



Health and Safety Executive for Northern Ireland

Proposals for Health and Safety (Fees) Regulations (Northern Ireland) 2009

Consultative Document

August 2008

PROPOSALS FOR HEALTH AND SAFETY (FEES) REGULATIONS (NORTHERN IRELAND) 2009

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PROPOSALS FOR HEALTH AND SAFETY (FEES) REGULATIONS (NORTHERN IRELAND) 2009

INTRODUCTION

1. This Consultative Document (CD) seeks comments on proposals by the Health and Safety Executive for Northern Ireland (HSENI) to revoke and replace the Health and Safety (Fees) Regulations (Northern Ireland) 2008 (S.R. 2008 No. 21) (“the 2008 Regulations”).

BACKGROUND

2. The 2008 Regulations came into operation in Northern Ireland on 10 March 2008. They updated the charges made, mainly by HSENI, for the performance of a wide range of statutory functions which required the payment of fees for such functions under health and safety at work law (“health and safety fees”).

THE PROPOSALS

3. Subject to this consultation, HSENI intends to submit to the Department of Enterprise, Trade and Investment proposals for the making of new Fees Regulations to be known as the “Health and Safety (Fees) Regulations (Northern Ireland) 2009”.
4. The proposals will revoke and re-enact the current fee setting provisions, in approximately half of fixed fee cases with increased rates (see paragraphs 7 and 8 below).
5. The proposed Regulations will continue to provide a single point of reference for health and safety fees.

PROPOSED INCREASES IN RATES OF FEES

6. It is normal policy, all other things being equal, for Northern Ireland health and safety fees to be maintained in parity with fees charged in Great Britain (GB) for corresponding services.
7. The review of the 2008 GB health and safety fees has resulted in a number of fees being increased. Since the same cost factors generally apply in Northern Ireland it is proposed that similar changes now be enacted for Northern Ireland.
8. As there is little, if any, common ground between the types of fee involved, the proposed changes to current fees are set out separately in Annexes A to D.

GAS AND ONSHORE MAJOR HAZARD INDUSTRIES

9. The proposed Regulations will extend charging to the enforcement of general health and safety requirements (which cover a wide range of

activities including falls from height, manual handling and use of protective equipment). The extension applies to the gas transportation industry, where gas is transported above 8 bar in pressure and therefore requires a major accident prevention document, and onshore major hazard sectors (petrochemicals, pharmaceuticals and liquid petroleum gas storage) where the dangerous substance is used as part of the main activity of the site and where sufficient quantities are present to require a safety report under the Control of Major Accident Hazard Regulations (Northern Ireland) 2000 (S.R. 2000 No. 93). See regulations 11 and 13 of the proposed Regulations contained in Annex E of the document.

10. The extension will enable HSENI to charge high hazard industries a fee for the enforcement of general health and safety provisions. The amount of fee is not specified in the proposed Regulations but shall not exceed the sum of the costs reasonably incurred by HSENI.

DATE OF CHANGE OF FEE RATES

11. It is intended that the new rates of fee would be brought into operation in March 2009 or as soon as possible thereafter.

DRAFT REGULATIONS

12. A draft of the proposed Regulations, which would be made mainly under the Health and Safety at Work (Northern Ireland) Order 1978, is at Annex E. The rates of fee are set out in the draft, Schedules 1 to 9.

RELATIONSHIP WITH GREAT BRITAIN

13. The proposals set out in this CD do not differ in any significant way from relevant provisions of the corresponding Great Britain Regulations (the Health and Safety (Fees) Regulations 2008 (S.I. 2008/736)). Such differences as do occur relate only to Northern Ireland legislation and institutions.

COSTS

14. An assessment of the changes to each of the current fees is contained in Annexes A to D. Although individual fees would be increased, it is considered that the changes would not have an overall significant effect on Northern Ireland industry.

EQUALITY IMPACT

15. The proposals have been screened for any possible impact on equality of opportunity affecting the groups listed in section 75 of the Northern Ireland Act 1998 and no adverse or differential aspects were identified. A copy of the screening document is at Annex F.

HUMAN RIGHTS

16. The Department has considered the matter of Convention rights and is satisfied that there are no matters of concern.

INVITATION TO COMMENT

17. HSENI would welcome your comments on the proposals in this CD. In particular, comment is invited on the assumption relating to costs relevant to Northern Ireland and the conclusion that the proposals would have no adverse effect on any section 75 groups.

Comments, in whatever format you choose to use, should be sent to: -

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Health and Safety Executive for Northern Ireland
83 Ladas Drive
Belfast, BT6 9FR
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so as to arrive no later than noon on **Friday 7 November 2008**.

18. HSENI tries to make its consultation procedures as thorough and open as possible. Responses to this consultation will be kept at the office of HSENI at the above address after the close of this consultation period, where they can be inspected by members of the public or be copied to them. HSENI can only refuse to disclose information in exceptional circumstances. Before you submit your response, please read the paragraphs below on the confidentiality given by you in response to this consultation.

19. The Freedom of Information Act 2000 gives the public a right of access to any information held by a public authority, namely, HSENI in this case. This right of access to information includes information provided in response to a consultation. HSENI cannot automatically consider as confidential information supplied to it in response to a consultation. However, it does have the responsibility to decide whether any information provided by you in response to this consultation, including information about your identity, should be made public or be treated as confidential. If you do not wish information about your identity to be made public, please include an explanation in your response.

20. This means that information provided by you in response to the consultation is unlikely to be treated as confidential, except in very particular circumstances.

August 2008

Health and Safety Executive
for Northern Ireland

FEES RELATING TO APPLICATIONS FOR PETROLEUM-SPIRIT LICENCES

PROPOSAL

1. HSENI proposes to increase the rate of fee payable in respect of the grant or renewal of a licence to keep petroleum-spirit and petroleum-based products (“petroleum-spirit licences”) under section 4 of the Petroleum (Consolidation) Act (Northern Ireland) 1929.

PROPOSED INCREASES

2. The proposed new rates of fee, and the current rates of fee are—

<i>Description of Licence</i>	<i>Current rate</i>	<i>Proposed rate</i>
Licence to keep petroleum spirit of a quantity—		
Not exceeding 2,500 litres	£39 for each year of licence	£40 for each year of licence
exceeding 2,500 litres but not exceeding 50,000 litres	£54 for each year of licence	£55 for each year of licence
exceeding 50,000 litres	£111 for each year of licence	£115 for each year of licence

EFFECTIVE DATE OF INCREASE

3. The proposed new fees would apply in respect of petroleum-spirit licences granted or renewed on or after the date of coming into operation of the proposed Regulations (see paragraph 11 of the main section of this CD). However, the increased fees would apply from that date irrespective of the date of application for the grant or renewal of a petroleum-spirit licence.

REASON FOR PROPOSED INCREASES

4. The proposed increases are broadly in line with the rate of inflation and are necessary to bring the current fees for petroleum-spirit licences to full economic cost at 2007/08 price levels.

COMPARISON WITH GREAT BRITAIN

5. The proposed rates of fee are identical to those charged in Great Britain for similar licences since 06 April 2008.

IMPACT ON INDUSTRY

6. In absolute terms, the proposed increases in fees for licences to keep petroleum-spirit range from £1 to £4 per year. It is considered that increases of this scale would not have a significant effect on Northern Ireland industry.

FEES PAYABLE FOR MEDICAL EXAMINATIONS OR SURVEILLANCE

PROPOSAL

1. HSENI proposes to increase the rates of fees payable for medical examinations and surveillances required by health and safety law and carried out by medical specialists in HSENI's Employment Medical Advisory Service (EMAS).

PROPOSED INCREASES

2. The proposed new rates of fee, and the current rates of fee are—

<i>Provision requiring medical examination or surveillance</i>	<i>Current rates of fee</i>			<i>Proposed rates of fee</i>		
	<i>Basic</i>	<i>Fee for X-Ray</i>	<i>Fee for laboratory tests</i>	<i>Basic</i>	<i>Fee for X-Ray</i>	<i>Fee for laboratory tests</i>
Work in Compressed Air Regulations (Northern Ireland) 2004	£66	£67	£39	£68	£70	£40
Control of Asbestos Regulations (Northern Ireland) 2007	£66	£67	£39	£68	£70	£40
Control of Substances Hazardous to Health Regulations (Northern Ireland) 2003	£66	£67	£39	£68	£70	£40

<i>Provision requiring medical examination or surveillance</i>	<i>Current rates of fee</i>			<i>Proposed rates of fee</i>		
	<i>Basic</i>	<i>Fee for X-Ray</i>	<i>Fee for laboratory tests</i>	<i>Basic</i>	<i>Fee for X-Ray</i>	<i>Fee for laboratory tests</i>
Ionising Radiations Regulations (Northern Ireland) 2000: (a) where surveillance is confined to examination of, and making entries in, records (b) in other cases	£35	£67	£39	£36	£70	£40
	£66	£67	£39	£68	£70	£40
Control of Lead at Work Regulations (Northern Ireland) 2003: (a) On the first assessment of an employee (including and clinical medical examination and laboratory tests in connection with the assessment) (b) On each subsequent assessment of an employee: (i) for laboratory tests where these are carried out (ii) for a clinical medical examination where this is carried out	£66			£68		
	£39			£40		
	£39			£40		

EFFECTIVE DATE OF INCREASE

3. The proposed new fees would apply in respect of medical examinations, etc., taking place on or after the date of coming into operation of the proposed Regulations (see paragraph 11 of the main section of this CD). Fees for medical examinations, etc., occurring before that date would be charged at current rates irrespective of the date of rendering of account.

