

Appendix 1: Recovery of Associated costs

Costs involved in an investigation or inspection associated with the recovery, retention and disposal of material are potentially recoverable. This includes time spent preparing material for collection, producing a risk assessment or lift plan, hire of crane, booking it into HSL's material database etc. Such work commissioned by FOD or HID non COMAH (or non COMAH on lower tier sites) prior to Informations being laid in legal proceedings should be recorded as FFI Not yet Known (for FOD this is FOD ND) until such time as the HSE customer identifies differently.

Cost may not be recovered under FFI for the following:

- travel by HSL personnel
- transporting material from site to HSL where HSL's own transport is used
- collection of material from HSE offices
- storage of retained material.

However, if contractor transport e.g. a low loader is required, then the cost of this is recoverable.

HID cost recovery requirements will apply where such work is undertaken in connection with COMAH sites or offshore or other cost recoverable regimes.

After Informations have been laid, the work should be recorded as legal costs, except for Scotland where legal costs cannot be recovered and so will be met by HSE.

HSL (via the Specialist if one is involved) and the lead inspector should maintain contact to ensure that HSL is notified at the point an investigator lays Informations for a prosecution.

Any further costs incurred that relate to bringing a case in court (Scotland excepted) should be referred to the lead investigator for inclusion in the prosecution bill of costs.

Where HSL have to return material to the owner (because they are unable or unwilling to make the arrangements), or dispose of it, the costs of this will be chargeable if FFI, COMAH, or other cost recoverable regimes applies. Costs will not be recoverable if the return or disposal of material takes place after a prosecution, or for Scotland, after a report has been forwarded to the Crown Office and Procurator Fiscal Service for a decision.