
STATUTORY INSTRUMENTS

2003 No. 547

Health and Safety (Fees) Regulations 2003

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(1) and, in Scotland, regulation 11(6)(b) of, and Schedule 5 to, the Employment Tribunals (Constitution and Rules of Procedure) (Scotland) Regulations 2001(2).
- (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(3) 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

(1) S.I. 2001/1171.

(2) S.I. 2001/1170 (S.7).

(3) S.I. 1987/2197.

Changes to legislation: *Health and Safety (Fees) Regulations 2003, Section 22 is up to date with all changes known to be in force on or before 27 July 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

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.

Commencement Information

II Reg. 22 in force at 1.4.2003, see [reg. 1\(1\)](#)

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Changes and effects yet to be applied to :

- Instrument rev by [S.I. 2004/456 reg 25](#)