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STATUTORY INSTRUMENTS

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**2005 No. 1654**

**The Nuclear Industries Security (Fees) Regulations 2005**

**Supplementary provisions**

- 4.—(1) The fees referred to in regulation 3 shall—
- (a) not exceed the costs reasonably incurred of performing the functions for which the fees are payable;
  - (b) take into account the seniority of the individuals performing the functions, and the time spent performing the functions;
  - (c) be calculated at the end of each quarter of the financial year, which financial year shall be from 1st April to 31st March;
  - (d) be payable within 30 days from the date of the invoice that the Secretary of State has sent or given to the person who is required to pay the fees, such invoices to include a statement of the functions performed and the costs incurred including the period to which the statement relates.
- (2) The fees referred to in regulation 3 shall not include any costs connected with any—
- (a) in England, Wales and Northern Ireland, criminal investigation or prosecution incurred (in either case) from the date any summons is obtained from a Magistrates' Court; or
  - (b) in Scotland, criminal investigation or prosecution incurred (in either case) after such a time as—
    - (i) the inspector undertaking the investigation submits a report to the Procurator Fiscal for his decision as to whether a prosecution should be brought; or
    - (ii) the Procurator Fiscal intervenes in the investigation, whichever is the sooner.
- (3) The Secretary of State may apportion fees between different persons for a function performed by the Secretary of State or an inspector (as the case may be), where such function is reasonably attributable to those different persons.