
STATUTORY INSTRUMENTS

1998 No. 1177

FEES AND CHARGES

The Measuring Instruments (EEC Requirements) (Fees) Regulations 1998

<i>Made</i>	- - - -	<i>7th May 1998</i>
<i>Laid before Parliament</i>		<i>8th May 1998</i>
<i>Coming into force</i>	- -	<i>1st June 1998</i>

The Secretary of State for Trade and Industry, with the consent of the Treasury, in exercise of the powers conferred on her by section 56(1) and (2) of the Finance Act 1973⁽¹⁾ and of all other powers enabling her in that behalf, hereby makes the following Regulations:

Citation, commencement and revocation

1.—(1) These Regulations may be cited as the Measuring Instruments (EEC Requirements) (Fees) Regulations 1998 and shall come into force on 1st June 1998.

(2) The Measuring Instruments (EC Requirements) (Fees) Regulations 1993⁽²⁾, the Measuring Instruments (EC Requirements) (Fees) (Amendment) Regulations 1995⁽³⁾, the Measuring Instruments (EC Requirements) (Fees) (Amendment) Regulations 1996⁽⁴⁾ and the Measuring Instruments (EC Requirements) (Fees) (Amendment) Regulations 1997⁽⁵⁾ are hereby revoked.

Interpretation

2.—(1) In these Regulations—

“the 1988 principal Regulations” means the Measuring Instruments (EEC Requirements) Regulations 1998⁽⁶⁾; and

“the 1995 principal Regulations” means the Non-automatic Weighing Instruments (EEC Requirements) Regulations 1995⁽⁷⁾.

(1) 1973 c. 51.
(2) S.I. 1993/798.
(3) S.I. 1995/1376.
(4) S.I. 1996/690.
(5) S.I. 1997/630.
(6) S.I. 1988/186, amended by S.I. 1988/1128.
(7) S.I. 1995/1907, amended by S.I. 1997/3035.

“approved body”, “approved type”, “EC type-approval certificate”, “EC unit verification”, “instrument” and “sticker” shall have the same meanings as in the 1995 principal Regulations.

(2) The services referred to in these Regulations are those services mentioned or referred to in Schedule 1 hereto.

Fees relating to EEC initial verification of certain instruments and systems

3.—(1) The fees payable in connection with the services provided by the Department of Trade and Industry relating to EEC initial verification pursuant to regulation 13(9) of, and Schedule 3 to, the 1988 principal Regulations shall be determined and payable in accordance with Schedule 2 to these Regulations, whether or not the instrument passes the EEC initial verification.

(2) The fees payable in connection with the services provided by the Department of Trade and Industry relating to EEC initial verification pursuant to regulation 7 of the Alcoholometers and Alcohol Hydrometers (EEC Requirements) Regulations 1977⁽⁸⁾ shall be determined and payable in accordance with Schedule 2 to these Regulations, whether or not the instrument passes the EEC initial verification.

Fees relating to EEC pattern approval

4.—(1) The fees payable in connection with the services provided by the Department of Trade and Industry relating to the grant and extension of EEC pattern approval and modifications or additions to EEC approved patterns pursuant to regulation 8 of, and Schedule 2 to, the 1988 principal Regulations shall be determined and payable in accordance with Schedule 3 to these Regulations, whether or not EEC pattern approval is granted or extended as the case may be.

(2) In the case of alcoholometers and alcohol hydrometers and taximeters, in respect of which regulation 8 of, and Schedule 2 to, the 1988 principal Regulations are applied by regulation 5 of the Alcoholometers and Alcohol Hydrometers (EEC Requirements) Regulations 1977 and regulation 6 of the Taximeters (EEC Requirements) Regulations 1979⁽⁹⁾ respectively, the fees shall be determined and payable in accordance with paragraph (1) above.

Fees relating to designation of approved bodies

5. The fees payable in connection with the services provided by the Department of Trade and Industry relating to the designation of approved bodies pursuant to regulation 9 of the 1995 principal Regulations shall be determined and payable in accordance with Schedule 4 to these Regulations, whether the body is designated or not.

Fees relating to the grant of an EC type-approval certificate

6. The fees payable in connection with the services provided by the Department of Trade and Industry in relation to the grant or extension of an EC type-approval certificate and the issue of an addition to an original EC type-approval certificate pursuant to regulation 10 of the 1995 principal Regulations shall be determined and payable in accordance with Schedule 5 to these Regulations, notwithstanding that the Secretary of State may not grant or extend the EC type-approval certificate or issue an addition to the original EC type-approval certificate in accordance with regulations 10(3), (4) and (9) respectively.

⁽⁸⁾ S.I. 1977/1753, amended by S.I. 1988/1128.

