
STATUTORY INSTRUMENTS

1992 No. 2087

TELEGRAPHS

**The Wireless Telegraphy Apparatus
Approval and Test Fees Order 1992**

<i>Made</i>	- - - -	<i>1st September 1992</i>
<i>Laid before Parliament</i>		<i>4th September 1992</i>
<i>Coming into force</i>	- -	<i>1st October 1992</i>

The Secretary of State, in exercise of the powers conferred on him by section 84(7) of the Telecommunications Act 1984⁽¹⁾, section 128 of the Finance Act 1990⁽²⁾, 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 and Test Fees Order 1992 and shall come into force on 1st October 1992.

Revocation and transitional provisions

2.—(1) Subject to paragraph (2) below, the Wireless Telegraphy Apparatus (Approval) (Test Fees) Order 1990⁽³⁾ and the Wireless Telegraphy Apparatus (Approval) (Test Fees) Order 1991⁽⁴⁾ are hereby revoked.

(2) Where, for the purposes of the determination of an application for approval received by the Secretary of State on or before 30th September 1992, the whole or part of any test of apparatus is conducted on or after the coming into force hereof, the fee to be charged in respect of the whole of that test shall be—

- (a) in the case of apparatus designed or adapted for use in the fixed service, the fee provided for in the Wireless Telegraphy Apparatus (Approval) (Test Fees) Order 1990; and
- (b) in any other case, the fee provided for in the Wireless Telegraphy Apparatus (Approval) (Test Fees) Order 1991.

(1) 1984 c. 12.
(2) 1990 c. 29.
(3) S.I. 1990/889.
(4) S.I. 1991/874.

Interpretation

3.—(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;

“approval” means approval under section 84 of the Act and includes initial approval of apparatus and approval of a technical change or modification to approved apparatus under that section;

“approval fee” shall be construed in accordance with article 6;

“approved apparatus” means apparatus which is approved under section 84 of the Act;

“Certificate” means an EC type-examination certificate within the meaning of Article 10.5 of Council Directive [89/336/EEC](#) on the approximation of the laws of the Member States relating to electromagnetic compatibility⁽⁵⁾;

“examination” means the supervision by an officer of a test carried out by a person other than an officer and inspection of 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;

“modification” means any change to approved apparatus which is effected by or on behalf of a person other than the manufacturer of that apparatus;

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

“technical change” means any change to approved apparatus which affects or is capable of affecting the radio frequency characteristics of that apparatus which is effected by or on behalf of the manufacturer;

“test” includes examination; and

“test fee” shall be construed in accordance with article 5.

(2) For the purposes of this Order—

(a) the setting up and dismantling of the apparatus tested and any other equipment required to conduct a test;

(b) the analysis of test results;

(c) the compiling of a test report; and

(d) unpacking and repacking the apparatus tested,

shall be treated as part of the test.

(3) For the purposes of this Order, “visit” means a continuous period of time during which an officer is reasonably absent from his work place for the purposes of conducting a test and includes the time spent in conducting the test, time reasonably spent in travel wholly undertaken for the purposes of a test wholly or partly conducted at a place other than the officer’s work place, any period in which overnight accommodation (including a berth on a boat or train) is reasonably occupied (an “overnight stay”) and any other rest periods reasonably taken whilst so absent.

(4) In calculating an 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—

(5) OJ No. L139, 23.5.89, p.19; there are amendments to the Directive not relevant to this Order.

- (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.

(5) In calculating a test fee or a variable fee, each period of time taken by each officer involved in conducting a test shall be counted separately, and the total for each officer be aggregated, and the aggregate for all officers involved divided into complete periods of 15 minutes, with any remaining period of 7.5 minutes or more but less than 15 minutes being counted as a complete period of 15 minutes, and any remaining period of less than 7.5 minutes being disregarded.

Application

4. This Order applies to the charging of fees for the purpose of determining an application for approval and in respect of the testing of apparatus for that purpose conducted by the Secretary of State.

Test fees

5.—(1) This article applies to the charging of fees, “test fees”, in respect of the testing of apparatus conducted by the Secretary of State for the purpose of determining an application for approval.

(2) The test fee shall be the sum of—

- (a) the amount calculated in accordance with Schedule 1 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 Schedule 1 hereto.

Approval Fees

6.—(1) This article applies to the charging of fees, “approval fees”, in respect of the determination of an application for approval of apparatus by the Secretary of State including the charging of fees in respect of any testing carried out as part of that determination.

(2) The approval fee, which is payable whether or not approval is granted, shall be —

- (a) For apparatus designed or adapted for use in the fixed service (“fixed service apparatus”) the sum of—

- (i) the amount calculated in accordance with Schedule 2 hereto (“the variable fee”); and
- (ii) an amount equal to the value added tax chargeable on the supply of that testing.

