

1999 No. 1054

**ENVIRONMENTAL PROTECTION
FEES AND CHARGES**

**The Non-Road Mobile Machinery (Type Approval) (Fees)
Regulations 1999**

<i>Made - - - -</i>	<i>29th March 1999</i>
<i>Laid before Parliament</i>	<i>31st March 1999</i>
<i>Coming into force</i>	<i>26th April 1999</i>

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The Secretary of State, in exercise of the powers conferred by sections 56(1) and (2) of the Finance Act 1973^(a) with the consent of the Treasury and all his powers enabling him in that behalf, hereby makes the following Regulations:

Citation and commencement

1. These Regulations may be cited as the Non-Road Mobile Machinery (Type Approval) (Fees) Regulations 1999 and shall come into force on 26th April 1999.

Interpretation

- 2.—(1) In these Regulations—
 - (a) “the Regulations” mean the Non-Road Mobile Machinery (Emissions of Gaseous and Particulate Pollutants) Regulations 1999;

^(a) 1973 c. 51.

- (b) “engine type” has the same meaning as in the Regulations;
- (c) “engine family” has the same meaning as in the Regulations;
- (d) “examination” means the procedure whereby an engine is examined and tested under the Regulations;
- (e) “Government or approved premises” means premises established or approved by the Secretary of State for examination of engines for the purposes of the Regulations.

Fees—examination of engine

3.—(1) The fee payable upon an application for engine type or engine family approval under regulation 8(1) or regulation 10(2) of the Regulations shall be £9,572 where the examination is to be carried out on Government premises or approved premises by an officer of the Department of the Environment, Transport and the Regions or a person appointed by the Secretary of State to act on his behalf.

(2) The fee payable upon an application for engine type or engine family approval under regulation 8(1) or regulation 10(2) of the Regulations shall be £940 where the examination is to be carried out at other premises under the supervision of an officer of the Department of the Environment, Transport and the Regions or a person appointed by the Secretary of State to act on his behalf.

Fees—issue of an approval certificate or revised approval certificate

4.—(1) The fee for the issue of a type approval certificate under regulation 9(1) of the Regulations shall be £32.

(2) The fee for the issue of a revised type approval certificate under regulation 10(3) of the Regulations shall be £67.

Fees—consecutive examinations

5. Where more than one engine of the same type but embodying minor variations is submitted by an applicant with a view to the carrying out of the engine examinations consecutively on each engine, and the case is one where all the examinations can be carried out without setting up the examination apparatus again, the fee to be paid for the carrying out of each examination after the first one is such proportion of the fee prescribed in regulation 3 as the Secretary of State considers to be appropriate in view of the work involved in carrying out the examination.

Fees—partial examinations

6. Where a type approval certificate has been issued in relation to an engine or engine family and in consequence of an alteration in any design specification, either—

- (a) a further examination of an engine is needed with a view to the issue of a further certificate but the alteration is not so extensive as to require that the further examination shall be as complete and exhaustive as the original examination; or
- (b) an applicant requires a further certificate but the alteration is not so extensive as to require a further relevant examination of any engine and can be carried out on an inspection of data supplied by the applicant,

the fee for such an examination or inspection is such proportion of the relevant fee prescribed in regulation 3 as the Secretary of State considers to be appropriate in view of the nature and extent of the examination or inspection.

Fees—visits outside the United Kingdom

7.—(1) Where, in connection with an application in relation to a type approval certificate,

a visit to a place outside the United Kingdom is made, or is arranged to be made, by one or more persons acting for or on behalf of the Secretary of State, then in addition to the fee or fees prescribed by the regulations above, there shall be paid by the applicant on demand by or on behalf of the Secretary of State a further fee equal to the total of—

- (a) the travelling and subsistence expenses reasonably incurred or expected to be incurred by each person so acting in relation to the application or examination (including expenses outstanding after the cancellation of any travelling or subsistence arrangements which result from the withdrawal of any such application); and
 - (b) the whole, or such proportion as the Secretary of State may determine is reasonably attributable to the application or examination, of a sum of £55 for each hour spent or expected to be spent by each person so acting whilst travelling otherwise than on land in the United Kingdom, wholly or partly in relation to the application or examination.
- (2) The references to expenses in paragraph (1)(a) do not include any expenses relating to—
- (a) travelling on land in the United Kingdom; or
 - (b) any flight which both begins and ends in the United Kingdom.
- (3) If—
- (a) payments have been made in accordance with paragraph (1) in respect of travelling and subsistence expenses to be incurred, or in respect of time expected to be spent in travelling; and
 - (b) the amount of travelling and subsistence expenses actually incurred or the time actually spent travelling in consequence of the application is greater or less than was expected,

the fee payable under paragraph (1) shall be re-calculated in accordance with that paragraph by reference to the actual travelling and subsistence expenses incurred and the actual time spent travelling, and the difference shall be paid by, or as the case may be, refunded to the applicant.

