpose specified in column 1 of Part VI of Schedule 9, and the fee for testing in connection with each such purpose shall be the reasonable cost to the Executive of having the work carried out and such fee shall be payable prior to notification of the result of the application.

(8) Part II of Schedule 9 shall have effect subject to the Notes to that Part.

**Date from which fees are payable under the Petroleum (Consolidation) Act 1928 and the Petroleum (Transfer of Licences) Act 1936**

11. Notwithstanding the provisions of section 4 of the Petroleum (Consolidation) Act 1928(17) or section 1(4) of the Petroleum (Transfer of Licences) Act 1936(18) the fees in respect of applications for petroleum licences prescribed by these Regulations shall be payable for any licence first having effect or any transfer or renewal of a licence first taking effect on or after the coming into force of these Regulations irrespective of the date of the application for that licence, transfer or renewal.

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(17) 1928 c. 32; relevant amending instruments are S.I. 1974/1942 and 1987/52.

(18) 1936 c. 27; relevant amending instruments are S.I. 1974/1942 and 1987/52.

**Fee for application for an explosives licence under Part IX of the Dangerous Substances in Harbour Areas Regulations 1987**

12.—(1) A fee shall be payable by the applicant to the Executive on each application for an explosives licence or for any alteration in the terms of an existing licence under Part IX of the Dangerous Substances in Harbour Areas Regulations 1987<sup>(19)</sup>.

(2) The fee on an application for each purpose specified in column 1 of Schedule 10 shall be that specified in column 2 of that Schedule and where the fee is determined as an amount per hour, the fee, which shall be adjusted pro rata for a period worked of less than one hour, so calculated shall be payable prior to notification of the result of the application.

**Fee for a vocational training certificate under the Carriage of Dangerous Goods by Road (Driver Training) Regulations 1996**

13.—(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 1996<sup>(20)</sup> where a fee of the sum specified in Schedule 11 has been paid to the Secretary of State.

(2) The validity of a vocational training certificate may only be extended in accordance with regulation 4(6) of the Carriage of Dangerous Goods by Road (Driver Training) Regulations 1996 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 of the sum specified in Schedule 11 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 section 43(4) of the 1974 Act.

**Fees for applications for approvals under the Carriage of Dangerous Goods by Road (Driver Training) Regulations 1996**

14.—(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 1996.

(2) The fee payable under paragraph (1) on application for such approval as is mentioned in column 1 of Schedule 12 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 for a vocational training certificate under the Transport of Dangerous Goods (Safety Advisers) Regulations 1999**

15.—(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 1999<sup>(21)</sup> where a fee as specified in Schedule 13 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 regulation 7(5) of the Transport of Dangerous Goods (Safety Advisers) Regulations 1999 where, within the period of 12 months which precede the expiry of the original certificate or any extension

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(19) S.I. 1987/37, amended by S.I.1988/712..

(20) S.I. 1996/2094, amended by S.I. 1999/303.

(21) S.I 1999/257, to which there are amendments not relevant to these Regulations.

of it granted in accordance with that paragraph, a fee as specified in Schedule 13 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 section 43(4) of the 1974 Act.

### **Estimate of cost of work**

**16.** Where any fee is to be assessed on the reasonable cost to the Executive of carrying out any work or testing under regulation 2(2), 2(3)(b), 3(2) or 10(7), the Executive shall on receipt of the application first prepare and send to the applicant an estimate of that cost and shall, before carrying out the work, obtain confirmation from the applicant that he wishes the work to be carried out on the basis of that estimate of cost.

### **Fees for notifications and applications under the Genetically Modified Organisms (Contained Use) Regulations 2000**

**17.—(1)** The fee specified in column 2 of Schedule 14 shall be payable by a notifier to the competent authority on each such notification or application under the 2000 Regulations as is referred to in the corresponding entry in column 1 of that Schedule.

(2) No fee shall be returned to a notifier where the competent authority returns a notification pursuant to regulation 14(7) of the 2000 Regulations or a notifier withdraws his notification pursuant to regulation 15(6) of the 2000 Regulations.

