
STATUTORY INSTRUMENTS

2023 No. 247

**The Health and Safety and Nuclear
(Fees) (Amendment) Regulations 2023**

Fees payable in relation to the Explosives Regulations 2014 and the Acetylene Safety (England and Wales and Scotland) Regulations 2014: proposed variation or variation of a licence without an application

6.—(1) Regulation 9 (fees payable in relation to the Explosives Regulations 2014 and the Acetylene Safety (England and Wales and Scotland) Regulations 2014) is amended as follows.

(2) After paragraph (1) insert—

“(1A) Where a licensing authority which is the licensing authority by virtue of—

- (a) paragraph 1(c) or (d) of Schedule 1 to the Explosives Regulations 2014; or
- (b) paragraph 1(b), 2 or 4 of that Schedule in cases where the assent of the local authority is required under regulation 13(3) of those Regulations or is not required by virtue of regulation 13(4)(b) to (g) of those Regulations,

proposes to vary or varies a licence as described in column 2 of Part 1 of Schedule 7 without the agreement of the explosives licensee as permitted by regulation 16 of the Explosives Regulations 2014, the fee specified in the corresponding entry in column 3 of that Part is payable by the explosives licensee to the licensing authority.”.

(3) For paragraph (2) substitute—

“(2) Where a fee is referred to in column 3 of Part 1 of Schedule 7 as an amount per hour worked, the amount is to be adjusted pro rata for a period worked of less than one hour.”.

(4) Omit paragraph (3).

(5) After paragraph (4) insert—

“(4A) Where a licensing authority which is the licensing authority by virtue of—

- (a) paragraph 1(a) of Schedule 1 to the Explosives Regulations 2014; or
- (b) paragraph 1(b), 2 or 4 of that Schedule in cases where the requirement for assent by the local authority under regulation 13(3) of those Regulations is disapplied by regulation 13(4)(a) of those Regulations,

proposes to vary or varies a licence as described in column 1 of Part 2 of Schedule 7 without the agreement of the explosives licensee as permitted by regulation 16 of the Explosives Regulations 2014, the fee specified in the corresponding entry in column 3 of that Part is payable by the explosives licensee to the licensing authority.

(4B) Any fee payable under paragraph (1) or (4) is payable prior to notification of the result of the application.

(4C) Where a fee is payable by an explosives licensee as specified in paragraph (1A) or (4A), the fee is payable within 30 days from the date—

- (a) on which the variation of the licence takes effect; or

- (b) if the licence is not varied, of the invoice that the licensing authority gives or sends to the explosives licensee.”.
- (6) After paragraph (8) insert—
 - “(8A) Any fee payable under paragraph (8) is payable prior to notification of the result of the application.
 - (8B) Where an acetylene licensing authority proposes to vary or varies a licence as described in column 1 of Part 4 of Schedule 7 without the consent of the acetylene licensee as permitted by regulation 9(5)(a) of the 2014 Acetylene Regulations, the fee specified in the corresponding entry in column 2 of that Part is payable by the acetylene licensee to the acetylene licensing authority.
 - (8C) Where a fee is referred to in column 2 of Part 4 of Schedule 7 as an amount per hour worked, the amount is to be adjusted pro rata for a period worked of less than one hour.
 - (8D) Where a fee is payable by an acetylene licensee as specified in paragraph (8B), the fee is payable within 30 days from the date—
 - (a) on which the variation of the licence takes effect; or
 - (b) if the licence is not varied, of the invoice that the acetylene licensing authority gives or sends to the acetylene licensee.”.
- (7) Omit paragraphs (9) and (10).
- (8) In paragraph (11)—
 - (a) after the definition of “the 2014 Acetylene Regulations” insert—
 - ““acetylene licensee” means a licensee within the meaning given in the 2014 Acetylene Regulations (see regulation 2 of those Regulations);
 - “acetylene licensing authority” means a licensing authority within the meaning given in the 2014 Acetylene Regulations (see regulation 2 of those Regulations);”;
 - (b) after the definition beginning ““ammonium nitrate blasting intermediate””, insert—
 - ““explosives licensee” means a licensee within the meaning given in the Explosives Regulations 2014 (see regulation 2(1) of those Regulations);”.