

STATUTORY INSTRUMENTS

2022 No. 1378

The Health and Safety and Nuclear (Fees) Regulations 2022

Provisions supplementary to regulations [F18(3A) [F2, 9, 11] and] 14 to 16

17.—(1) Any fee referred to in regulations [F38(3A) [F4, 9(1), (8) and (10), 11(1) and (3)] and] 14 to 16 above—

- (a) is not to exceed the sum of the costs reasonably incurred—
 - (i) in the case of regulation 16(1) or (2), by the ONR in carrying out the work referred to in the respective paragraph;
 - [F5(ia) in the case of regulation 8(3A), by the Executive or the ONR (as the case may be) in carrying out the work in connection with an application referred to in that provision;]
 - (ii) in any other case, by the Executive [F6, the ONR, the acetylene licensing authority or the appropriate authority] (as the case may be) in performing the function referred to in the respective regulation; F7...

F7(b)

(2) No fee payable under regulations [F88(3A) [F9, 9(1), (8) and (10), 11(1) and (3)] and] 14 to 16 is to include any costs connected with—

- (a) in England and Wales, any criminal investigation or prosecution, incurred (in either case) from the date on which any information is laid or, as the case may be, any written charge is issued;
- (b) in Scotland, any criminal investigation or prosecution, incurred (in either case) after such time as the Executive submits a report to the Procurator Fiscal for a decision as to whether a prosecution should be brought; or
- (c) any appeal pursuant to section 24 of the 1974 Act (appeal against improvement or prohibition notice) and Schedule 1 to the Employment Tribunals (Constitution and Rules of Procedure) Regulations 2013(1) or paragraph 6 of Schedule 8 to the 2013 Act (appeal against improvement notice or prohibition notice) and Schedule 1 to those Regulations.

[F10(2A) Where a fee is payable under any of regulations 8(3A), 9(1), (8) and (10), 11(1) and (3) and 14 to 16, the Executive, the ONR, the acetylene licensing authority or the appropriate authority, as the case may be, must send or give to the person who must pay the fee an invoice which—

- (a) includes a statement of the work done and the costs incurred, and
- (b) specifies the period to which that statement relates.

(2B) Any fee referred to in regulations 8(3A), 9(10), 11(3) and 14 to 16 above is payable within 30 days from the date of the invoice that the Executive, the ONR, the acetylene licensing authority or the appropriate authority has sent or given to the person who must pay that fee.]

(3) For the purposes of regulation 14 and paragraph (2)(a) and (b), an installation is treated as being in England and Wales if it is in the English area within the meaning of article 1 of the Civil

(1) [S.I. 2013/1237](#). This instrument was amended by [S.I. 2014/468](#). Other amending instruments have been made, but none are relevant to these Regulations.

Jurisdiction (Offshore Activities) Order 1987(2) and in Scotland if it is in the Scottish area within the meaning of that article.

(4) Any reference in regulation 14 to a person who has prepared a current safety case includes a reference to—

- (a) a person who must prepare a safety case, and in that connection as if any reference in that regulation to the installation to which the current safety case relates were a reference to the installation to which the safety case would have related if it had been prepared in accordance with such requirement; and
- (b) a person who is treated as having prepared a current safety case by virtue of regulation 2(9) of the 2005 Regulations.

(5) Any reference in regulation 15 to a person who has prepared a safety case includes a reference to a person who must prepare a safety case, and in that connection as if any reference in that regulation to the network to which the safety case relates were a reference to the network to which the safety case would have related if it had been prepared in accordance with such requirement.

(6) Any reference in regulations 14 to 16 to work carried out by a contractor is a reference to work carried out for the benefit of the person by whom the fees are payable under that regulation by a contractor or a contractor's employees, whether pursuant to an agreement or an arrangement which the contractor has made with that person or with another person.

(7) Any reference in regulations [F119(11), 11(4) and] 14 to 16 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.

(8) Any reference in regulation 16 to a function conferred on an inspector by the 2013 Act which relates to enforcement against a person of any of the nuclear 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.

[F12(9) For the purposes of this regulation—

- “acetylene licensing authority” has the same meaning given in regulation 9;
- “appropriate authority” has the same meaning given in regulation 11;
- “nuclear provisions” has the same meaning given in regulation 16.]