(3) In this regulation, “the 2000 Regulations” means the Genetically Modified Organisms (Contained Use) Regulations 2000<sup>(22)</sup> and “competent authority” has the same meaning as in those Regulations.

### **Fees for notifications and applications under the Notification of New Substances Regulations 1993**

**18.—(1)** The fee specified in column 2 of Table 1 to Schedule 15 shall be payable by a notifier to the competent authority, within the meaning of the Notification of New Substances Regulations 1993<sup>(23)</sup>, 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 15, 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 15—

“the 1982 Regulations” means the Notification of New Substances Regulations 1982<sup>(24)</sup>;

“the 1993 Regulations” means the Notification of New Substances Regulations 1993;

“the predecessor Directive” has the same meaning as is given to “the Directive” in the first mentioned Regulations in this paragraph;

“RTP polymer” means a polymer, which word has the same meaning as in the second mentioned Regulations in this paragraph, 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,

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<sup>(22)</sup> S.I. 2000/2831, amended by S.I. 2001/2626.

<sup>(23)</sup> S.I. 1993/3050, amended by S.I. 1995/2646.

<sup>(24)</sup> S.I. 1982/1496, revoked by S.I. 1993/3050.

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 payable in respect of offshore installations**

**19.**—(1) A fee shall be payable to the Executive by the person referred to in column 2 of Schedule 16 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 1992 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 1974 Act 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 22 and Schedule 16, “the 1992 Regulations” means the Offshore Installations (Safety Case) Regulations 1992<sup>(25)</sup>, and “installation”, “safety case”, “operator” and “owner” have the same meanings as in those Regulations.

#### **Fees payable in respect of railway safety functions**

**20.**—(1) A fee shall be payable to the Executive by the person referred to in column 2 of Schedule 17 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 railway operator who has prepared a safety case which has been accepted by the Executive pursuant to the 2000 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 1974 Act which relates to the enforcement of any of the relevant statutory provisions against—

- (a) that railway operator in relation to the railway infrastructure, station or train operation to which that safety case relates;
- (b) a contractor in relation to work carried out by him on or in connection with that railway infrastructure or station or in connection with that train operation.

(3) This regulation shall not apply to a function performed in relation to the tunnel system within the meaning of section 1(7) of the Channel Tunnel Act 1987<sup>(26)</sup>.

(4) This regulation shall not apply to a function performed in relation to a railway, tramway or trolley vehicle system if on no part of that railway, tramway or trolley vehicle system there is a line speed exceeding 40 kilometres per hour and for the purposes of this paragraph “line speed” means the highest of the permitted speeds on the railway, tramway or trolley vehicle system concerned and “permitted speed” means the maximum speed permitted on the part of the railway, tramway or trolley vehicle system concerned.

(5) In this regulation, regulation 22 and Schedule 17, “the 2000 Regulations” means the Railways (Safety Case) Regulations 2000<sup>(27)</sup>, the “Approval Regulations” means the Railways and Other

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<sup>(25)</sup> S.I. 1992/2885, amended by S.I. 1995/738.

<sup>(26)</sup> 1987 c. 53.

<sup>(27)</sup> S.I. 2000/2688, to which there are amendments not relevant to these Regulations.



Transport Systems (Approval of Works, Plant and Equipment) Regulations 1994<sup>(28)</sup>, “railway”, “railway infrastructure”, “railway operator”, “safety case”, “station” and “train” have the same meanings as in the 2000 Regulations and “tramway” and “trolley vehicle system” have the same meanings as in the Transport and Works Act 1992<sup>(29)</sup>.

### **Fees payable in respect of gas safety functions**

**21.**—(1) A fee shall be payable to the Executive by the person referred to in column 2 of Schedule 18 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 1996 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 1974 Act 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 22 and Schedule 18, “the 1996 Regulations” means the Gas Safety (Management) Regulations 1996<sup>(30)</sup>, and “network”, “network emergency co-ordinator” and “safety case” have the same meanings as in the 1996 Regulations.