REASON FOR PROPOSED INCREASES

4. The proposed increases are broadly in line with the rate of inflation and are necessary to bring the current fees for medical examinations, etc., to full economic cost at 2007/08 price levels.

COMPARISON WITH GREAT BRITAIN

5. The proposed rates of fee are identical to those charged in Great Britain for similar medical examinations, etc., since 06 April 2008.

IMPACT ON INDUSTRY

6. The proposed increases in basic fees for medical examination or surveillance range from £1.00 to £2.00; fees for X-Rays would increase by £3.00 and those for laboratory tests would increase by £1.00.
7. Taking into account the very small number of examinations, normally fewer than 20, carried out by HSENI's medical specialist, it is considered that increases of this scale would not have a significant impact on Northern Ireland industry.

FEES PAYABLE FOR VARIOUS APPLICATIONS UNDER THE CONTROL OF ASBESTOS REGULATIONS (NORTHERN IRELAND) 2007

PROPOSAL

1. HSENI proposes a 10.5% increase in the rate of fee payable for a licence to work with asbestos or a renewal of (original) licence under the Control of Asbestos Regulations (Northern Ireland) 2007. Underlying this increase is removal of lower level risk work (e.g. 'aertex removal) from the licensing regime in 2006. Comparatively higher risk work remains with the licensing regime and HSENI is undertaking a more extensive evaluation of the technical knowledge, competence and underpinning management systems of applicants. There will also be increases in the rate of fee payable for the re-assessment of a licence application, the amendment of condition, or duration, of a licence and the replacement of a licence.

PROPOSED INCREASES

2. The proposed new rates of fee, and the current rates of fee are—

Table 1

<i>Subject Matter of Licence</i>	<i>Current rate</i>	<i>Proposed rate</i>
Licence to work with asbestos or renewal of (original) licence.	£1,050	£1,160

Table 2

<i>Subject matter of licence</i>	<i>Current rate</i>	<i>Proposed rate</i>
Fee for re-assessment of licence application	£283	£300
Fee for amendment of condition, or duration, of licence	£283	£300
Fee for other amendment, or replacement, of a licence	£76	£80

EFFECTIVE DATE OF INCREASE

3. The proposed new fee would apply in respect of asbestos licences granted on or after the date of coming into operation of the proposed Regulations (see paragraph 11 of the main section of this CD). However, the increased fee would apply from that date irrespective of the date of application for a licence to work with asbestos.

COMPARISON WITH GREAT BRITAIN

4. The proposed rates of fee are identical to those charged in Great Britain for similar licences since 6th April 2008.

IMPACT ON INDUSTRY

5. In absolute terms, the proposed increase in the fee for a licence to work with asbestos is £110.
6. HSENI records show that during 2007 there were 16 applications for a new or renewal licence. Whilst therefore the proposed increases would have implications for individual licensees, it is considered that, overall, the revised fees would not have a major effect on Northern Ireland industry.

FEE PAYABLE ON APPLICATION FOR APPROVAL OF A SCHEME OR PROGRAMME FOR EXAMINATION OF FREIGHT CONTAINERS

PROPOSAL

1. HSENI proposes to increase the rate of fee payable on each application for approval of a scheme or programme for examination of containers under the Freight Containers (Safety Convention) Regulations (Northern Ireland) 1992.

PROPOSED INCREASES

2. The proposed new rates of fee, and the current rates of fee are—

<i>Subject Matter of Licence</i>	<i>Current rate</i>	<i>Proposed rate</i>
Approval of scheme or programme for examination of freight containers	£87	£90

EFFECTIVE DATE OF INCREASE

3. The proposed new fee would apply in respect of each application for approval of a scheme or programme on or after the date of coming into operation of the proposed Regulations (see paragraph 11 of the main section of this CD). However, the increased fee would apply from that date irrespective of the date of application.

REASON FOR PROPOSED INCREASES

4. The proposed increase is broadly in line with the rate of inflation and is necessary to bring the current fee for approval of scheme or programme for examination of freight containers to full economic cost at 2007/08 price levels.

COMPARISON WITH GREAT BRITAIN

5. The proposed rate of fee is identical to that charged in Great Britain for similar approvals since 06 April 2008.

IMPACT ON INDUSTRY

6. In absolute terms, the proposed increase in the fee for approval of scheme or programme for examination of freight containers is £3 per year. It is considered that an increase of this scale would not have a significant effect on Northern Ireland industry.

23 JUNE 2008 DRAFT STATUTORY RULES OF
NORTHERN IRELAND

2009 No. ***

HEALTH AND SAFETY

**The Health and Safety (Fees) Regulations (Northern Ireland)
2009**

Made - - - - - ***
Coming into operation - - - - - ***

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The Department of Enterprise, Trade and Investment(**a**), being the Department concerned(**b**), makes the following Regulations in exercise of the powers conferred by section 2(2) of the European Communities Act 1972(**c**) and Articles 40(2) and (4), 49 and 55(2) of the Health and Safety at Work (Northern Ireland) Order 1978(**d**).

The Department was designated(**e**) for the purposes of the said section 2(2) in relation to the notification and control of substances and the control and regulation of genetically modified organisms.

The Regulations give effect without modifications to proposals submitted to it by the Health and Safety Executive for Northern Ireland under Article 13(1A) of the 1978 Order(**f**).

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Health and Safety (Fees) Regulations (Northern Ireland) 2009 and shall come into operation on [DATE].

(2) In these Regulations—

-
- (a) Formerly the Department of Economic Development; *see* S.I. 1999/283 (N.I. 1), Article 3(5); that Department was formerly the Department of Manpower Services, *see* S.I. 1982/846 (N.I. 11), Article 3
- (b) *See* Article 2(2) of S.I. 1978/1039 (N.I. 9)
- (c) 1972 c. 68: the enabling powers conferred by section 2(2) were extended by virtue of section 1 of the European Economic Area Act 1993 (c. 51). Section 2(2) was further amended by section 27(1), and paragraphs 2 and 3 by section 27(2), of the Legislative and Regulatory Reform Act 2006 (C. 51).
- (d) S.I. 1978/1039 (N.I. 9)
- (e) S.I. 1981/1536 for the designation in relation to the notification and control of substances and S.I. 1991/755 in relation to the control and regulation of genetically modified organisms
- (f) Article 13(1) was substituted by S.I. 1998/2795 (N.I. 18), Article 4

“the 1978 Order” means the Health and Safety at Work (Northern Ireland) Order 1978;

“employment medical adviser” means an employment medical adviser appointed under Article 48(3) of the 1978 Order(a);

“the Executive” means the Health and Safety Executive for Northern Ireland; and

“renewal of licence” means the granting of a licence to follow a previous licence of the same kind without any amendment or gap in time.

(3) The Interpretation Act (Northern Ireland) 1954(b) shall apply to these Regulations as it applies to an Act of the Northern Ireland Assembly.

Fees payable under the Petroleum (Consolidation) Act (Northern Ireland) 1929 and the Petroleum (Transfer of Licences) Act (Northern Ireland) 1937

2. The fee payable under each provision specified in column 1 of Schedule 1 for the purpose described in the corresponding entry in column 2 shall be that specified in the corresponding entry in column 3 of that Schedule.

Date from which fees are payable under the Petroleum (Consolidation) Act (Northern Ireland) 1929 and the Petroleum (Transfer of Licences) Act (Northern Ireland) 1937

3. Notwithstanding the provisions of section 4 of the Petroleum (Consolidation) Act (Northern Ireland) 1929(c) or section 1(4) of the Petroleum (Transfer of Licences) Act (Northern Ireland) 1937(d), the fees specified in Schedule 1 shall be payable for any petroleum-spirit licence first having effect or any transfer or renewal of a licence first taking effect on or after the date of the coming into operation of these Regulations irrespective of the date of the application for that licence, transfer or renewal.