⁽⁹⁾ S.I. 1979/1379, amended by S.I. 1988/1128.

Fees relating to EC unit verification

7. The fees payable in connection with the services provided by the Department of Trade and Industry relating to EC unit verification pursuant to regulation 12 of the 1995 principal Regulations shall be determined and payable in accordance with Schedule 6 to these Regulations, notwithstanding that the Secretary of State may refuse to affix her identification number in accordance with regulation 12(5) of the 1995 principal Regulations.

Consolidated Fund

8. All fees received under these Regulations shall be paid into the Consolidated Fund.

2nd May 1998

Nigel Griffiths
Parliamentary Under-Secretary of State for
Competition and Consumer Affairs,
Department of Trade and Industry

We consent,

7th May 1998

Bob Ainsworth
John McFall
Two of the Lords Commissioners of Her
Majesty's Treasury

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SCHEDULE 1

regulation 2

PART 1

<i>Council Directive No.</i>	<i>Subject Matter</i>	<i>Pattern Approval</i>	<i>Initial Verification</i>
71/319/EEC(10)	Meters for liquids other than water	Yes	Meters for pressurised liquefied gas only
71/347/EEC(11) as amended(12)	The measuring of the standard mass per storage volume of grain	Yes	Yes
71/348/EEC(13) as amended(14)	Ancillary equipment for meters for liquids other than water	Yes	No
73/360/EEC(15) as amended(16)	Non-automatic weighing machines	No	Machines of class of special or high accuracy only
73/362/EEC(17) as amended(18)	Material measures of length	Yes	Measures in Class I only
74/148/EEC(19)	Above-medium accuracy weights	No	Yes
75/33/EEC(20)	Cold-water meters	Yes	No
75/410/EEC(21)	Continuous totalising weighing machines	Yes	No
76/765/EEC(22)	Alcoholometers and alcohol hydrometers	Yes	Yes
77/95/EEC(23)	Taximeters	Yes	Yes
77/313/EEC(24) as amended(25)	Measuring systems for liquids other than water	Yes, for those systems specified in section 3.3.3 of the Annex to the Directive	Pressurised liquefied gas measuring systems only

(10) OJ No. L202, 6.9.71, p.32 (OJ/SE 1971 (III) p.740).

(11) OJ No. L239, 25.10.71, p.1.

(12) Cmnd. 5179-I p.181.

(13) OJ No. L239, 25.10.71, p.9 (OJ/SE 1971 (III) p.860).

(14) Cmnd. 5179-I p.182.

(15) OJ No. L335, 5.12.73, p.1.

(16) OJ No. L236.

(17) OJ No. L335, 5.12.73, p.56.

(18) OJ No. L206, 29.7.78, p.8.

(19) OJ No. L84, 28.3.74, p.3.

(20) OJ No. L14, 20.1.75, p.2.

(21) OJ No. L183, 14.7.75, p.25.

(22) OJ No. L262, 29.7.76, p.143.

(23) OJ No. L26, 31.1.77, p.59.

(24) OJ No. L105, 28.4.97, p.18.

(25) OJ No. L252, 27.8.82, p.10.

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<i>Council Directive No.</i>	<i>Subject Matter</i>	<i>Pattern Approval</i>	<i>Initial Verification</i>
78/1031/EEC(26)	Automatic checkweighing and weight grading machines	Yes	No
79/830/EEC(27)	Hot-water meters	Yes	No
86/217/EEC(28)	Tyre pressure gauges for motor vehicles	Yes	No

PART 2

<i>Council Directive No.</i>	<i>Subject Matter</i>	<i>Type Approval</i>	<i>Unit Verification</i>
90/384/EEC(29) as amended(30)	Non-automatic weighing instruments	Yes	Yes

SCHEDULE 2

regulation 3

FEES FOR EEC INITIAL VERIFICATION OF CERTAIN INSTRUMENTS AND SYSTEMS

1. Where regulation 13(9) of the 1998 principal Regulations applies (EEC initial verification), the fee shall be—

- (a) an amount in respect of any time calculated to the nearest quarter of an hour (a period of 7½ minutes being rounded up to a quarter of an hour) taking to conduct the initial verification at the rate of £65.00 per hour, due and payable as indicated in paragraph 3 below; and
- (b) the amount of additional expenses, if any, incurred by or occasioned to the Secretary of State by reason of any part of the initial verification taking place at a place other than the National Weights and Measures Laboratory of the Department of Trade and Industry, due and payable as indicated in paragraph 3 below.

2. Where regulation 7 of the Alcoholometers and Alcohol Hydrometers (EEC Requirements) Regulations 1977(31) applies (initial verification) there shall be a fixed fee of £52.00, payable as indicated in paragraphs 3 and 4 below.