Textual Amendments

- F1** Words in [reg. 17](#) heading inserted (with application in accordance with [reg. 1\(3\)](#) of the amending S.I.) by [The Health and Safety and Nuclear \(Fees\) \(Amendment\) Regulations 2023 \(S.I. 2023/247\)](#), [regs. 1\(1\), 4\(a\)](#) (with [reg. 1\(4\)\(5\)](#))
- F2** Word in [reg. 17](#) heading inserted (1.4.2024) by [The Health and Safety and Nuclear \(Fees\) \(Amendment\) and Gas Safety \(Miscellaneous Amendment\) Regulations 2024 \(S.I. 2024/322\)](#), [regs. 1\(1\), 13\(a\)](#) (with [reg. 1\(3\)](#))
- F3** Words in [reg. 17\(1\)](#) inserted (with application in accordance with [reg. 1\(3\)](#) of the amending S.I.) by [The Health and Safety and Nuclear \(Fees\) \(Amendment\) Regulations 2023 \(S.I. 2023/247\)](#), [regs. 1\(1\), 4\(b\)\(i\)](#) (with [reg. 1\(4\)\(5\)](#))
- F4** Words in [reg. 17\(1\)](#) inserted (1.4.2024) by [The Health and Safety and Nuclear \(Fees\) \(Amendment\) and Gas Safety \(Miscellaneous Amendment\) Regulations 2024 \(S.I. 2024/322\)](#), [regs. 1\(1\), 13\(b\)\(i\)](#) (with [reg. 1\(3\)](#))

- F5** Reg. 17(1)(a)(ia) inserted (with application in accordance with reg. 1(3) of the amending S.I.) by The Health and Safety and Nuclear (Fees) (Amendment) Regulations 2023 (S.I. 2023/247), regs. 1(1), **4(b)(ii)** (with reg. 1(4)(5))
- F6** Words in reg. 17(1)(a)(ii) substituted (1.4.2024) by The Health and Safety and Nuclear (Fees) (Amendment) and Gas Safety (Miscellaneous Amendment) Regulations 2024 (S.I. 2024/322), regs. 1(1), **13(b)(ii)** (with reg. 1(3))
- F7** Reg. 17(1)(b) and word omitted (1.4.2024) by virtue of The Health and Safety and Nuclear (Fees) (Amendment) and Gas Safety (Miscellaneous Amendment) Regulations 2024 (S.I. 2024/322), regs. 1(1), **13(b)(iii)** (with reg. 1(3))
- F8** Words in reg. 17(2) inserted (with application in accordance with reg. 1(3) of the amending S.I.) by The Health and Safety and Nuclear (Fees) (Amendment) Regulations 2023 (S.I. 2023/247), regs. 1(1), **4(c)** (with reg. 1(4)(5))
- F9** Words in reg. 17(2) inserted (1.4.2024) by The Health and Safety and Nuclear (Fees) (Amendment) and Gas Safety (Miscellaneous Amendment) Regulations 2024 (S.I. 2024/322), regs. 1(1), **13(c)** (with reg. 1(3))
- F10** Reg. 17(2A)(2B) inserted (1.4.2024) by The Health and Safety and Nuclear (Fees) (Amendment) and Gas Safety (Miscellaneous Amendment) Regulations 2024 (S.I. 2024/322), regs. 1(1), **13(d)** (with reg. 1(3))
- F11** Words in reg. 17(7) inserted (1.4.2024) by The Health and Safety and Nuclear (Fees) (Amendment) and Gas Safety (Miscellaneous Amendment) Regulations 2024 (S.I. 2024/322), regs. 1(1), **13(e)** (with reg. 1(3))
- F12** Reg. 17(9) substituted (1.4.2024) by The Health and Safety and Nuclear (Fees) (Amendment) and Gas Safety (Miscellaneous Amendment) Regulations 2024 (S.I. 2024/322), regs. 1(1), **13(f)** (with reg. 1(3))

Commencement Information

- I1** Reg. 17 in force at 21.12.2022, see **reg. 1(1)**

Changes to legislation:

There are currently no known outstanding effects for the The Health and Safety and Nuclear (Fees) Regulations 2022, Section 17.