Fees payable for medical examination or surveillance by an employment medical adviser

4.—(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 2.

(2) The fee payable under paragraph (1) shall be a basic fee for each examination or on each occasion when the 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 or surveillance.

(3) For the purposes of paragraph (2), in the case of an examination or surveillance carried out for the purposes of a provision specified in column 1 of Schedule 2—

- (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 or any one occasion when surveillance is carried out;
- (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 or any one occasion when surveillance is carried out.

(4) Where an employment medical adviser carries out a medical examination of a self-employed person for the purposes of the Control of Asbestos Regulations (Northern Ireland) 2007(e), that

(a) Article 48(3) was amended by S.I. 1998/2795 (N.I. 18), Article 5(c)

(b) 1954 c. 33 (N.I.)

(c) 1929 c. 13 (N.I.); section 4 was amended by S.R. 1992 No. 396 and S.I. 1998/2795 (N.I. 18)

(d) 1937 c. 4 (N.I.) (1 Edw. 8 & 1 Geo. 6); section 1(4) was amended by S.R. 1992 No. 396 and S.I. 1998/2795 (N.I. 18)

(e) S.R. 2007 No. 31, revoked in part by S.R. 2007 No. 62

self-employed person shall pay to the Executive fees ascertained in accordance with paragraphs (2) and (3).

Fees payable for medical surveillance by an employment medical adviser under the Control of Lead at Work Regulations (Northern Ireland) 2003

5.—(1) Fees shall be payable in accordance with paragraph (2) by an employer to the Executive 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 (Northern Ireland) 2003(a).

(2) The fee payable for each item described in column 1 of Schedule 3 shall be that specified in the corresponding entry in column 2 of that Schedule.

Fees payable for various applications under the Control of Asbestos Regulations (Northern Ireland) 2007

6.—(1) A fee shall be payable by the applicant to the Executive on each application for a licence under the Control of Asbestos Regulations (Northern Ireland) 2007 (“the 2007 Regulations”).

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

(3) Where the Executive refuses to grant an applicant a licence under the 2007 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 in Schedule 4.

(5) Where the Executive amends a licence granted under the 2007 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 in Schedule 4.

(7) Where the Executive replaces a lost licence granted under the 2007 Regulations or amends a licence granted under those 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 in Schedule 4.

Fee payable on application for approval under the Freight Containers (Safety Convention) Regulations (Northern Ireland) 1992

7.—(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 containers under the Freight Containers (Safety Convention) Regulations (Northern Ireland) 1992(b).

(2) The fee payable on application for the approval described in column 1 of Schedule 5 shall be that specified in column 2 of that Schedule.

Fees associated with notifications and applications under the Notification of New Substances Regulations (Northern Ireland) 1994

8.—(1) The fee specified in column 2 of Table 1 in Schedule 6 shall be payable by a notifier to the competent authority, within the meaning of the Notification of New Substances Regulations

(a) S.R. 2003 No. 35, amended by S.R. 2005 No. 165 and S.R. 2006 No. 173

(b) S.R. 1992 No. 2, to which the relevant amendment is S.R. 1998 No. 125, regulation 12 and Schedule 9

(Northern Ireland) 1994(a), 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 in Schedule 6, 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 6—

“the 1985 Regulations” means the Notification of New Substances Regulations (Northern Ireland) 1985(b);

“the 1994 Regulations” means the Notification of New Substances Regulations (Northern Ireland) 1994;

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

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

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 associated with notifications and applications under the Genetically Modified Organisms (Contained Use) Regulations (Northern Ireland) 2001

9.—(1) The fee specified in column 2 of Schedule 7 shall be payable by a notifier to the competent authority on each such notification or application under the 2001 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 2001 Regulations or a notifier withdraws his notification pursuant to regulation 15(7) of the 2001 Regulations.

(3) In this regulation, “the 2001 Regulations” means the Genetically Modified Organisms (Contained Use) Regulations (Northern Ireland) 2001(c) and “competent authority” has the same meaning as in those Regulations.

Fees payable in respect of offshore installations

10.—(1) A fee shall be payable to the Executive by the person referred to in column 2 of Schedule 8 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 current safety case pursuant to the 2007 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 1978 Order which relates to the enforcement of any of the relevant statutory provisions against one or more than one of the following—

- (a) that operator or owner in relation to the installation to which the current safety case relates; or
- (b) a contractor in relation to any work carried out by him on or in connection with that installation.

(a) S.R. 1994 No. 6, to which the relevant amendment is S.R. 1998 No. 125, regulation 9 and Schedule 6

(b) S.R. 1985 No. 63, revoked by S.R. 1994 No. 6

(c) S.R. 2001 No. 295, to which the relevant amendment is S.R. 2003 No. 510, regulation 17 and Schedule 13

(3) In this regulation, regulation 12 and Schedule 8, “the 1993 Regulations” means the Offshore Installations (Safety Case) Regulations (Northern Ireland) 1993(a), “the 2007 Regulations” means the Offshore Installations (Safety Case) Regulations (Northern Ireland) 2007(b) and “installation”, “current safety case”, “safety case”, “operator” and “owner” have the same meanings as in the 2007 Regulations.

Fees payable in respect of gas safety functions

11.—(1) A fee shall be payable to the Executive by the person referred to in column 2 of Schedule 9 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 1997 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 1978 Order which relates to the enforcement of any of the relevant statutory provisions against one or other or both of the following—

- (a) that person in relation to the network, including a pipeline that it is intended will form part of the network, to which the safety case relates; or
- (b) a contractor in relation to work carried out by him on or in connection with that network including work on a pipeline that it is intended will form part of that network;

insofar as such enforcement is for the purpose of protecting persons from risks arising from the manner in which gas is or is to be conveyed or used.

(3) A fee shall be payable to the Executive by a person conveying gas who has prepared a safety case pursuant to the 1997 Regulations and a major accident prevention document pursuant to the Pipelines Safety Regulations (Northern Ireland) 1997(c) 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 1978 Order which relates to the enforcement of any of the relevant statutory provisions against one or other or both of the following—

- (a) that person in relation to work relating to a major accident hazard pipeline, including the construction of a pipeline that it is intended will form part of the network, to which the major accident hazard prevention document relates; or
- (b) a contractor in relation to work carried out by him relating to a major accident hazard pipeline, including the construction of a pipeline that it is intended will form part of the network, to which the major accident hazard prevention document relates.

(4) For the purposes of this regulation, regulation 12 and Schedule 9, “the 1997 Regulations” means the Gas Safety (Management) Regulations (Northern Ireland) 1997(d), “network”, “network emergency co-ordinator” and “safety case” have the same meanings as in the 1997 Regulations and “major accident hazard pipeline” has the same meaning as in the Pipelines Safety Regulations (Northern Ireland) 1997.

Provisions supplementary to regulations 10 and 11

12.—(1) The fees referred to in regulations 10 and 11 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

(a) S.R. 1993 No. 221, amended by S.R. 1995 No. 340, S.R. 1995 No. 345, S.R. 1996 No. 228, S.R. 1999 No. 150 and S.R. 2005 No. 45, revoked by S.R. 2007 No. 247
 (b) S.R. 2007 No. 247, revoked in part by S.R. 2008 No. 21
 (c) S.R. 1997 No. 193, amended by S.R. 1999 No. 150
 (d) S.R. 1997 No. 195, amended by S.R. 1999 No. 150 and S.R. 2000 No. 388

statement of the work done and the costs incurred including the period to which the statement relates.

(2) Any fees payable under regulations 10 and 11 shall not include any costs connected with any—

- (a) criminal investigation or prosecution incurred (in either case) from the date any summons is obtained from a Magistrates' Court; or
- (b) appeal pursuant to Article 26 of the 1978 Order (appeal against improvement or prohibition notice) and regulation 12(1) and (3)(c) of, and Schedules 1 and 5 to, the Industrial Tribunals (Constitution and Rules of Procedure) Regulations (Northern Ireland) 2005(a).

(3) For the purposes of regulation 10 and paragraph (2)(a), an installation shall be treated as being in Northern Ireland if it is in the Northern Irish area within the meaning of Article 1 of the Civil Jurisdiction (Offshore Activities) Order 1987(b).

(4) Any reference in regulation 10 to a person who has prepared a current safety case includes a reference to—

- (a) a person who is required to 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 2007 Regulations.

(5) Any reference in regulation 11 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 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 10 and 11 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 10 and 11 to a function conferred on an inspector by the 1978 Order 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 Order which is exercised for the purpose of carrying into effect those provisions in relation to that person.

