
STATUTORY RULES OF NORTHERN IRELAND

1996 No. 87

FEES AND CHARGES

The Department of the Environment
(Fees) Order (Northern Ireland) 1996

*To be laid before Parliament under paragraph 3(3)
of Schedule 1 to the Northern Ireland Act 1974.*

Made - - - - 12th March 1996
Coming into operation 1st May 1996

The Department of the Environment, in exercise of the powers conferred on it by Article 3 of the Fees &c (Northern Ireland) Order 1988(1) and of every other power enabling it in that behalf, hereby makes the following Order:

Citation and commencement

1. This Order may be cited as the Department of the Environment (Fees) Order (Northern Ireland) 1996 and shall come into operation on 1st May 1996.

Interpretation

2. In this Order—
“the Department” means the Department of the Environment;
“the 1988 Order” means the Fees &c (Northern Ireland) Order 1988.

Fees under the Public Records Act (Northern Ireland) 1923

3. In relation to the power of the Department to fix a fee under section 9 of the Public Records Act (Northern Ireland) 1923(2) the functions specified for the purpose of Article 3(3) of the 1988 Order shall be those specified in Part I of Schedule 1.

Fees under the Transport Act (Northern Ireland) 1967

4. In relation to the power of the Department to fix a fee under sections 9, 16 and 23 of the Transport Act (Northern Ireland) 1967(3) the functions specified for the purpose of Article 3(3) of the 1988 Order shall be those specified in Part II of Schedule 1.

(1) S.I.1988/929 (N.I. 8)
(2) 1923 c. 20 (N.I.); See 1973 c. 36 Schedule 5 paragraph 7, S.I. 1982/338 (N.I. 6) Article 5 Schedule 1 Part II
(3) 1967 c. 37 (N.I.); relevant amending instruments are S.R. 1977 No. 327, S.R. 1981 No. 2 and S.I. 1984/1986 (N.I. 15)

Charges and tolls under the Roads (Northern Ireland) Order 1993

5. In relation to the power of the Department to fix a fee under Articles 28, 29, 31, 33, 34 and 37(3) of the Roads (Northern Ireland) Order 1993(4) the functions specified for the purpose of Article 3(3) of the 1988 Order shall be those specified in Part III of Schedule 1.

Fees under the Registration of Deeds Act (Northern Ireland) 1970

6. In relation to the power of the Department to fix a fee under section 16 of the Registration of Deeds Act (Northern Ireland) 1970(5), the functions specified for the purpose of Article 3(3) of the 1988 Order shall be those specified in Part IV of Schedule 1.

Fees under the Planning (Northern Ireland) Order 1991

7. In relation to the power of the Department to fix a fee under Article 127 of the Planning (Northern Ireland) Order 1991(6) the functions specified for the purpose of Article 3(3) of the 1988 Order shall be those specified in Part V of Schedule 1.

Fees under the Finance Act 1973

8. In relation to the power of the Department to fix a fee under section 56 of the Finance Act 1973(7) for services or facilities provided or authorisations, certificates or other documents issued in pursuance of any community obligation or any international agreement or arrangement in respect of the international carriage of goods and passengers by road, the functions specified for the purpose of Article 3(3) of the 1988 Order shall be those specified in Part VI of Schedule 1.

Fees under the Road Traffic (Northern Ireland) Order 1981

9.—(1) In relation to the power of the Department to fix a fee under Articles 105 and 107 of the Road Traffic (Northern Ireland) Order 1981(8), the functions specified for the purpose of Article 3(3) of the 1988 Order shall be those specified in Part VII of Schedule 1.

(2) In relation to the power of the Department to fix a fee under Articles 5(4), 13(1), 19C(1), 31D(2), 61(1), 66(1), 75(3), 79A(2), 132(2) and 135(2) of the Road Traffic (Northern Ireland) Order 1981 and paragraph 7 of Schedule 2 to the Road Traffic (Amendment) (Northern Ireland) Order 1991, the functions specified for the purpose of Article 3(3) of the 1988 Order shall be those specified in Part VIII of Schedule 1.

Fees under the Road Traffic (Northern Ireland) Order 1995

10. In relation to the power of the Department to fix a fee under Articles 61, 62, 65, 67(1), 75(8) and 81(8) of the Road Traffic (Northern Ireland) Order 1995(9), the functions specified for the purpose of Article 3(3) of the 1988 Order shall be those specified in Part IX of Schedule 1.

Matters specified for the purpose of Article 3(4) of the 1988 Order

11. In relation to the powers of the Department specified in Articles 3 to 10 the matters specified for the purpose of Article 3(4) of the 1988 Order shall be those specified in Schedule 2.

(4) S.I. 1993/3160 (N.I. 15)

(5) 1970 c. 25 (N.I.)

