
STATUTORY INSTRUMENTS

2024 No. 322

The Health and Safety and Nuclear (Fees) (Amendment) and Gas Safety (Miscellaneous Amendment) Regulations 2024

PART 2

Amendment of the Health and Safety and Nuclear (Fees) Regulations 2022

Fees payable in relation to pipelines conveying fluid under the Pipeline Safety Regulations 1996, onshore wind energy installations and offshore wind or marine energy installations

12. After regulation 15 (fees payable in respect of gas safety functions) insert—

“Fees payable in relation to pipelines conveying fluids under the Pipeline Safety Regulations 1996

15A.—(1) Subject to paragraph (3), a fee is payable to the Executive by the operator of a pipeline (including a major accident hazard pipeline) for the performance by or on behalf of the Executive, or by an inspector appointed by it, of the functions specified in paragraph (2).

(2) The functions referred to in paragraph (1) are any functions conferred on the Executive or the inspector by the 1974 Act which relate to the enforcement of any of the relevant statutory provisions, against one or both of the following—

- (a) the operator of a pipeline, in relation to any work relating to that pipeline, including the construction of the pipeline and any activities undertaken to ensure that the pipeline is left in a safe condition once it has ceased to be used for the conveyance of fluid; or
- (b) a contractor in relation to any work carried out by that contractor on or in connection with that pipeline, including the construction of the pipeline and any activities undertaken to ensure that the pipeline is left in a safe condition once it has ceased to be used for the conveyance of fluid.

(3) No fee is payable under paragraph (1) for the performance by the Executive of any of the functions referred to in regulations 14 and 15 to the extent that, in respect of any such function, a fee is payable or has been paid pursuant to one of those regulations.

(4) In this regulation, “fluid”, “operator” and “pipeline” have the meanings given in regulation 2 of the Pipeline Safety Regulations 1996⁽¹⁾.

Fees payable in relation to onshore wind energy installations

15B.—(1) A fee is payable to the Executive by the client of an onshore wind energy installation project for the performance by or on behalf of the Executive, or by an inspector appointed by it, of the functions specified in paragraph (2).

(1) S.I. 1996/825. This instrument was amended by S.I. 2003/2562, 2013/448, 2015/21 and 2018/269.

(2) The functions referred to in paragraph (1) are any functions conferred on the Executive or the inspector by the 1974 Act which relate to the enforcement of any of the relevant statutory provisions against one or both of the following—

- (a) the client in relation to any work, including construction work, carried out for the onshore wind energy installation project;
- (b) a contractor in relation to any work, including construction work, carried out by that contractor on or in connection with that project.

(3) A fee is payable to the Executive by the operator of an onshore wind energy installation for the performance by or on behalf of the Executive, or by an inspector appointed by it, of the functions specified in paragraph (4).

(4) The functions referred to in paragraph (3) are any functions conferred on the Executive or the inspector by the 1974 Act which relate to the enforcement of any of the relevant statutory provisions against one or both of the following—

- (a) the operator, in relation to any work relating to the operation of an onshore wind energy installation;
- (b) a contractor in relation to any work carried out by that contractor on or in connection with the operation of that installation.

(5) In this regulation—

“client”, “construction work” and “project” have the meanings given in regulation 2(1) of the Construction (Design and Management) Regulations 2015(2);

“onshore wind energy installation” means an installation onshore of one or more wind turbines for, or activities connected with or preparatory to, the production of energy from wind resources, including anything related to or connected with that installation within the site boundary of the installation;

“onshore wind energy installation project” means a project to design, construct, install, maintain, decommission or demolish an onshore wind energy installation;

“onshore” means on land in Great Britain;

“operator” means the person appointed by the owner of the onshore wind energy installation to execute the management functions for operations to be carried out at that installation or, where no such person has been appointed, the owner of that installation;

“owner” means in relation to an onshore wind energy installation the person who controls the operation of that installation;

“site boundary” means the boundary of the land on which the onshore wind energy installation is situated or, in the case of the construction of a new onshore wind energy installation, the land on which construction work is being carried out, that is controlled or owned by the owner.

Fees payable in relation to offshore wind or marine energy installations

15C.—(1) A fee is payable to the Executive by the client of an offshore wind or marine energy installation project for the performance by or on behalf of the Executive, or by an inspector appointed by it, of the functions specified in paragraph (2).

(2) The functions referred to in paragraph (1) are any functions conferred on the Executive or the inspector by the 1974 Act which relate to the enforcement of any of the relevant statutory provisions against one or both of the following—

- (a) the client in relation to any work, including construction work, carried out for the offshore wind or marine energy installation project;
 - (b) a contractor in relation to any work, including construction work, carried out by that contractor on or in connection with that project.
- (3) A fee is payable to the Executive by the operator of an offshore wind or marine energy installation for the performance by or on behalf of the Executive, or by an inspector appointed by it, of the functions specified in paragraph (4).
- (4) The functions referred to in paragraph (3) are any functions conferred on the Executive or the inspector by the 1974 Act which relate to the enforcement of any of the relevant statutory provisions against one or both of the following—
- (a) the operator in relation to any work relating to the operation of an offshore wind or marine energy installation;
 - (b) a contractor in relation to any work carried out by that contractor on or in connection with the operation of that installation.
- (5) In this regulation—
- “client”, “construction work” and “project” have the meanings given in regulation 2(1) of the Construction (Design and Management) Regulations 2015;
- “energy structure” and “renewable energy zone” have the meanings given in article 9 of the Health and Safety at Work etc. Act 1974 (Application Outside Great Britain) Order 2013(3);
- “offshore wind or marine energy installation” means—
- (a) an installation of one or more energy structures and technology, including cables, within the territorial sea or a renewable energy zone for the purposes specified in article 9(1)(a) to (c) (the production of energy from water or wind) of the Health and Safety at Work etc. Act 1974 (Application Outside Great Britain) Order 2013, or
 - (b) any activities within the territorial sea or a renewable energy zone that are associated with the installation referred to in paragraph (a) and are connected with or preparatory to the purposes specified in article 9(1)(a) to (c) (the production of energy from water or wind) of the Health and Safety at Work etc. Act 1974 (Application Outside Great Britain) Order 2013;
- “offshore wind or marine energy installation project” means a project to design, construct, install, maintain, decommission or demolish an offshore wind or marine energy installation;
- “operator” means the person appointed by the owner of the offshore wind or marine energy installation to execute the management functions for operations to be carried out at that installation or, where no such person has been appointed, the owner of that installation;
- “owner” means in relation to an offshore wind or marine energy installation the person who controls the operation of that installation.
- “territorial sea” has the meaning given in article 2 of the Health and Safety at Work etc. Act 1974 (Application Outside Great Britain) Order 2013.”.