



**The Health and Safety (Fees) Regulations
(Northern Ireland) 2012 – S.R. 2012 No. 255**

Impact Assessment

An Impact Assessment (IA) is a tool, which informs policy decisions. All NI Government Departments must comply with the impact assessment process when considering any new, or amendments to, existing policy proposals. Where regulations or alternative measures are introduced an IA should be used to make informed decisions. The IA is an assessment of the impact of policy options in terms of the costs, benefits and risks of the proposal. New regulations should only be introduced when other alternatives have first been considered and rejected and where the benefits justify the costs.

The IA process is not specific to the UK Civil Service or the NI Civil Service – many countries use a similar analysis to assess proposed regulations and large organisations appraise their investment decisions in similar ways too.

In this instance the majority of fees are increased in line with inflation. However, fees for asbestos licensing increase above the rate of inflation to include annual inspection costs. A full IA has not been prepared as there is no significant impact on business, charities, social enterprise or voluntary bodies. There is no impact on the public sector. Attached please find a cost analysis in respect of the Health and Safety (Fees) Regulations (Northern Ireland) 2012.

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**HEALTH AND SAFETY (FEES) REGULATIONS
(NORTHERN IRELAND) 2012**

NOTE ON NORTHERN IRELAND COSTS AND BENEFITS

1. I declare that: -
 - (a) the purpose of the Health and Safety (Fees) Regulations (Northern Ireland) 2012 (“the Northern Ireland Regulations”) is to replicate for Northern Ireland, regulations 4 to 7, 9(5), 10, 12 to 15 and 17 of, and Schedules 3 to 6, 8(Part 4) and 10 to 12 to the Great Britain Health and Safety (Fees) Regulations 2010 (S.I. 2010/579); and
 - (b) I have seen a Northern Ireland costs analysis relating to the fees enacted by the Northern Ireland Regulations.
2. A copy of the Northern Ireland costs analysis relating to the Northern Ireland Regulations is appended to this Note.

Jackie Kerr

Department of Enterprise, Trade and Investment

27 June 2012

NORTHERN IRELAND COSTS ANALYSIS

Health and Safety (Fees) Regulations (Northern Ireland) 2012

EFFECT OF THE REGULATIONS

1. The main effect of the Health and Safety (Fees) Regulations (Northern Ireland) 2012 (“the Regulations”) is to increase the fees payable in relation to: -
 - (a) licences for storing petroleum-spirit;
 - (b) certain statutory medical examinations, where the examinations are carried out by medical specialists of the Health and Safety Executive for Northern Ireland’s Employment Medical Advisory Service (“EMAS”);
 - (c) licences to work with asbestos;
 - (d) approval of a scheme or programme for examination of freight containers; and
 - (e) notifications of activities concerning Genetically Modified Organisms.

2. Each of these aspects is dealt with separately below and, the new rates of fee are the same as those charged in Great Britain for similar services since 6 April 2010.

INCREASE IN FEES

(A) Petroleum-spirit licences

3. The proposed increases in fees for licences to keep petroleum-spirit range from £1.00 to £2.00 per year.
4. The proposed increases do no more than reflect the rate of inflation and are necessary to bring the fees to full economic cost at current prices.
5. It is considered that increases of this scale would not have a significant effect on Northern Ireland industry.

(B) Statutory Medical Examinations

6. The proposed increases in basic fees for medical examination or surveillance, fees for X-Rays and for fees laboratory tests would be increased by £1.00.

7. The proposed increases do no more than reflect the rate of inflation and are necessary to bring the fees to full economic cost at current prices.
8. The proposed rates of fee are, in the main, identical to those charged in Great Britain for similar medical examinations, etc., since 06 April 2010. The only exceptions are certain fees in relation to examination or surveillance by an employment medical adviser where the basic fee is slightly less in NI (£71 and opposed to £73 in GB).
9. Taking into account the very small number of examinations, normally only carried out in exceptional circumstances, conducted by HSENI's medical specialist, it is considered that increases of this scale would not have a significant impact on Northern Ireland industry.

(C) Licences to work with asbestos

10. Fees in relation to asbestos licensing will increase above the rate of inflation. HSENI already recovers its costs of initial assessment and grant of licences under the Control of Asbestos Regulations (Northern Ireland) 2012 and now proposes to include annual inspection costs in addition to those which are already charged for. A new flat rate fee of £3,236 will cover the cost of both licensing and annual inspection over a three year period.
11. The additional annual cost to NI firms is estimated as £29K. In arriving at this figure it is assumed that the number of new and renewal applications, reassessments, amendment of condition or duration of licence and amendment or replacement of a licence remain unchanged from the 2010/11 period.
12. Competent licensed contractors are normally granted a licence for 3 years. At just over a £1,000 per year for a 3 year licence, assuming the applicant is performing as they should be, the industry should have no great difficulty affording this.
13. 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.

(D) Approval of a Scheme or Programme for Examination of Freight Containers

14. The proposed increase in the 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 is £2.00.
15. The proposed increases do no more than reflect the rate of inflation and are necessary to bring the fees to full economic cost at current prices.

16. It is considered that increases of this scale would not have a significant effect on Northern Ireland industry.

(E) Notifications of activities concerning Genetically Modified Organisms

17. The proposed increases do no more than reflect the rate of inflation and are necessary to bring the fees to full economic cost at current prices.

18. Work with genetically modified organisms is a highly specialised field of service and is a very limited sphere of activity in Northern Ireland. Notifications under the Genetically Modified Organisms (Contained Use) Regulations (Northern Ireland) 2001 are correspondingly very low indeed – for example during 2010/11 there was only one notification.

19. The proposed increases range from £7 to £17. While this will be unwelcome to those undertaking activities related to genetically modified organisms it is considered that there would be no significant effect on Northern Ireland industry in general.

Department of Enterprise, Trade and Investment
27 June 2012