- (b) For apparatus other than fixed service apparatus, the sum of—

- (i) the sum specified in relation to the type of application appearing in Schedule 3 hereto (“the fixed fee”); and

- (ii) if the determination of an application for approval includes a visit, the sum of—
 - (aa) the variable fee; and
 - (bb) 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 variable fee.

Timing of payment of fees

7.—(1) Where a test fee is payable, the Secretary of State shall—

- (a) on receipt of an application for testing of apparatus, estimate in complete periods of 15 minutes the time to be taken in conducting the test and thereby estimate the amount to be payable in accordance with article 5 above, and shall serve an invoice on the applicant for the amount so estimated, which shall thereupon be due and payable to the Secretary of State.
- (b) on completion of the test, the Secretary of State shall—
 - (i) serve an invoice on the applicant for the final amount of the test fee, which shall thereupon, and before disclosure of the test report, be due and payable to the Secretary of State; or
 - (ii) if the amount received under paragraph (1)(a) above exceeds the final amount of the test fee, repay the balance to the applicant.

(2) Where a variable fee is payable, the Secretary of State shall on completion of the visit notify the applicant of the amount of the variable fee which shall thereupon, and before disclosure and notification of the result of the application, be due and payable to the Secretary of State.

(3) The fixed fee shall be due and payable on the making of the application for approval.

1st September 1992

Tim Sainsbury
Minister of State for Industry,
Department of Trade and Industry

SCHEDULE 1

article 5

CALCULATION OF TEST FEES

The amount to be included in the test fee for the purposes of article 5(2)(a) shall be £55 per hour taken in conducting the test, subject to—

- (a) a minimum of £200.00; and
- (b) a maximum of £8,800.00.

SCHEDULE 2

article 6(2)

CALCULATION OF VARIABLE FEES

The amount to be included in the variable fee for the purposes of article 6(2)(a)(i) and 6(2)(b)(ii) (aa) shall be the sum of the following—

- (a) an amount per officer for time spent in conducting the test, calculated in accordance with the following table—

Grade of Officer	Amount per hours
Grade 7	£46.86
Senior Professional and Technology Officer	£41.50
Senior Telecommunications Technical Officer	£41.22
Higher Professional and Technology Officer	£35.89
Higher Telecommunications Technical Officer	£35.59
Telecommunications Technical Officer	£30.48

- (b) any travelling costs reasonably incurred; and
- (c) where a test involves a visit of 5 hours or more, each officer’s reasonable subsistence costs.

SCHEDULE 3

article 6(2)

FIXED FEES

Type of Application	Fee
Initial Approval	£375
Initial Approval with Certificate	£280
Technical Change	£150
Technical Change with variation of Certificate	£100
Modification	£375

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

Type of Application	Fee
Modification with variation of Certificate	£280
Other	NIL

EXPLANATORY NOTE

(This note is not part of the Order)

This Order provides for the charging of fees in relation to the determination of applications for approval or variation of approval of wireless telegraphy apparatus and the testing of such apparatus for that purpose by the Secretary of State in exercise of his functions under section 84 of the Telecommunications Act 1984 (c. 12) (article 4). It consolidates the provisions of the Wireless Telegraphy Apparatus (Approval) (Test Fees) Order 1990 (S.I.1990/889), which set the fees for testing of apparatus designed or adapted for use in the fixed service (“fixed service apparatus”) as part of the determination of an application for approval or variation of approval by the Secretary of State, and the Wireless Telegraphy Apparatus (Approval) (Test Fees) Order 1991 (S.I. 1991/874), which set the fees for testing of apparatus other than fixed service apparatus for the purposes of a determination of an application (articles 5 and 6(2)(a)). This Order updates the level of the fees for testing to achieve full cost recovery (Schedules 1 and 2).

This Order prescribes fees for the first time for the determination of applications for approval under the said section 84 for apparatus other than fixed service apparatus (“the fixed fee”) (article 6(2)(b) and Schedule 3). Fees are set at a level to achieve full cost recovery.

In the case of the fixed fee, this Order makes provision for the payment of a reduced fee when the application for approval, or variation of approval, under section 84 of the 1984 Act is made in conjunction with an application for the issue or amendment of an EC type examination certificate within the meaning of Article 10.5 of Council Directive 89/336/EEC on the approximation of the laws of the Member States relating to electromagnetic compatibility (OJNo. L139, 23.5.89, p.19) in relation to the same apparatus; this reduction reflects cost savings resulting from simultaneous assessment.