3. Subject to paragraph 4 below, the amounts referred to in paragraph 1(a) and (b) above shall be due and payable on the service on the applicant of an invoice from the Secretary of State monthly in arrears.

4. On completion of the initial verification, the Secretary of State shall serve an invoice on the applicant for the amount of the fees, together with notification that the initial verification has been completed, and the amount shall, before notification of the result, be due and payable to the Secretary of State.

(26) OJ No. L364, 27.12.78, p.1.

(27) OJ No. L259, 15.10.79, p.1.

(28) OJ No. L152, 6.6.86, p.48.

(29) OJ No. L189, 20.7.90, p.1 as corrected by the corrigendum published in OJ No. L258, 22.9.90, p.35.

(30) OJ No. L220, 30.8.93, p.1.

(31) S.I. 1977/1753, amended by S.I. 1988/1128.

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SCHEDULE 3

regulation 4

FEES FOR EEC PATTERN APPROVAL

1. Where regulation 8(1), (2) or (5) of the 1988 principal Regulations applies (application for grant of EEC pattern approval or for modification or additions to, or for extension of, an EEC approved pattern), the fees shall be—

- (a) the amount in respect of any time calculated to the nearest quarter of an hour (a period of 7½ minutes being rounded up to a quarter of an hour) taken by examination staff conducting the examination at the rate of £65.00 per hour and by equipment test unit staff in testing the pattern at £65.00 per hour, including any time spent travelling, and any time during which the pattern is tested in an environmental testing chamber at the rate of £15.00 per hour, due and payable as indicated in paragraphs (2) and (3) below; and
- (b) the amount of additional expenses, if any, incurred by or occasioned to the Secretary of State, by reason of any part of the examination taking place at a place other than the National Weights and Measures Laboratory of the Department of Trade and Industry, due and payable as indicated in paragraphs (2) and (3) below.

2. Subject to paragraph 3 below, the amounts referred to in paragraph (1)(a) and (b) above shall be due and payable on the service on the applicant of an invoice from the Secretary of State monthly in arrears.

3. On completion of the examination, the Secretary of State shall serve an invoice on the applicant for the final amount of the fees, together with the notification of such completion, and the final amount shall, before notification of the result, be due and payable to the Secretary of State.

SCHEDULE 4

regulation 5

FEES FOR DESIGNATION AND INSPECTION OF APPROVED BODIES

1. Where regulation 9(1) of the 1995 principal Regulations applies (designation of approved bodies) the fees are as follows—

- (a) a fixed fee of £260.00 to cover the costs of considering each initial application for designation; and
- (b) the amount of additional expense, if any, incurred by or occasioned to the Secretary of State by reason of any part of the consideration of such an application taking place at a place other than the National Weights and Measures Laboratory of the Department of Trade and Industry; and
- (c) the amount of additional expense, if any, incurred by or occasioned to the Secretary of State by reason of employing the assistance of a third party for the consideration of any such application;

and the total shall be due and payable as indicated in paragraph 2 below.

2. On completion of the consideration of the application for designation, the Secretary of State shall serve an invoice on the applicant for the amount of the fees, together with notification that the consideration of the application for designation has been completed, and the amount shall, before notification of the result, be due and payable to the Secretary of State.

3. Where regulation 9(5) of the 1995 principal Regulations applies (inspection of approved bodies) the fees shall be calculated on the same basis, and shall be due and payable in the same manner, as those relating to designation under paragraph 1 above except that, for the fixed fee of £260 for which paragraph 1(a) provides, there shall be substituted an amount in respect of any time

calculated to the nearest quarter of an hour (a period of 7½ minutes being rounded up to a quarter of an hour) taken by staff employed in conducting the inspection at a rate of £75 per hour (including any time spent in travelling).

4. On completion of the consideration of the application for designation or for variation or amendment of an approval or of the inspection, the Secretary of State shall serve an invoice on the applicant or approved body for the amount of the fees, together with notification that the consideration of the application, or the inspection, as appropriate, has been completed, and the amount shall, before notification of the result of such consideration or inspection, be due and payable to the Secretary of State.