### **Provisions supplementary to regulations 19 to 21**

**22.**—(1) The fees referred to in regulations 19 to 21 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, and such invoices shall 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 19 to 21 shall not include any costs connected with any—

(a) in England and Wales, criminal investigation or prosecution incurred (in either case) from the date any summons is obtained from a Magistrates' Court;

(b) in Scotland, criminal investigation or prosecution incurred (in either case) after such a time as—

(i) the inspector undertaking the investigation refers the case to the Procurator Fiscal; or

(ii) the Procurator Fiscal intervenes in the investigation,

whichever is the sooner; or

(c) appeal pursuant to section 24 of the 1974 Act (appeal against improvement or prohibition notice) and, in England and Wales, regulation 11(6)(b) of, and Schedule 5 to, the Employment Tribunals (Constitution and Rules of Procedure) Regulations 2001<sup>(31)</sup>

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<sup>(28)</sup> S.I. 1994/157, to which there are amendments not relevant to these Regulations. The Regulations are relevant statutory provisions within the meaning of section 53 of the Health and Safety at Work etc. Act 1974 (c. 37) by virtue of section 117(1) and (4) of the Railways Act 1993 (c. 43).

<sup>(29)</sup> 1992 c. 42.

<sup>(30)</sup> S.I. 1996/551.

<sup>(31)</sup> S.I. 2001/1171.

and, in Scotland, regulation 11(6)(b) of, and Schedule 5 to, the Employment Tribunals (Constitution and Rules of Procedure) (Scotland) Regulations 2001<sup>(32)</sup>.

(3) For the purposes of regulation 19 and paragraph (2)(a) and (b), an installation shall be treated as being in England and Wales if it is in the English area within the meaning of article 1 of the Civil Jurisdiction (Offshore Activities) Order 1987<sup>(33)</sup> and in Scotland if it is in the Scottish area within the meaning of that article.

(4) Any reference in regulations 19 to 21 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—

- (a) any reference in those regulations to the installation, railway infrastructure, station, train operation or network to which the safety case relates were a reference to the installation, railway infrastructure, station, train operation or network to which the safety case would have related if it had been prepared in accordance with such requirement; and
- (b) the reference in regulation 20(2) to a safety case which has been accepted by the Executive were a reference to a safety case which is required to be accepted by the Executive.

(5) Any reference in regulations 19 and 20 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 (in the case of regulation 19) regulation 2(9) of the 1992 Regulations or (in the case of regulation 20) regulation 2(7) of the 2000 Regulations.

(6) Any reference in regulations 19 to 21 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 19 to 21 to a function conferred on an inspector by the 1974 Act which relates to enforcement against a person of any of the relevant statutory provisions includes a reference to any function conferred on an inspector by that Act which is exercised for the purpose of carrying into effect those provisions in relation to that person.

### **Fees for applications for approvals under the Health and Safety (First-Aid) Regulations 1981**

**23.**—(1) A fee shall be payable by the applicant to the Executive on each application for an original approval of training or a renewal of an approval of training under regulation 3(2)(a) of the Health and Safety (First-Aid) Regulations 1981<sup>(34)</sup>.

(2) The fee payable under paragraph (1) shall be—

- (a) in respect of an application for an original approval, that specified in column 1 of Table 1 to Schedule 19; and
- (b) in respect of an application for a renewal of an approval, that specified in column 3 of that Table.

(3) Where, before an original approval of training is given, a shortcoming in the proposed training is identified by the Executive during a site-visit and an additional site-visit for the purpose of reassessment is required, the fee payable shall be that specified in column 2 of Table 2 to Schedule 19.

(4) The fee referred to—

- (a) in paragraph (1) shall be payable on making the application for approval or renewal of an approval of training;
- (b) in paragraph (3) shall be payable prior to the notification of the result of the application for approval of training.

<sup>(32)</sup> S.I. 2001/1170 (S.7).

<sup>(33)</sup> S.I. 1987/2197.

<sup>(34)</sup> S.I. 1981/917, amended by S.I. 1989/1671 and 1993/1897.

(5) Where the Executive requires a site-visit, not including one for the purpose referred to in paragraph (7), to be made in connection with an approval mentioned in paragraph (1) in order to ascertain whether the standards in place when the original approval was given are being maintained, a fee shall be payable to the Executive by the provider of the approved training, except that no such fee shall be payable in respect of the first such site-visit made after the original approval has been given.