Amendment of the Control of Major Accident Hazard Regulations (Northern Ireland) 2000

13.—(1) In regulation 22 of the Control of Major Accident Hazards Regulations (Northern Ireland) 2000(c) after paragraph (2), insert —

“(2A) Subject to paragraph (2B), a fee shall be payable to the Executive by an operator of an establishment who is required to prepare a safety report pursuant to regulation 7 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 1978 Order which relates to the enforcement of any of the relevant statutory provisions against one or more than one of the following—

- (a) that operator or owner in relation to the establishment to which the current safety report relates; or

(a) S.R. 2005 No. 150, amended by S.R. 2005 No. 376, S.R. 2005 No. 578, S.R. 2006 No. 261 and S.R. 2007 No. 340; revoked in part by S.R. 2006 No. 261
 (b) S.I. 1987 No. 2197
 (c) S.R. 2000 No. 93, amended by S.R. 2005 No. 305

(b) a contractor in relation to any work carried out by him on or in connection with that establishment.

(2B) Paragraph 2A does not apply in the case of an establishment where the presence of the dangerous substance at the establishment is, in the opinion of the Executive, for a purpose ancillary to the main activity at the establishment.”.

(2) In paragraph (3) for “paragraphs (1) and (2)” substitute “paragraphs (1), (2) and (2A)”.

(3) After paragraph (7) insert—

“(8) In this regulation any reference 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 this regulation, whether pursuant to an agreement or an arrangement he has made with that person or with another person.”.

Revocation

14.—(1) Subject to paragraph (2), the Health and Safety (Fees) Regulations (Northern Ireland) 2008^(a) are revoked.

(2) The Regulations referred to in paragraph (1) shall continue to apply in relation to any medical examination or medical surveillance carried out before [Insert operational date] as if these Regulations had not been made.

Sealed with the Official Seal of the Department of Enterprise, Trade and Investment on [DATE].



A senior officer of the Department of Enterprise, Trade and Investment

(a) S.R. 2008 No. 21

SCHEDULE 1

Regulation 2

FEES RELATING TO APPLICATIONS FOR PETROLEUM-SPIRIT LICENCES

Column 1	Column 2	Column 3
<i>Provision under which a fee is payable</i>	<i>Purpose of application</i>	<i>Fee</i>
<i>Petroleum (Consolidation) Act (Northern Ireland) 1929 (1929 c. 13)</i>		
Section 4 (see notes 1 and 2)	Licence to keep petroleum-spirit of a quantity— not exceeding 2,500 litres exceeding 2,500 litres but not exceeding 50,000 litres exceeding 50,000 litres	£40 for each year of licence £55 for each year of licence £115 for each year of licence
<i>Petroleum (Transfer of Licences) Act (Northern Ireland) 1937 (1937 c.4)</i>		
Section 1(4)	Transfer of petroleum-spirit licence	£8

Notes:

1. In the case of a solid substance for which by virtue of an order made under section 19 of the Petroleum (Consolidation) Act (Northern Ireland) 1929 a licence is required, the fee payable under this Schedule shall be calculated as if one kilogram of the substance were equivalent to one litre.
2. The fee payable for a licence of more or less than one year's duration shall be the fee set out above increased or decreased, as the case may be, proportionately according to the duration of the period for which the licence is granted or renewed.

SCHEDULE 2

Regulation 4

**FEEs PAYABLE FOR MEDICAL EXAMINATION OR
SURVEILLANCE BY AN EMPLOYMENT MEDICAL ADVISER**

<i>Column 1 Provision</i>	<i>Column 2 Reference</i>	<i>Column 3 Basic Fee</i>	<i>Column 4 Fee for X- Rays</i>	<i>Column 5 Fee for Laboratory tests</i>
(a) Regulation 10 of the Work in Compressed Air Regulations (Northern Ireland) 2004	S. R. 2004 No. 241	£68	£70	£40
(b) Regulation 22 of the Control of Asbestos Regulations (Northern Ireland) 2007	S. R. 2007 No. 31	£68	£70	£40
(c) Regulation 11 of the Control of Substances Hazardous to Health Regulations (Northern Ireland) 2003	S.R. 2003 No. 34	£68	£70	£40
(d) Regulation 24 of the Ionising Radiations Regulations (Northern Ireland) 2000	S.R. 2000 No. 375	£36 where surveillance is confined to examination of, and making entries in, records. £68 in other cases	£70	£40

SCHEDULE 3

Regulation 5

**FEE PAYABLE FOR MEDICAL SURVEILLANCE BY AN
EMPLOYMENT MEDICAL ADVISER UNDER THE CONTROL OF
LEAD AT WORK REGULATIONS (NORTHERN IRELAND) 2003**

Column 1 <i>Item</i>	Column 2 <i>Fee</i>
(a) On the first assessment of an employee (including any clinical medical examination and laboratory tests in connection with the assessment)	£68
(b) On each subsequent assessment of an employee—	
(i) for laboratory tests where these are carried out	£40
(ii) for a clinical medical examination where this is carried out	£40

SCHEDULE 4

Regulation 6

**FEE PAYABLE FOR VARIOUS APPLICATIONS UNDER THE
CONTROL OF ASBESTOS REGULATIONS (NORTHERN
IRELAND) 2007**

Table 1

Column 1 <i>Subject matter of licence</i>	Column 2 <i>Fee</i>
Licence for work with asbestos or renewal of (original) licence	£1,160

Table 2

Column 1 <i>Fee for re-assessment of licence application</i>	Column 2 <i>Fee for amendment of condition, or duration, of licence</i>	Column 3 <i>Fee for other amendment, or replacement, of a licence</i>
£300	£300	£80

SCHEDULE 5

Regulation 7

**FEE PAYABLE ON APPLICATION FOR APPROVAL UNDER THE
FREIGHT CONTAINERS (SAFETY CONVENTION) REGULATIONS
(NORTHERN IRELAND) 1992**

Column 1 <i>Subject matter of approval</i>	Column 2 <i>Fee</i>
Approval of scheme or programme for examination of freight containers	£90

SCHEDULE 6

Regulation 8

**FEEs ASSOCIATED WITH NOTIFICATIONS AND APPLICATIONS
UNDER THE NOTIFICATION OF NEW SUBSTANCES
REGULATIONS (NORTHERN IRELAND) 1994**

Table 1

Column 1	Column 2
<i>Subject matter</i>	<i>Fee payable</i>
For the evaluation of a notification under regulation 4 (“base set”) of a substance not already notified under the 1994 Regulations or to a competent authority of a member State for the purposes of the Directive	£4,987
For the evaluation of a notification under regulation 4 of a substance already notified—	£2,374
(i) under that regulation,	
(ii) under regulation 4(1) of the 1985 Regulations, or	
(iii) to a competent authority of a member State, other than the competent authority for Northern Ireland, for the purposes of either Article 6(1) of the predecessor Directive or Article 7 of the Directive,	
and either regulation 11 of the 1994 Regulations applies or the agreement of the competent authority for Northern Ireland has been obtained pursuant to regulation 13(1) of the 1994 Regulations	
For the evaluation of information provided for the purposes of regulation 5(1)(a)	£2,619
(> 10 tonnes per year)	
For the evaluation of information provided for the purposes of regulation 5(1)(b)	£5,154
(>100 tonnes per year)	
For the evaluation of information provided for the purposes of regulation 5(1)(c)	£3,613
(>1000 tonnes per year)	
For the evaluation of a notification under regulation 6, subject to the entry below relating to an evaluation of a notification in respect of an RTP polymer—	
(a) quantity of the new substance equal to or more than 100 kg (regulation 6(1))	£1,614
(b) quantity of the new substance equal to or more than 10kg but less than 100kg (regulation 6(2))	£1,014
For the evaluation of a notification (whether made under regulation 6(1) or 6(2), as the case may be), in respect of an RTP polymer of an amount equal to or more than 10kg per annum but less than one tonne per annum or the total amount is equal to or more than 500kg but less than 5 tonnes	£1,614
For the evaluation of information provided under regulation 6(4)(d)(i) in respect of a substance for the purpose of process-orientated research and development	£646
For an application made by a notifier for an exemption relating to him under regulation 23	£2,619

Table 2

Column 1	Column 2
<i>Circumstances described</i>	<i>Fee payable</i>
Where, in the opinion of the Executive, an adequate risk assessment has not been included with a notification under regulation 4 (“base set”)	£2,393 (plus VAT)
Where, in the opinion of the Executive, an adequate risk assessment has not been included with a notification under regulation 6—	
(a) quantity of the new substance equal to or more than 100kg (regulation 6(1))	£578 (plus VAT)
(b) quantity of the new substance equal to or more than 10kg but less than 100kg (regulation 6(2))	£578 (plus VAT)