(6) S.I. 1991/1220 (N.I. 11)

(7) 1973 c. 51

(8) S.I. 1981/154 (N.I. 1) as amended by S.I. 1982/1535 (N.I. 18) Article 4, S.I. 1991/197 (N.I. 3) Article 3 and Schedule 1, Articles 5 and 6 and Schedule 3 and S.I. 1985/755 (N.I. 6) Article 3

(9) S.I. 1995/2994 (N.I. 18)

Sealed with the Official Seal of the Department of the Environment on

12th March 1996.

R. E. Aiken
Assistant Secretary

SCHEDULE 1

Specified Functions

Part I

1. Functions of the Head of the Department in relation to the use of the Northern Ireland records under his charge and superintendence under the Public Records Act (Northern Ireland) 1923.

Part II

2. Functions of the Department in relation to:—

- (a) the granting of Road Service, Road Freight Operators and Road Freight Vehicle Licences under the Transport Act (Northern Ireland) 1967;
- (b) the administration and enforcement of the licensing requirements for the carriage of passengers and goods by road under Parts II, III and IV of the Transport Act (Northern Ireland) 1967.

Part III

3. Functions of the Department in relation to the authorisation of the charging of tolls in relation to special roads under the Roads (Northern Ireland) Order 1993.

Part IV

4. Functions of the Department in relation to documents lodged for registration in the Registry of Deeds, entries, searches, examinations, inspections, certificates and copies made, and other matters done in that Registry under the Registration of Deeds Act (Northern Ireland) 1970.

Part V

5. Functions of the Department in relation to the development of land and functions of the Department in relation to the Planning Appeals Commission under the Planning (Northern Ireland) Order 1991.

Part VI

6. Functions of the Department in relation to:—

- (a) the administration and enforcement of statutory requirements for the international carriage of goods and passengers by road under the Transport Act (Northern Ireland) 1967, as modified by the International Road Haulage Permits Act 1975⁽¹⁰⁾;
- (b) the appointment of inspectors under Section 37 of the Transport Act (Northern Ireland) 1967 and the Road Traffic (Northern Ireland) Order 1981 in relation to matters pertaining to the international carriage of goods and passengers by road under that Act and Order;

⁽¹⁰⁾ 1975 c. 46

- (c) the granting of international road passenger transport authorisations and work in connection with enforcement;
- (d) the granting of an approval of a fitter or workshop for the installation or repair of tachographs and the screening of tachograph records; and
- (e) the issue of certificates of qualification in relation to repute, professional competence or financial standing.

Part VII

7. Functions of the Department under the Road Traffic (Northern Ireland) Order 1981 in relation to the provision of off-street parking and parking places on roads.

Part VIII

8. Functions of the Department under the Road Traffic (Northern Ireland) Order 1981 in relation to:

- (a) the testing of public service vehicles and tests of competence to drive motor vehicles;
- (b) the granting of driving licences;
- (c) the granting of licences for public service vehicles;
- (d) the type approval certification of motor vehicles;
- (e) the examination and registration of approved driving instructors;
- (f) the investigation and prosecution of offences and enforcement action; and
- (g) the granting of taxi drivers' licences.

Part IX

9. Functions of the Department under the Road Traffic (Northern Ireland) Order 1995 in relation to:—

- (a) the issue of vehicle test certificates and goods vehicle test certificates;
- (b) the appointment of vehicle examiners;
- (c) the use of motor vehicles and trailers on roads, their construction and equipment and conditions under which they may be used; and
- (d) the investigation and prosecution of offences and enforcement action.

SCHEDULE 2

Specified Matters

1. All costs incurred by the Department which are directly attributable to the functions specified in Schedule 1.

2. That proportion of the costs, not falling within paragraph 1, incurred by or on behalf of the Department, in relation to staff, equipment, premises, facilities and matters connected, whether directly or indirectly, therewith, being the proportion which falls to be attributed to any of the functions specified in Schedule 1.

3. The recovery of any past deficits incurred in relation to any of the functions specified in Schedule 1.
4. Where demand for the discharge of a function specified in Schedule 1 varies over a period of years, the average costs which are attributable to that discharge over that period.
5. The allocation over a period of years, of an initial or exceptional cost in relation to the discharge of the functions specified in Schedule 1.
6. A return on the amount of capital and depreciation of assets employed in the discharge of the functions specified in Schedule 1.
7. The allocation of sums in respect of matters which would otherwise be covered by insurance, superannuation payments, Vehicle Excise Duty and provision to make good losses and bad debts, in relation to any of the functions specified in Schedule 1.
8. Amounts recovered in relation to any of the functions specified in Schedule 1 other than from such fees as are referred to in this Order.

EXPLANATORY NOTE

(This note is not part of the Order.)

This Order specifies functions and matters which are to be taken into account in the fixing of fees by the Department of the Environment in respect of services provided under various enactments.