Fees on withdrawals and cancellations

8.—(1) Subject to the provisions of regulation 9, if an applicant—

- (a) after he has been notified of the time and place for the examination withdraws his application; or
- (b) does not submit the engine for the examination at the time and place fixed therefor,

he shall be liable to pay a cancellation fee to cover the abortive work involved in dealing with the application and making arrangements for the examination.

(2) In the case of an examination to which a fee specified in regulation 3 applies—

- (a) if the Secretary of State is, not less than 7 days before the date fixed for the examination, notified of the withdrawal or the intention not to submit an engine for the examination, the cancellation fee shall be £105;
- (b) if the Secretary of State is not so notified, the cancellation fee shall be—
 - (i) a quarter of the fee specified in regulation 3(1) plus any wasted expenses reasonably incurred by the Secretary of State in the provision of any facility for the particular examination; or
 - (ii) £230 in respect of the fee specified in regulation 3(2).

(3) In the case of a further or partial examination of an engine in the circumstances described in regulation 6, the cancellation fee shall be such proportion of the fee as the Secretary of State considers to be appropriate.

Submission of alternative engine for examination

9. Where an applicant does not wish, or is unable, to submit an engine in respect of which the application was made for examination at the time and place appointed, but is able to submit for examination at that time and place some other engine which can conveniently be fitted into the programme of examinations being carried out at that place and in respect of which he has made an application, he shall be entitled, subject to any adjustment by way of refund or additional payment so as to secure that the appropriate fee is paid for the examination which actually takes

place, to have the sum which he originally paid applied in payment of the fee for that examination without being liable to pay a cancellation fee under regulation 8 but in that event he shall pay the fee prescribed by these Regulations when applying for a new appointment for the examination which he originally sought.

Fees—work carried out in the United States of America, Canada or Mexico

10. In relation to—

- (a) an examination or inspection of data carried out or proposed to be carried out, or
- (b) the issue of a document,

in the United States of America, Canada or Mexico by a person resident in the United States of America and acting for or on behalf of the Secretary of State, any sum which would otherwise be payable by virtue of regulations 3, 5, 6, 8 and 9 shall be increased by 68 per cent.

Fees—work carried out in Japan, China, South Korea or Taiwan

11.—(1) In relation to—

- (a) an examination or inspection of data carried out or proposed to be carried out, or
- (b) the issue of a document,

in Japan, China, South Korea or Taiwan by a person resident in Japan and acting for or on behalf of the Secretary of State, there shall be substituted, for any sum which would otherwise be payable by virtue of regulation 3, 5, 6, 8 and 9, a sum which shall be determined by the amount of work involved charged at an hourly rate of £157.50.

(2) In a case where paragraph (1) above applies, any fee payable in accordance with regulation 3 shall, subject to the following paragraphs, be calculated by reference to the Secretary of State's estimate of the duration of the work likely to be required at the hourly rate specified in paragraph (1).

(3) If during the course of the work the Secretary of State estimates that the duration of the work likely to be required is greater than that estimated under paragraph (2) above, the fee shall be recalculated by reference to that greater estimate, and the excess, if any, over the fee originally payable shall be paid by the applicant.

(4) If the duration of the work actually required is greater or less than its estimated or re-estimated duration, the fee shall be recalculated by references to the actual duration and the difference shall be paid by, or, as the case may be, refunded to, the applicant.

28th March 1999

We consent,

John Battle
Minister for Energy and Industry,
Department of Trade and Industry

29th March 1999

David Jamieson
Bob Ainsworth
Two of the Lords Commissioners of
Her Majesty's Treasury

EXPLANATORY NOTE

(This note is not part of the Order)

1. These Regulations prescribe the fees payable for the examination of engine type or engine family approval and the issue of type approval certificates for engines or engine families under the Non-Road Machinery (Emissions of Gaseous and Particulate Pollutants) Regulations 1999.

2. Work carried out in the United States of America, Canada or Mexico by a person resident in the United States of America and acting for or on behalf of the approval authority will be subject to a mark-up of 68 per cent.

3. Work carried out in Japan, China, South Korea or Taiwan by a person resident in Japan and acting for or on behalf of the approval authority will be charged at an hourly rate of £157.50.

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