SCHEDULE 5

regulation 6

FEES RELATING TO THE GRANT OF AN EC TYPE-APPROVAL CERTIFICATE

1. Where regulation 10 of the 1995 principal Regulations applies (application for the grant of an EC type-approval certificate or for the extension of an EC type-approval certificate or for the approval of modifications or additions of an approved type), the fees shall be the aggregate of any one or more of the following—

- (a) the amount in respect of any time calculated to the nearest quarter of an hour (a period of 7½ minutes being rounded up to a quarter of an hour) taken by examination staff conducting the examination at the rate of £65 per hour and by equipment test unit staff in testing the type at the rate of £65 per hour (including any time spent in travelling);
- (b) the amount in respect of any time during which the type is:—
 - (i) tested in an environmental testing chamber at the rate of £15 per hour;
 - (ii) tested for electromagnetic compatibility at the rate of £60 per hour;
- (c) the amount of additional expense, if any, incurred by or occasioned to the Secretary of State, by reason of any part of the examination or testing taking place at a place other than the National Weights and Measures Laboratory of the Department of Trade and Industry;
- (d) the amount of additional expense, if any, incurred by or occasioned to the Secretary of State by reason of employing the assistance of a third party in the examination or testing;

and shall be due and payable as indicated in paragraphs 2 and 3 below.

2. Subject to paragraph 3 below, the amounts referred to in paragraph (1)(a), (b), (c) and (d) above shall be due and payable upon the service on the applicant of an invoice from the Secretary of State monthly in arrears.

3. On completion of the examination and testing, the Secretary of State shall serve an invoice on the applicant for the final amount of the fees, together with a notification of such completion, and the final amount shall, before notification of the result, be due and payable to the Secretary of State.

SCHEDULE 6

regulation 7

FEES FOR EC UNIT VERIFICATION

1. Where regulation 12 of the 1995 principal Regulations applies (application for EC unit verification) the fees shall be the aggregate of any one or more of the following—

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- (a) the amount in respect of any time calculated to the nearest quarter of an hour (a period of 7½ minutes being rounded up to a quarter of an hour) taken by examination staff conducting the examination at the rate of £65.00 per hour and by equipment test unit staff in testing the instrument at the rate of £65.00 per hour, including any time spent in travelling;
- (b) the amount in respect of any time during which the instrument is:—
 - (i) tested in an environmental testing chamber, at the rate of £15.00 per hour;
 - (ii) tested for electromagnetic compatibility, at the rate of £60.00 per hour;
- (c) the amount of additional expense, if any, incurred by or occasioned to the Secretary of State, by reason of any part of the examination or testing taking place at a place other than the National Weights and Measures Laboratory of the Department of Trade and Industry;
- (d) the amount of additional expense, if any, incurred by or occasioned to the Secretary of State by reason of employing the assistance of a third party in the consideration of the application for EC unit verification;

and shall be due and payable as indicated in paragraphs 2 and 3 below.

2. Subject to paragraph 3 below, the amounts referred to in paragraph (1)(a), (b), (c) and (d) above shall be due and payable upon the service on the applicant of an invoice from the Secretary of State monthly in arrears.

3. On completion of the examination and testing the Secretary of State shall, serve an invoice on the applicant for the final amount of the fees together with a notification of such completion, and the amount shall, before notification of the result, be due and payable to the Secretary of State.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations consolidate with amendments the Measuring Instruments (EEC Requirements) (Fees) Regulations 1993 (S.I.1993/798) as amended. They prescribe the fees to be charged in relation to certain services provided by the Department of Trade and Industry with regard to measuring instruments.

2. Regulations 3 and 4 and Schedules 1, Part I, 2 and 3 apply to all measuring instruments, whilst regulations 5 to 7 and Schedules 1, Part II, 4, 5 and 6 apply only to non-automatic weighing instruments.

3. These Regulations stipulate the new fees payable with regard to measuring instruments as follows:

- (i) EEC initial verification of certain measuring instruments and systems: £65.00 per hour (regulation 3 and Schedule 2);
- (ii) EEC initial verification of all classes of alcoholometers and alcohol hydrometers: a fixed fee of £52.00 (regulation 3 and Schedule 2);
- (iii) EEC pattern approval: for examiner staff £65.00 per hour, equipment test unit staff £65.00 per hour, for use of an environmental testing chamber £15.00 per hour (regulation 4 and Schedule 3).

4. These Regulations update the references to the services provided in relation to and stipulate the new fees payable with regard to non-automatic weighing instruments as follows:

- (i) designation and inspection of approved bodies: a fixed fee of £260.00 with additional amounts to be computed as incurred (regulation 5 and Schedule 4);
- (ii) grant of an EC type-approval certificate, the approval of modifications or additions to an approved type and EC unit verification: for examiner staff £65.00 per hour, for equipment test unit staff £65.00 per hour, for use of an environmental testing chamber £15.00 per hour and if tested for electromagnetic compatibility £60.00 per hour, with additional amounts to be computed as incurred (regulations 5 to 7 and Schedules 4 to 6).

5. All the fees mentioned in these Regulations are payable monthly in arrears except those relating to fixed fees which are payable on completion of the work.