(6) The fee payable under paragraph (5) shall be that specified in column 1 of Table 2 to Schedule 19 except where the site-visit is required to be carried out because a shortcoming in the training has been identified by the Executive during an earlier site-visit, when the fee shall be that specified in column 2 of that Table.

(7) Where the Executive requires a site-visit to be made for the purpose of investigating a complaint in relation to training provided pursuant to an approval mentioned in paragraph (1), a fee shall be payable to the Executive by the provider of the training where —

- (a) the result of the investigation is that the complaint is found to be justified, and
- (b) the complaint could not be fully investigated during a site-visit made for an additional purpose to that of investigating the complaint, requiring, as a result, a further site-visit.

(8) The fee payable under paragraph (7) shall be that specified in column 3 of Table 2 to Schedule 19.

(9) Where the date for any site visit referred to in this regulation has been agreed between the training provider and the Executive and —

- (a) three working days or less before that date the training provider informs the Executive that he wishes to cancel the site-visit agreed for that date, and
- (b) there is as a result no site-visit on that date,

a fee shall be payable by the training provider to the Executive in respect of that cancelled site-visit.

(10) The fee payable under paragraph (9) shall be that specified in column 4 of Table 2 to Schedule 19.

(11) The fee referred to in paragraphs (6), (8) and (10) shall be payable within 30 days from the date of the invoice that the Executive has sent or given to the person providing the approved training.

### **Fees for applications for approvals under the Offshore Installation and Pipeline Works (First-Aid) Regulations 1989**

**24.**—(1) A fee shall be payable by the applicant to the Executive on each application for an original approval or a renewal of an approval of training under regulation 5(2)(a) of the Offshore Installations and Pipeline Works (First-Aid) Regulations 1989<sup>(35)</sup>.

(2) The fee payable under paragraph (1) shall be—

- (a) where the application for an original approval of training relates to, as the case may be—
  - (i) rendering first-aid to persons who are injured or become ill while at work (referred to in this regulation as “first-aid training”), or
  - (ii) rendering first-aid to, and treating in accordance with the directions of a registered medical practitioner (who may or may not be present) persons who are injured or become ill while at work, and giving simple advice in connection with the health of persons at work (together referred to in this regulation as “medical training”),

that specified in, respectively, columns 1 and 2 of Table 1 to Schedule 20;

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<sup>(35)</sup> S.I. 1989/1671, amended by S.I. 1993/1823 and 1995/738.

- (b) in respect of an application for a renewal of approval of, as the case may be, first-aid training or medical training, that specified in, respectively, columns 3 and 4 of that Table.
- (3) Where, before an original approval of training is given, a shortcoming in the proposed training is identified by the Executive during a site-visit and an additional site-visit for the purpose of reassessment is required, the fee payable shall—
- (a) where the application for approval relates to first-aid training, be that specified in column 1 of Table 2 to Schedule 20, or
  - (b) where the application for approval relates to medical training, be that specified in column 2 of that Table.
- (4) The fee referred to—
- (a) in paragraph (1) shall be payable on making the application for approval or renewal of approval of training;
  - (b) in paragraph (3) shall be payable prior to the notification of the result of the application for approval of training.
- (5) Where the Executive requires a site-visit, not including one for the purpose referred to in paragraph (8), to be made in connection with an approval mentioned in paragraph (1) in order to ascertain whether the standards in place when the original approval was given are being maintained, a fee shall be payable to the Executive by the provider of the approved training, except that no such fee shall be payable in respect of the first such site-visit made after the original approval has been given.
- (6) Subject to paragraph (7), the fee payable under paragraph (5) shall—
- (a) where the site-visit is in connection with an approval relating to first-aid training, be that specified in column 1 of Table 3 to Schedule 20, or
  - (b) where the site-visit is in connection with an approval relating to medical training, be that specified in column 2 of that Table,
- provided that, where the site-visit is in respect of both kinds of approval of training as are referred to in subparagraphs (a) and (b) above and takes only one day to complete, the sum of the payable fees specified in columns 1 and 2 of that Table shall be reduced by an amount of £150.
- (7) The fee payable under paragraph (5) where the site-visit is required to be carried out because a shortcoming in the training has been identified by the Executive during an earlier site-visit, shall—
- (a) where the site-visit is in connection with an approval relating to first-aid training, be that specified in column 3 of Table 3 to Schedule 20, or
  - (b) where the site-visit is in connection with an approval relating to medical training, be that specified in column 4 of that Table.
- (8) Where the Executive requires a site-visit to be made for the purpose of investigating a complaint in relation to training provided pursuant to an approval mentioned in paragraph (1), a fee shall be payable to the Executive by the provider of the training where—
- (a) the result of the investigation is that the complaint is found to be justified, and
  - (b) the complaint could not be investigated during a site-visit made for an additional purpose to that of investigating the complaint, requiring, as a result, a further site-visit.
- (9) The fee payable under paragraph (8) for such a site-visit as is there referred to, whether in connection with first-aid training or medical training provided, shall be that specified in column 1 of Table 4 to Schedule 20.
- (10) Where the date for any site-visit referred to in this regulation has been agreed between the training provider and the Executive and —

