

1990 No. 889

TELEGRAPHS

The Wireless Telegraphy Apparatus (Approval)
(Test Fees) Order 1990

<i>Made</i> - - - -	<i>9th April 1990</i>
<i>Laid before Parliament</i>	<i>11th April 1990</i>
<i>Coming into force</i> -	<i>12th April 1990</i>

The Secretary of State, in exercise of the powers conferred on him by section 84(7) of the Telecommunications Act 1984(a), and of all other powers enabling him in that behalf, hereby makes the following Order:-

Citation and commencement

1. This Order may be cited as the Wireless Telegraphy Apparatus (Approval) (Test Fees) Order 1990 and shall come into force on 12th April 1990.

Interpretation

2.—(1) In this Order-

“the Act” means the Telecommunications Act 1984;

“apparatus” means wireless telegraphy apparatus or apparatus designed or adapted for use in connection with wireless telegraphy apparatus;

“fixed service” means a radiocommunication service between one fixed point and one or more other fixed points other than a service consisting in the making of a broadcast of sounds or visual images intended for general reception;

“Inner London” means the City of London, the Inner Temple, the Middle Temple and the Inner London boroughs;

“relevant apparatus” has the meaning given by article 5(1);

“test” includes the analysis of test results and the compiling of a test report;

“test officer” means a person engaged in testing on behalf of the Secretary of State; and

“travelling time” means time reasonably spent in travel wholly undertaken for the purposes of a test wholly or partly conducted at a place other than the test officer’s workplace.

(2) For the purposes of this Order, “visit” means a continuous period of time during which a test officer is reasonably absent from either his usual place of residence or his workplace for the purposes of conducting a test, including time spent in conducting the test, travelling time, any period in which overnight accommodation (including a berth in a boat or train) is reasonably occupied (an “overnight stay”) and any other rest periods reasonably taken whilst so absent.

(3) In calculating a test officer's subsistence costs, a visit shall be divided into periods of time in the following order:-

- (a) each complete period of 24 hours (a "24 hour period");
- (b) any-
 - (i) single period of less than 24 hours; or
 - (ii) period of less than 24 hours remaining after any 24 hour periods have been taken into account,
which includes an overnight stay (an "overnight period");
- (c) where-
 - (i) the visit does not involve an overnight stay; or
 - (ii) the visit involves one or more 24 hour periods, but no overnight period is counted,
any period of-
 - (aa) 10 hours or more but less than 24 hours (a "day period"); or
 - (bb) 5 hours or more but less than 10 hours (a "half day period"); and
- (d) any remaining period of less than 5 hours, which shall be disregarded.

Transitional provision

3. This Order does not apply to any test where the application to have that test conducted was received by the Secretary of State before 12th April 1990.

Amendment

4. The Wireless Telegraphy Apparatus (Approval) (Test Fees) Order 1988(a) shall be amended as follows:-

(a) for article 5, there shall be substituted the following article:-

"5.—(1) The fee to be charged in respect of the testing of each description of apparatus listed in column 1 of Schedule 2 to any one MPT Performance Specification, or any one combination of MPT Performance Specifications, as the case may be, specified in relation to that description of apparatus in column 2, shall be the sum of-

- (a) the test charge at the point on the scale specified in relation to such testing in column 3; and
- (b) an amount equal to value added tax chargeable on the supply of that testing.

(2) For the purposes of this article, the value of the supply of testing by reference to which value added tax is chargeable shall be the amount referred to in paragraph (1)(a) above."; and

(b) in Schedule 2 thereto-

- (i) the part headed "Private User Fixed Links" shall be omitted; and
- (ii) for the part headed "Miscellaneous", there shall be substituted the following:-

"Miscellaneous

Any apparatus which is-

- (a) neither of a description listed above nor of a description in respect of which the test fee is set by any other Order from time to time in force under section 84 of the Act; or
- (b) of a description listed above but which is tested to an MPT Performance Specification other than one specified above in column 2 in relation to it

Any one MPT
Performance
Specification 4".

(a) S.I. 1988/1949.

Test Fees for Private User Fixed Links

5.—(1) This article applies to the charging of fees in respect of the testing of apparatus designed or adapted for use in a fixed service ("relevant apparatus") conducted in the exercise of the Secretary of State's functions under section 84 of the Act for the purpose of the determination of an application for approval under that section.

(2) The fee to be charged in respect of the testing of relevant apparatus shall be the sum of—

- (a) the amount calculated in accordance with the Schedule hereto; and
- (b) an amount equal to the value added tax chargeable on the supply of that testing.

(3) For the purposes of this article, the value of the supply of testing by reference to which value added tax is chargeable shall be the amount calculated in accordance with paragraph (2)(a) above.

9th April 1990

Eric Forth
Parliamentary Under Secretary of State,
Department of Trade and Industry

SCHEDULE

Article 5

CALCULATION OF TEST FEES FOR PRIVATE USER FIXED LINKS

The amount to be included in the test fee for the purposes of article 5(2)(a) shall be the sum of the following:—

- (a) an amount per hour per test officer for time spent in conducting the test, and for travelling time (if any), calculated in accordance with the following table:—

Grade of test officer	<i>Amount per hour</i>
Grade 7 or above	£40.43
Senior Professional & Technology Officer (SPTO)	£34.01
Higher Professional & Technology Officer (HPTO) or Higher Telecommunications Technical Officer (HTTO)	£29.46
Telecommunications Technical Officer (TTO)	£26.55

- (b) any travelling costs reasonably incurred, in accordance with the following table:—

<i>Method of transport</i>	<i>Basis of charge</i>
Rail	Per test officer: Senior Professional & Technology Officer (SPTO) and above—first class Other grades—standard class Where a round trip is undertaken, the ordinary return fare at the appropriate class shall be charged
Bus or underground	Per test officer: the fare actually paid
Taxi	Per taxi: the fare actually paid
Private or government vehicle	Per vehicle: 34.4p per complete mile

and

- (c) where a test involves a visit of 5 hours or more, each test officer's subsistence costs, calculated in accordance with the following table:-

<i>For each period of time referred to in article 2(3)</i>	<i>Grade</i>	<i>Amount per period</i>	
		<i>Inner London</i>	<i>Elsewhere</i>
Each 24 hour period and each overnight period	Grade 7 and above	£62.70	£54.70
	Other grades	£53.45	£40.30
Per day period	All grades	£7.10	£7.10
Per half day period	All grades	£3.25	£3.25

EXPLANATORY NOTE

(This note is not part of the Order)

This Order replaces the provisions of the Wireless Telegraphy Apparatus (Approval) (Test Fees) Order 1988 (S.I. No. 1949) which related to Private User Fixed Links, and substitutes a new article for article 5 of that Order.

New fees for tests of Private User Fixed Links, calculated on the basis of an hourly rate and any travel and subsistence costs incurred in conducting the tests, are set by article 5 of this Order and the Schedule. The amount of value added tax payable to the Secretary of State in respect of the tests is included in the fee.

Article 4 amends S.I. 1988/1949. Paragraph (a) disappplies that Order to test fees for Private User Fixed Links. Paragraph (b) replaces article 5, ensuring that value added tax is included in test fees in the proper manner.

This Order does not apply to the test fee in respect of any test where the application to have that test conducted is received by the Secretary of State before 12th April 1990 (article 3).

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