

## **EXPLANATORY MEMORANDUM TO**

### **THE ADVENTURE ACTIVITIES LICENSING (AMENDMENT) REGULATIONS 2008**

**2008 No. 1973**

- 1.** This explanatory memorandum has been prepared by The Department for Work and Pensions and is laid before Parliament by Command of Her Majesty.

This memorandum contains information for the Joint Committee on Statutory Instruments.

- 2. Description**

2.1 These regulations increase the licence fee for adventure activity centres from £620 to £715.

- 3. Matters of special interest to the Joint Committee on Statutory Instruments**

3.1 The current licence fee was set in 2004. The increase covers inflation in the intervening period, anticipated inflation until the next review of the fee structure and a small additional amount to work towards full cost recovery as required by HM Treasury policy and Health and Safety Executive (HSE) policy. No further increases are proposed until a full review of the fee structure has been completed. This review will begin very soon.

- 4. Legislative Background**

4.1 HSE became the Adventure Activities Licensing Authority in 2007 taking over the role from Tourism Quality Services Ltd a private company that had been operating the licensing scheme since its inception in 1996. The change took place following a recommendation in the Government review, "Reducing Administrative Burdens: Effective Enforcement and Inspection" (the Hampton Report), which was published in March 2005

4.2 This instrument is being made to raise the fee charged for a licence under the Adventure Activities Licensing Regulations 2004 (the 2004 Regulations). The licence fee provides approximately 50% of the costs of running the licensing scheme, the remainder being made up of grant-in-aid. The increased fee will still be lower in real terms than when the licence was first introduced in 1996. The fee remained unchanged from 1996 until the 2004 Regulations came into force.

- 5. Territorial Extent and Application**

5.1 This instrument applies to Great Britain.

- 6. European Convention on Human Rights**

As the instrument is subject to negative resolution procedure and does not amend primary legislation, no statement is required.

## **7. Policy background**

### *Policy*

7.1 The Health and Safety Executive's policy follows Treasury policy that cost recovery should be made for a range of activities including those subject to a licensing regime. For adventure activities this means that fees are charged to cover the costs associated with the inspection and licensing of activity centres that are subject to the regulations. Such centres can not operate without a license.

### *Consultation*

7.2 A public consultation exercise was carried out earlier this year. Except for a small number who could not be contacted all existing licence holders were made aware of the consultation. In addition, the Adventure Activities Industry Advisory Committee was asked to inform all its members.

7.3 In total 986 centres were contacted but only 28 responses were received, Of these 2 were in favour of the rise and 11 were opposed. The remaining 15 responses covered a variety of comments on the licensing regime and other issues not covered by the consultation exercise.

### *Guidance*

7.4 No specific guidance is required. All applicants for licences will be informed of the change in fee.

### *Consolidation*

7.5 There are no plans to consolidate the 2004 Regulations at this time.

## **8. Impact**

8.1 An Impact Assessment has not been carried out for this instrument as the increase in the fee is intended to reflect inflation since the last increase in June 2004 and projected inflation until the fee is next reviewed and a small additional amount to work towards full cost recovery as required by HM Treasury policy and HSE policy and as a result it is not anticipated that there will be any impact on business or the voluntary sector.

8.2 This change will not involve any cost to the public purse.

## **9. Contact**

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