(a) three working days or less before that date the training provider informs the Executive that he wishes to cancel the site-visit agreed for that date, and

(b) there is as a result no site-visit on that date,

a fee shall be payable by the training provider to the Executive in respect of that cancelled site-visit.

(11) The fee payable under paragraph (10) shall —

(a) where the site-visit was to have been in connection with an approval of first-aid training, be that specified in column 2 of Table 4 to Schedule 20, or

(b) where the site-visit was to have been in connection with an approval of medical training, be that specified in column 3 of that Table, (that is to say the reasonable cost to the Executive due to the cancellation).

(12) The fee referred to in paragraphs (6), (7), (9) and (11) shall be payable within 30 days from the date of the invoice that the Executive has sent or given to the person providing the approved training.

### **Provisions supplementary to regulations 23 and 24**

**25.**—(1) Where an application for an original approval of either first-aid training or training for the purposes of regulation 3(2)(a) of the 1981 Regulations is made and the applicant thereafter applies for an original approval of the one of those two kinds of training not earlier applied for or the applications are made together, the Executive shall repay to the applicant the amount of £150 in respect of the fees paid for the original approvals of training applied for; and if after those applications the applicant applies for an original approval of medical training, the Executive shall repay to the applicant a further amount of £50 in respect of the fees paid for the original approvals of training applied for.

(2) Where an application for an original approval of either first-aid training or training for the purposes of regulation 3(2)(a) of the 1981 Regulations is made and the applicant thereafter or at the same time applies for an original approval of medical training, the Executive shall repay to the applicant the amount of £50 in respect of the fees paid for the original approvals of training applied for; and if after those applications the applicant applies for an original approval of the one of the two kinds of training first referred to in this paragraph not earlier applied for, the Executive shall repay to the applicant a further amount of £150 in respect of the fees paid for the original approvals of training applied for.

(3) Where an application for an original approval of medical training is made and the applicant thereafter or at the same time applies for an original approval of first-aid training, the Executive shall repay to the applicant the amount of £50 in respect of the fees paid for the original approvals of training applied for; and if after those applications the applicant applies for an original approval of training for the purposes of regulation 3(2)(a) of the 1981 Regulations, the Executive shall repay to the applicant a further amount of £150 in respect of the fees paid for the original approvals of training applied for.

(4) Where an applicant applies for original approvals of first-aid training, medical training and training for the purposes of regulation 3(2)(a) of the 1981 Regulations at the same time, the Executive shall repay to the applicant the amount of £200 in respect of the fees paid for those applications.

(5) In this regulation—

“the 1981 Regulations” means the Health and Safety (First-Aid) Regulations 1981<sup>(36)</sup> and

“first-aid training” and “medical training” have the same meanings as in regulation 24.

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(36) S.I. 1981/917, amended by S.I. 1989/1671 and 1993/1897.

**Revocation**

26. The Health and Safety (Fees) Regulations 2002(37) are hereby revoked.

Signed by authority of the Secretary of State for Work and Pensions.

6<sup>th</sup> March 2003

*Nick Brown*  
Minister of State,  
Department for Work and Pensions