SCHEDULE 7

Regulation 9

**FEES ASSOCIATED WITH NOTIFICATIONS AND APPLICATIONS
UNDER THE GENETICALLY MODIFIED ORGANISMS
(CONTAINED USE) REGULATIONS (NORTHERN IRELAND) 2001**

Column 1 <i>Description</i>	Column 2 <i>Fee</i>
(a) Notification of the intention to use premises for the first time for the purpose of undertaking activities involving genetic modification under regulation 9(1)	£465
(b) Notification of an activity involving genetic modification in class 2 under regulation 10(1)	£929
(c) Notification of the intention to use premises for the first time for the purpose of undertaking activities involving genetic modification under regulation 9(1) at the same time as notification of an activity involving genetic modification in class 2 under regulation 10(1)	£929
(d) Notification of an activity involving genetic modification in class 3 under regulation 11(1)	£1,007
(e) Notification of the intention to use premises for the first time for the purpose of undertaking activities involving genetic modification under regulation 9(1) at the same time as notification of an activity involving genetic modification in class 3 under regulation 11(1)	£1,007
(f) Notification of an activity involving genetic modification in class 4 under regulation 11(1)	£1,161
(g) Notification of the intention to use premises for the first time for the purpose of undertaking activities involving genetic modification under regulation 9(1) at the same time as the notification of an activity involving genetic modification in class 4 under regulation 11(1)	£1,161
(h) Notification of an activity involving genetic modification of organisms other than micro-organisms under regulation 12(1)	£929
(i) Notification of the intention to use premises for the first time for the purpose of undertaking activities involving genetic modification under regulation 9(1) at the same time as notification of an activity involving genetic modification of organisms other than micro-organisms under regulation 12(1)	£929
(j) Notification of additional information under regulation 15(3)	£696
(k) Application for the written agreement of the competent authority under regulation 18(2) where the application is made after a notification has been submitted pursuant to regulation 9(1), 10(1), 11(1) or 12(1)	£696

SCHEDULE 8

Regulation 10

FEES PAYABLE IN RESPECT OF OFFSHORE INSTALLATIONS

Column 1 <i>Function</i>	Column 2 <i>Person by whom fee is payable</i>
Assessing a design notification (sent to the Executive pursuant to regulation 6(1) or 9(1) of the 2007 Regulations) for the purpose of deciding whether to raise matters relating to health and safety and raising such matters	The operator or owner who sent the design notification to the Executive pursuant to that provision
Assessing a relocation notification (sent to the Executive pursuant to regulation 6(2) of the 2007 Regulations) for the purpose of deciding whether to raise matters relating to health and safety and raising such matters	The operator who sent the relocation notification to the Executive pursuant to that provision
Assessing a safety case or a revision to a current safety case (sent to the Executive pursuant to any provision of the 2007 Regulations) for the purpose of deciding whether to accept that safety case or revision and accepting any such safety case or revision	The operator or owner who sent the safety case or revision to the Executive pursuant to that provision
Providing advice with respect to the preparation of a safety case or a revision to a current safety case which is proposed to be sent to the Executive pursuant to any provision of the 2007 Regulations	The operator or owner who has requested that advice
Assessing whether to grant an exemption pursuant to regulation 23 of the 2007 Regulations and granting any such exemption	The operator or owner who has requested the exemption
Assessing whether to grant an exemption pursuant to regulation 16 of the 1993 Regulations in so far as that regulation is continued in operation by regulation 27(1) of the 2007 Regulations and granting any such exemption	The operator or owner who has requested the exemption

SCHEDULE 9

Regulation 11

FEES PAYABLE IN RESPECT OF GAS SAFETY FUNCTIONS

Column 1 <i>Function</i>	Column 2 <i>Person by whom fee is payable</i>
Assessing a safety case or a revision of a safety case (sent to the Executive pursuant to any provision of the 1997 Regulations) for the purpose of deciding whether to accept that safety case or revision, and accepting any such safety case or revision	The person conveying gas, the person intending to convey gas or the network emergency co-ordinator who has prepared the safety case or revision pursuant to that provision
Providing advice with respect to the preparation of a safety case or revision to a safety case which is proposed to be sent to the Executive pursuant to any provision of the 1997 Regulations	The person conveying gas, the person intending to convey gas or the network co-ordinator who has requested that advice
Assessing whether to grant an exemption pursuant to regulation 11 of the 1997 Regulations	The operator or owner who has requested the exemption

EXPLANATORY NOTE

(This note is not part of the Regulations)

1. These Regulations revoke and re-enact the Health and Safety (Fees) Regulations (Northern Ireland) 2008 (S.R. 2008 No. 21). They consolidate amendments made to those Regulations and also update fees to be charged. They also extend charging for general health and safety in high hazard industries. They fix or determine the fees payable by an applicant to, in most cases, the Health and Safety Executive for Northern Ireland (“the Executive”), in respect of an application made for—

- (a) a licence under the Petroleum (Consolidation) Act (Northern Ireland) 1929 (1929 c. 13 (N.I.)) and for the transfer of a licence under the Petroleum (Transfer of Licences) Act (Northern Ireland) 1937 (1937 c. 4 (N.I.)) (*regulation 2 and Schedule 1*);
- (b) a licence under the Control of Asbestos Regulations (Northern Ireland) 2007 (S.R. 2007 No. 31) and for the re-assessment of whether to grant an application for an asbestos licence and for amendments to, and replacements of lost, asbestos licences (*regulation 6 and Schedule 4*);
- (c) an approval of a scheme or programme under the Freight Containers (Safety Convention) Regulations (Northern Ireland) 1992 (S.R. 1992 No. 2) (*regulation 7 and Schedule 5*);

and in respect of—

- (d) a notification, application or for the evaluation of information under the Notification of New Substances Regulations (Northern Ireland) 1994 (S.R. 1994 No. 6) (*regulation 8 and Schedule 6*); and
- (e) a notification or application under the Genetically Modified Organisms (Contained Use) Regulations (Northern Ireland) 2001 (S.R. 2001 No. 295) (*regulation 9 and Schedule 7*).

2. The Regulations fix fees to be paid in respect of medical examinations and surveillance by an employment medical adviser, which are required under certain of the relevant statutory provisions (*regulations 4 and 5 and Schedules 2 and 3*).

3. The Regulations fix or determine the fees payable by specified persons in the offshore and gas industries for the performance by the Executive of the functions specified in those provisions and in relation to general health and safety functions at those sites (*regulations 10 to 12 and Schedules 8 and 9*).

4. The Regulations introduce fees for work done by the Executive in relation to the enforcement of general health and safety functions conferred by the 1978 Order relating to the transportation of gas through “major accident hazard pipelines”, including where such work is not directly concerned with protecting persons from the risks arising from the manner in which gas is conveyed or used (*regulation 11*).

5. The Regulations amend the Control of Major Accident Hazards Regulations (Northern Ireland) 2000 (as amended) (“the COMAH Regulations”) to introduce fees for work done by the Executive in relation to the enforcement of general health and safety functions conferred by the 1978 Order for establishments that are required by regulation 7 of the COMAH Regulations to prepare a safety report (*regulation 13*).

6. An estimate of the costs associated with these Regulations has been prepared by the Executive and is held at its offices at 83 Ladas Drive, Belfast, BT6 9FR, from where a copy may be obtained on request.

7. The new fees compared with those fixed by or determined under the previous fee-charging provisions are as follows:

Table

<i>Provision of these Regulations which fixes or determines the fees</i>	<i>Previous Fee</i>			<i>New Fee</i>			<i>Percentage Increase</i>		
Regulation 2 and Schedule 1									
Licence to keep petroleum-spirit of a quantity—									
—not exceeding 2,500 litres	£39			£40			2.56		
—exceeding 2,500 litres but not exceeding 50,000 litres	£54			£55			1.85		
—exceeding 50,000 litres	£111			£115			3.60		
Transfer of petroleum-spirit licence	£8			£8			-		
Regulation 4 and Schedule 2									
	<i>Basic</i>	<i>X-Rays</i>	<i>Laboratory Tests</i>	<i>Basic</i>	<i>X-Rays</i>	<i>Laboratory Tests</i>	<i>Basic</i>	<i>X-Rays</i>	<i>Laboratory Tests</i>
Medical examination or surveillance by an employment medical adviser under the—									
Work in Compressed Air Regulations (Northern Ireland) 2004	£66	£67	£39	£68	£70	£40	3.03	4.48	2.56
Control of Asbestos Regulations (Northern Ireland) 2007	£66	£67	£39	£68	£70	£40	3.03	4.48	2.56
Control of Substances Hazardous to Health Regulations (Northern Ireland) 2003	£66	£67	£39	£68	£70	£40	3.03	4.48	2.56
Ionising Radiation Regulations (Northern Ireland) 2000									

<i>Provision of these Regulations which fixes or determines the fees</i>		<i>Previous Fee</i>			<i>New Fee</i>			<i>Percentage Increase</i>		
(a)	where surveillance is confined to examination of, and making entries in, records	£35	£67	£39	£36	£70	£40	2.86	4.48	2.56
(b)	in other cases	£66	£67	£39	£68	£70	£40	3.03	4.48	2.56
Regulation 5 and Schedule 3										
Medical surveillance by an employment medical adviser under the—										
Control of Lead at Work Regulations (Northern Ireland) 2003										
(a)	on the first assessment of an employee (including any clinical medical examination and laboratory tests in connection with the assessment)	£66			£68			3.03		
(b)	on each subsequent assessment of an employee—									
(i)	for laboratory tests where these are carried out	£39			£40			2.56		
(ii)	for a clinical medical examination where this is carried out	£39			£40			2.56		

<i>Provision of these Regulations which fixes or determines the fees</i>	<i>Previous Fee</i>	<i>New Fee</i>	<i>Percentage Increase</i>
Regulation 6 and Schedule 4 Applications under the Control of Asbestos Regulations (Northern Ireland) 2007			
Table 1 Licence for work with asbestos or renewal of (original) licence	£1,050	£1,160	10.48
Table 2 Re-assessment of licence application	£283	£300	6.01
Amendment of condition, or duration, of licence	£283	£300	6.01
Other amendment, or replacement, of a licence	£76	£80	5.26
Regulation 7 and Schedule 5 Approval under the Freight Containers (Safety Convention) Regulations (Northern Ireland) 1992			
Approval of scheme or programme for examination of freight containers	£87	£90	3.45
Regulation 8 and Schedule 6 Notification of New Substances Regulations (Northern Ireland) 1994			

<i>Provision of these Regulations which fixes or determines the fees</i>	<i>Previous Fee</i>	<i>New Fee</i>	<i>Percentage Increase</i>
Table 1			
For the evaluation of a notification under regulation 4 (“base set”)	£4,987	£4,987	-
For the evaluation of a notification of a substance already notified	£2,374	£2,374	-
For the evaluation of a notification under regulation 5(1)(a) (>10 tonnes per year)	£2,619	£2,619	-
For the evaluation of a notification under regulation 5(1)(b) (>100 tonnes per year)	£5,154	£5,154	-
For the evaluation of a notification under regulation 5(1)(c) (>1,000 tonnes per year)	£3,613	£3,613	-
For notifications under regulation 6—			
(a) quantity of the new substance equal to or more than 100kg (regulation 6(1))	£1,614	£1,614	-
(b) quantity of the new substance equal to or more than 10kg but less than 100kg (regulation 6(2))	£1,014	£1,014	-

<i>Provision of these Regulations which fixes or determines the fees</i>	<i>Previous Fee</i>	<i>New Fee</i>	<i>Percentage Increase</i>
For the evaluation of a notification (whether made under regulation 6(1) or 6(2) as the case may be) in respect of an RTP polymer of an amount equal to or more than 10kg per annum but less than one tonne per annum or the total amount is equal to or more than 500kg but less than 5 tonnes	£1,614	£1,614	-
For the evaluation of information provided under regulation 6(4)(d)(i) in respect of a substance for the purposes of process orientated research and development	£646	£646	-
For an application made by a notifier for an exemption relating to him under regulation 23	£2,619	£2,619	-
Table 2 For the evaluation of a notification under regulation 4 as an additional fee to the fee above for such notification where no adequate risk assessment is included	£2,393 (plus VAT)	£2,393 (plus VAT)	-

<i>Provision of these Regulations which fixes or determines the fees</i>	<i>Previous Fee</i>	<i>New Fee</i>	<i>Percentage Increase</i>
For notifications under regulation 6 as an additional fee to the fee above for such notification where no adequate risk assessment is included—			
(a) quantity of the new substance equal to or more than 100kg (regulation 6(1))	£578 (plus VAT)	£578 (plus VAT)	-
(b) quantity of the new substance equal to or more than 10kg but less than 100kg (regulation 6(2))	£578 (plus VAT)	£578 (plus VAT)	-
Regulation 9 and Schedule 7			
Genetically Modified Organisms (Contained Use) Regulations (Northern Ireland) 2001			
Notification of the intention to use premises for the first time for the purpose of undertaking activities involving genetic modification under regulation 9(1)	£465	£465	-
Notification of an activity involving genetic modification in class 2 under regulation 10(1)	£929	£929	-

<i>Provision of these Regulations which fixes or determines the fees</i>	<i>Previous Fee</i>	<i>New Fee</i>	<i>Percentage Increase</i>
Notification of the intention to use premises for the first time for the purpose of undertaking activities involving genetic modification under regulation 9(1) at the same time as notification of an activity involving genetic modification in class 2 under regulation 10(1)	£929	£929	-
Notification of an activity involving genetic modification in class 3 under regulation 11(1)	£1,007	£1,007	-
Notification of the intention to use premises for the first time for the purpose of undertaking activities involving genetic modification under regulation 9(1) at the same time as notification of an activity involving genetic modification in class 3 under regulation 11(1)	£1,007	£1,007	-
Notification of an activity involving genetic modification in class 4 under regulation 11(1)	£1,161	£1,161	-
Notification of the intention to use premises for the first time	£1,161	£1,161	-

<i>Provision of these Regulations which fixes or determines the fees</i>	<i>Previous Fee</i>	<i>New Fee</i>	<i>Percentage Increase</i>
for the purpose of undertaking activities involving genetic modification under regulation 9(1) at the same time as notification of an activity involving genetic modification in class 4 under regulation 11(1)			
Notification of an activity involving genetic modification of organisms other than micro-organisms under regulation 12(1)	£929	£929	-
Notification of the intention to use premises for the first time for the purpose of undertaking activities involving genetic modification under regulation 9(1) at the same time as notification of an activity involving genetic modification of organisms other than micro-organisms under regulation 12(1)	£929	£929	-
Notification of additional information under regulation 15(3)	£696	£696	-
Application for the written agreement of the competent authority under regulation	£696	£696	-

<i>Provision of these Regulations which fixes or determines the fees</i>	<i>Previous Fee</i>	<i>New Fee</i>	<i>Percentage Increase</i>
18(2) where the application is made after a notification has been submitted pursuant to regulation 9(1), 10(1), 11(1) or 12(1)			
Regulation 10 and Schedule 8 Offshore Installations	Sum of the costs reasonably incurred by the Executive for the function performed	Sum of the costs reasonably incurred by the Executive for the function performed	-
Regulation 11 and Schedule 9 Gas Safety Functions	Sum of the costs reasonably incurred by the Executive for the function performed	Sum of the costs reasonably incurred by the Executive for the function performed	-

EQUALITY IMPACT SCREENING DOCUMENT

Proposals for Health and Safety (Fees) Regulations (Northern Ireland) 2009

Summary

The Health and Safety Executive for Northern Ireland (HSENI) has screened the above proposals for any possible impact on equality of opportunity affecting the groups listed in section 75 of the Northern Ireland Act 1998. No adverse or differential aspects were identified and HSENI concludes that a full Equality Impact Assessment is not necessary in this case. However, HSENI will, if necessary, review the position in the light of any comments received as a result of consultation (see paragraph 3.3 below).

The following sections set out HSENI's screening process.

Section 1 - The Legal Background

Under section 75 of the Northern Ireland Act 1998, HSENI is required to have due regard to the need to promote equality of opportunity:

- between persons of different religious belief, political opinion, racial group, age, marital status or sexual orientation;
- between men and women generally;
- between persons with a disability and persons without; and
- between persons with dependants and persons without.

Without prejudice to the obligations set out above, HSENI is also required, in carrying out its functions relating to Northern Ireland, to have regard to the desirability of promoting good relations between persons of different religious beliefs, political opinion or racial group.

Section 2 – Proposals to be screened

2.1 Title of proposals

This screening concerns proposals for the Health and Safety (Fees) Regulations (Northern Ireland) 2009 (“the proposals”).

2.2 Brief description of proposals

The proposals are to be submitted to the Department of Enterprise, Trade and Investment (DETI) for the making of health and safety Regulations under the European Communities Act 1972 and the Health and Safety at Work (Northern Ireland) Order 1978.

The proposals involve revoking and replacing the Health and Safety (Fees) Regulations (Northern Ireland) 2008 (“the 2008 Regulations”).

Under health and safety law, fees are chargeable for various services, ranging from fees for medical examinations carried out by HSENI's Employment Medical Advisers, through fees for the evaluation of proposals for work with genetically modified organisms or notifications of new substances to fees payable for licences to work with asbestos, etc. The fees are payable by employers or others in charge of undertakings and responsible for making notifications, etc. The proposals will also extend charging to include the enforcement of general health and safety requirements in the gas transportation industry and onshore major hazard sectors. This will enable HSENI to charge high hazard industries a fee for the enforcement of general health and safety provisions. The amount of fee is not specified in the proposed Regulations but shall not exceed the sum of the costs reasonably incurred by HSENI.

The fees are reviewed periodically and, where appropriate, increased, kept static or decreased to reflect current costs.

Annexes A to D of this document describe the fees that have changed and provide the current and proposed rates.

2.3 Aims/objectives of proposals

The main aims and objectives of the proposals is to revoke and re-enact the current fee setting provisions with increased rates.

The 2008 Regulations came into operation in Northern Ireland on 10 March 2008. They updated the charges made, mainly by HSENI, for the performance of a wide range of statutory functions which required the payment of fees for such functions under health and safety at work law ("health and safety fees").

The proposed Regulations will continue to provide a single point of reference for health and safety fees as well as updating the fees to 2007/2008 prices.

2.4 Persons affected by the proposals

Fees are payable by employers, the self-employed, businesses and other corporate organisations such as universities or research organisations. In no case is a fee paid by an employee, trainee or student, etc.

2.5 Responsibility for devising and delivering the proposals

HSENI is responsible for devising and delivering the proposals to DETI. If DETI accepts the proposals, it is responsible for enacting the legislation.

2.6 Available data

Available data consists of the number of applications, notifications, etc attracting the fees. Such existing data as is available is quoted in Annexes A to D of this document.

The impact of individual fees being increased would not have an overall significant effect on Northern Ireland industry.

Section 3 – Screening Analysis

3.1 Participation or Uptake

The provisions of the Health and Safety (Fees) Regulations (Northern Ireland) 2009 apply universally and will simply change or establish the rate of fee for services or controls specified in existing health and safety legislation. Since they will introduce no new duties or responsibilities it is unlikely that their provisions would be influenced by any of the characteristics listed below:

Religious belief	Sexual orientation
Political opinion	Sex
Racial group	Disability
Age	Dependency
Marital status	

3.2 Needs, experiences, issues and priorities

The proposals are designed to provide a single point of reference for health and safety fees as well as updating the fees to 2007/2008 prices; they therefore are designed to maintain services and thus address issues common to all of the following groups:

Religious belief	Sexual orientation
Political opinion	Sex
Racial group	Disability
Age	Dependency
Marital status	

3.3 Consultation with relevant groups

This screening document will be included in HSENI's consultative document on the proposals, and the views of all groups listed in paragraphs 3.1 and 3.2 will be actively sought. The conclusions and the screening process will be reviewed in the light of comments made or information received.

3.4 Promotion of equality of opportunity or community relations

The proposals will not directly promote equality of opportunity. However, it will ensure that Northern Ireland is in the same position as Great Britain in relation to the issue of health and safety fees.

3.5 Obligation to have due regard to the need to promote equality of opportunity

For the reasons cited in paragraph 3.4, it is not considered that these proposals present any significant risk to HSENI's obligation to have due

regard to the need to promote equality of opportunity.

3.6 Differential impact

The proposals have been developed to continue to provide a single point of reference for health and safety fees as well as updating the fees to 2007/2008 prices. There should be no differential impact on any group.

Section 4 - EQIA Recommendation

4.1 Estimated impact

The proposals increase the rates of current fees and will impact on those employers and organisations that have responsibilities under the various health and safety provisions, in that they may incur higher costs.

Whilst increases in fees are naturally unwelcome, it is not expected that the proposals will have any overall significant impact in Northern Ireland.

4.2 Scale of expenditure

For the reasons set out in paragraph 4.1, it is considered that the proposals will have no significant impact in terms of costs and benefits.

4.3 Need for full Equality Impact Assessment (EQIA)

Subject to the outcome of consultation with relevant groups it is considered that these proposals should not be subject to a full EQIA.

4.4 Future monitoring

The requirement to pay fees will be monitored by HSENI through the normal compliance procedures.

Section 5 – Disability Duties

Under the Disability Discrimination Act 1995 (as amended by the Disability Discrimination (Northern Ireland) Order 2006) HSENI is required to have due regard to the need:

- to promote positive attitudes towards disabled people; and
- to encourage participation by disabled people in public life.

The primary aim of the proposals is simply to change or establish the rate of fee for services or controls specified in existing health and safety legislation. As a result there is limited scope for these proposals to contribute towards promoting positive attitudes towards disabled people or towards encouraging participation by disabled people in public life.

August 2008

Health and Safety Executive
for Northern Ireland

Name

Age Concern
 Agent for the Copyright Libraries
 Alliance Party
 Allpipe Engineering Ltd
 Amalgamated Engineering and Electrical Union
 Amalgamated Transport and General Workers Union
 AMEY BPO
 AMICUS
 Antrim Enterprise Agency
 Appointed Doctors
 Ards Business Centre
 Argyle Business Centre
 Armagh Business Centre Ltd
 Asbestos Licence Holders
 Association of British Insurers
 Association of Chief Officers of Voluntary Organisations
 Association of Consulting Engineers (NI Branch)
 Association of Independent Advice Centres
 Association of Local Authorities of Northern Ireland
 Association of Teachers and Lecturers
 Association of University Teachers
 Atlas Environmental NI
 Autism Northern Ireland
 Baha'i Office for Northern Ireland
 Bakers, Food and Allied Workers Union
 Ballymena Business Development Centre Ltd
 Banbridge Enterprise Centre
 Bar Council
 Barnardos
 Belcoo Enterprise Ltd
 Belfast Centre for the Unemployed
 Belfast City Centre Management
 Belfast City Council
 Belfast Education and Library Board
 Belfast Harbour Commissioners
 Belfast Hebrew Congregation
 Belfast Marine Engineering Employers' Association
 Belfast Traveller Education and Development Group
 Borough Councils
 Boxmore Plastics Limited
 British Clothing Industry Association (NI)
 British Deaf Association (NI)
 British Medical Association
 British Oxygen Company
 Brookfield Business Centre Ltd
 Bryson House
 Business in the Community

Calor Gas (NI) Limited
Cara-Friend
Carers NI
Carrickfergus Enterprise Agency Ltd
Castleberg and District Enterprises Co Ltd
Castlereagh Enterprises Ltd
Cedar Foundation
Central Services Agency
Chadwyck-Healey Limited
Chartered Institute of Environmental Health, NI
Chartered Institute of Marketing
Chief Executive's Forum
Child Care Northern Ireland
Child Poverty Action Group
Childrens Law Centre
Chinese Chamber of Commerce
Chinese Welfare Association Ltd
Church of Ireland
Cinematograph Exhibitors' Association
City Councils
Civic Forum
Civil Service Occupational Health Service
Coalisland and District Development Association
Coalition on Sexual Orientation
Coleraine Enterprise Agency
Commissioner for Children and Young People
Committee on the Administration of Justice
Communication Workers' Union (CWU)
Community Dialogue
Community Relations Council
Community Relations Training Learning Consortium
Community Union
CONCORDIA
Confederation of British Industry
CONNECT
Construction Employers' Federation
Construction Industry Training Board
Cookstown Enterprise Centre Ltd
Coolkeeragh Power Limited
Co-Operation Ireland
Council for Catholic Maintained Schools
Counteract
Craigavon Industrial Development Organisation Ltd
Creggan Enterprises Ltd
Democratic Left
Democratic Unionist Party
Department of Culture, Arts and Leisure
Department for Employment and Learning
Department for Regional Development
Department of Agriculture and Rural Development

Department of Education
Department of Enterprise Trade and Investment
Department of Finance and Personnel
Department of Health, Social Services and Public Safety
Department for Social Development
Department of the Environment
Department of the Environment, Environment and Heritage Service
Derry Well Woman
Desmond and Sons Limited
Disability Action
District Councils
Down's Syndrome Association
Driver and Vehicle Testing Agency
Driver Training Services
Du Pont (UK) Limited
Dungannon Enterprise Centre Ltd
East Belfast Community Development Agency
East Belfast Enterprise Park Ltd
Eastern Group Environmental Health Committee
Eastern Health and Social Services Board
Economic Research Institute of Northern Ireland
Employers' Forum on Disability
Engineering Employers' Federation
Engineering Training Council
Engineers' and Managers' Association (EMA)
Enterprise Ulster
Equality Commission
Equality Forum Northern Ireland
Equipment Hire Association of Northern Ireland Ltd
Equity
Eurocentre West Ltd
Falls Community Council
Farset Enterprise Park Ltd
Federation of Petroleum Suppliers
Federation of Small Businesses
Federation of Small Businesses Recruitment
Federation of the Retail Licensed Trade (NI)
Fermanagh Enterprise Ltd
Fire Brigades Union
Forensic Science Agency of Northern Ireland
Fortress Pro-Tec Ltd
Forum for Community Network
Foyle Meats
Foyle Women's Information Network
FPA NI (formerly Family Planning Association)
Freight Transport Association
Gingerbread Northern Ireland
Glenwood Enterprises Ltd
GMB
Graphical Paper and Media Union

Gray & Adams (Ireland) Ltd
Greater Belfast Community Network
Greater East Belfast Partnership Board
Greater Shankill Partnership
Green Party
Handkerchief and Household Goods Association
Harland and Wolff Heavy Industries Limited
Head of the Northern Ireland Civil Service
Health and Safety Executive
Heating and Ventilating Contractors' Association
Help the Aged
Heron Brothers Ltd
Homefirst Community Health and Social Services Trust
INCORE Conflict Resolutions Ltd
Indian Community Centre
Institute of Acoustics
Institute of Directors
Institute of Directors (NI Division)
Institute of Professionals, Managers and Specialists (IPMS)
Invest NI
Irish Bank Officials Association
Irish National Teachers Organisation
James G McAlorum Ltd
John Mackle (Moy) Limited
Joint Industry Board for the Electrical Engineering Industry
Justice for Asbestos Victims
Keady Business Centre
Kesh Development Association Charitable Trust
Labour Party
Labour Relations Agency
Lagan Group
Larne Development Forum
Larne District Partnership Board
Larne Enterprise Development Co Ltd
Law Centre (NI)
Law Society of Northern Ireland
Lilliput Services
Lisburn Enterprise Organisation Ltd
Local Strategy Partnership
Loughrey College
Lurgan Council for Voluntary Action
Magherafelt Womens Group
Mallusk Enterprise Park
Maritime and Coastguard Agency
Mastic Asphalt Federation (NI)
Mr B McClintock
McGrigors, Solicitors
MENCAP
Methodist Church in Ireland
Ministry of Defence

Moyle Enterprise Co Ltd
MPs MEPs
Mr George Condell
Mr T Mills
Mr Richard Steele
Multi-Cultural Resource Centre
Musicians Union
National Association of Schoolmasters/Union of Women Teachers
National Association of Teachers in Further and Higher Education
National Energy Action Charity
National Union of Rail, Maritime and Transport Workers
Newry and Mourne Enterprise Agency
Newry and Mourne Senior Citizen's Consortium
Newry and Mourne Women
Newtownabbey Senior Citizen's Forum
NI-CO (Northern Ireland Public Sector Enterprises Ltd)
NIGEN
North Belfast Partnership Board
North City Business Centre Ltd
North Down Development Organisation Ltd
North Eastern Education and Library Board
North West Community Network
North West Forum of People with Disabilities
North West Industrial Health and Safety Group
Northern Group Systems
Northern Health and Social Services Board
Northern Ireland African Cultural Centre
Northern Ireland Agricultural Producers' Association
Northern Ireland Anti-Poverty Network
Northern Ireland Assembly Members
Northern Ireland Association for Mental Health
Northern Ireland Association for the Care and Resettlement of Offenders
Northern Ireland Association of Citizens Advice Bureaux
Northern Ireland Audit Office
Northern Ireland Authority for Energy Regulation
Northern Ireland Bakery Council
Northern Ireland Bankers' Association
Northern Ireland Centre for Competitiveness
Northern Ireland Chamber of Commerce & Industry
Northern Ireland Chamber of Trade
Northern Ireland Committee/Irish Congress of Trade Unions
Northern Ireland Conservative Association
Northern Ireland Council for Ethnic Minorities
Northern Ireland Council for Integrated Education
Northern Ireland Council for the Curriculum, Examinations and Assessment
Northern Ireland Council for Voluntary Action
Northern Ireland Court Service
Northern Ireland Dairy Association
Northern Ireland Electricity
Northern Ireland Economic Research Centre

Northern Ireland Fire and Rescue Service
Northern Ireland Gay Rights Association
Northern Ireland Hotels Federation
Northern Ireland Housing Executive
Northern Ireland Human Rights Commission
Northern Ireland Islamic Centre
Northern Ireland Master Plumbers' Association
Northern Ireland Occupational Health and Safety Group
Northern Ireland Office
Northern Ireland Oil Federation
Northern Ireland Partnership Board
Northern Ireland Plastics Association
Northern Ireland Prison Service
Northern Ireland Public Service Alliance (NIPSA)
Northern Ireland Quarry Owners' Association
Northern Ireland Railways
Northern Ireland Resident Magistrates' Association
Northern Ireland Spinners Limited
Northern Ireland Statistics and Research Agency (NISRA)
Northern Ireland Textiles and Apparel Association Ltd
Northern Ireland Timber Trades' Association
Northern Ireland Tourist Board
Northern Ireland Unionist Party
Northern Ireland Voluntary Trust
Northern Ireland Volunteer Development Agency
Northern Ireland Women's Aid Federation
Northern Ireland Women's European Platform
NSPCC, Northern Ireland Regional Office
NUS/USI, Northern Ireland Student Centre
NW Community Network
Occupational Health Service
Office of Industrial Tribunals
Office of the First Minister and Deputy First Minister
Omagh Enterprise Co Ltd
Omagh Women's Area Network
Organisation for the Unemployed Northern Ireland
Ormeau Enterprises Ltd
Pass International
PDA Consultant Engineers
Peter Scott Health and Safety
Petrol Retailers Association
Pharmaceutical Society of Northern Ireland
Phoenix Natural Gas
POBAL
Police Federation for Northern Ireland
Police Service of Northern Ireland
Premier Power Limited
Presbyterian Church in Ireland
Press for Change
PricewaterhouseCoopers

Prince's Trust
Progressive Unionist Party
Public Commerce Services Union (PCS)
Quarry Products Association NI
Queen's University
Relate
Retail Motor Industry Federation
Richards PLC
Roads Service
Roe Valley Enterprises Ltd
Roman Catholic Church
Roslea Enterprises Ltd
Royal College of Midwives
Royal College of Nursing of the UK (NI Board)
Royal Group of Hospitals Trust
Royal Institution of Chartered Surveyors in Northern Ireland
Royal National Institute for Deaf People (NI)
Royal National Institute for the Blind (NI)
Rural Community Network
Rural Development Council
Rural Support
Safety Advice Centre
Save the Children
SDLP
Seagate Technology (Ireland)
Sense NI
Services Industrial Professional Technical Union
Shorts Bombardier PLC
Sikh Cultural Centre
Sinn Fein
Skyglaze Architectural Systems Ltd
Social Economy Agency (NI)
Social Security Agency
Society of Occupational Medicine
South Belfast Partnership Board
South Eastern Education and Library Board
South West Fermanagh Development Organisation Ltd
Southern Education and Library Board
Southern Group Environmental Health Committee
Southern Health and Social Services Board
Spence Bryson Limited
SRT Donnelly and Co
St John Ambulance NI
Strabane Industrial Properties Ltd
Staff Commission for Education and Library Boards
Sypol Ltd
Tennants Textile Colours Limited
Tesco Stores Limited
The British Chemical Distributors and Traders Association
The British Library

The Glass and Glazing Federation
The Guide Dogs for the Blind Association
The Institute of Quarrying
The Local Government Staff Commission for NI (LGSC)
The Northern Group
The Senior Citizens Consortium Sperrin Lakeland
The Workers' Party
The Women's Centre
Thermomax Limited
Townsend Enterprise Park Ltd
Trainfield Construction Ltd
Training for Women Network Ltd
Translink
Transport Salaried Staff Association
Transport Training Services Ltd
Transtec Automotive (Campsie) Limited
UK Unionist Party
Ulster Cancer Foundation
Ulster Community and Hospitals Trust
Ulster Farmers' Union
Ulster Furniture Federation
Ulster Scots Heritage Council
Ulster Teachers' Union
Ulster Unionist Party
Union of Construction, Allied Trades and Technicians
Union of Shop, Distributive and Allied Workers
UNISON
University of Ulster at Coleraine
Water Service
West Belfast Development Trust Ltd
West Belfast Economic Forum
West Belfast Partnership Board
Western Education and Library Board
Western Group Environmental Service
Western Health and Social Services Board
Westlink Enterprise Centre
Women's Forum Northern Ireland
Women's Information Group
Women's Resource and Development Agency
Women's Support Network
Women's Training, Enterprise and Childcare
Workspace
Youth Action Northern Ireland Gender Equality Unit
Youth Council for Northern Ireland