

2006 No. 2679

FEES AND CHARGES

**The Measuring Instruments (EEC Requirements) (Fees)
(Amendment No. 2) Regulations 2006**

<i>Made</i>	- - - -	<i>9th October 2006</i>
<i>Laid before Parliament</i>		<i>9th October 2006</i>
<i>Coming into force</i>	- -	<i>30th October 2006</i>

The Secretary of State, with the consent of the Treasury, makes the following Regulations in exercise of the powers conferred on him by sections 56(1) and (2) of the Finance Act 1973(a).

Citation and Commencement

1. These Regulations may be cited as the Measuring Instruments (EEC Requirements) (Fees) (Amendment No. 2) Regulations 2006 and shall come into force on 30th October 2006.

Amendment of the Measuring Instruments (EEC Requirements) (Fees) Regulations 2004

2.—(1) The Measuring Instruments (EEC Requirements) (Fees) Regulations 2004(b) are amended as follows.

(2) In regulation 3(1)—

(a) insert after the definition of “the 2000 principal Regulations” the following definition—

“the 2006 Measuring Instruments Regulations” means—

The Measuring Instruments (Automatic Catchweighers) Regulations 2006(c);

The Measuring Instruments (Automatic Gravimetric Filling Instruments) Regulations 2006(d);

The Measuring Instruments (Automatic Rail-weighbridges) Regulations 2006(e);

The Measuring Instruments (Beltweighers) Regulations 2006(f);

The Measuring Instruments (Capacity Serving Measures) Regulations 2006(g);

The Measuring Instruments (Cold-water Meters) Regulations 2006(h);

The Measuring Instruments (Discontinuous Totalisers) Regulations 2006(i);

(a) 1973 c.51.

(b) S.I. 2004/1300 as amended by S.I. 2006/604.

(c) S.I. 2006/1257 as amended by S.I. 2006/2625.

(d) S.I. 2006/1258.

(e) S.I. 2006/1256 as amended by S.I. 2006/2625.

(f) S.I. 2006/1259.

(g) S.I. 2006/1264.

(h) S.I. 2006/1268 as amended by S.I. 2006/2625.

(i) S.I. 2006/1255

The Measuring Instruments (Liquid Fuel and Lubricants) Regulations 2006(a);
The Measuring Instruments (Liquid Fuel delivered from Road Tankers) Regulations 2006(b);
The Measuring Instruments (Material Measures of Length) Regulations 2006(c)”;

(b) insert before the definition of “officer” the following definitions—

““the Non-Prescribed Instruments Regulations” means the Measuring Instruments (Non-Prescribed) Instruments Regulations 2006(d);

“notified bodies” means the notified bodies other than the Secretary of State as defined in regulation 2(1) of each of the 2006 Measuring Instruments Regulations and the Non-Prescribed Instruments Regulations.”.

(3) For regulation 6 substitute—

“Fees relating to Designation and Inspection of Approved Bodies and Notified Bodies

6.—(1) The fee payable in connection with the services provided by the Secretary of State relating to—

- (a) the designation of approved bodies pursuant to regulation 9(1) of the 2000 principal Regulations, whether the body is designated or not;
- (b) the variation of designation of approved bodies pursuant to regulation 9(4) of the 2000 principal Regulations; and
- (c) the inspection of approved bodies pursuant to regulation 9(5) of the 2000 principal Regulations,

shall be the sum specified in paragraph (3).

(2) The fee payable in connection with the services provided by the Secretary of State relating to—

- (a) the designation of notified bodies pursuant to—
 - (i) regulation 4(1) of the Non-Prescribed Instruments Regulations; and
 - (ii) regulation 7(1) of each of the 2006 Measuring Instruments Regulations, whether the body is designated or not;
- (b) the variation of designation of notified bodies pursuant to—
 - (i) regulation 7(1)(a) of the Non-Prescribed Instruments Regulations; and
 - (ii) regulation 10(1)(a) of each of the 2006 Measuring Instruments Regulations; and
- (c) the inspection of notified bodies pursuant to—
 - (i) regulation 6(2) of the Non-Prescribed Instruments Regulations; and
 - (ii) regulation 9(2) of each of the 2006 Measuring Instruments Regulations,

shall in each case be the sum specified in paragraph (3).

(3) The fees referred to in paragraphs (1) and (2) shall in each case be the sum of—

- (a) the variable fee; and
- (b) the anticipated amount of additional expense, if any, to be incurred by or occasioned to the Secretary of State by employing the assistance of a third party for the consideration of any such application.

(4) The amount of the fee referred to in this regulation shall be due and payable in accordance with regulation 9.”.

(a) S.I. 2006/1266.
(b) S.I. 2006/1269.
(c) S.I. 2006/1267.
(d) S.I. 2006/1270 as amended by S.I. 2006/2625.

(4) After regulation 8A insert the following regulation—

“Fees relating to assessment of applications for certificates or notifications

8B.—(1) The fee payable in connection with the services provided by the Secretary of State pursuant to Part 2 of Schedule 2 to each of the 2006 Measuring Instruments Regulations and the Non-Prescribed Instruments Regulations in relation to an application made by a manufacturer pursuant to that Schedule for the issue of—

- (a) a certificate of conformity;
- (b) a design or type examination certificate; or
- (c) a notification of approval of the manufacturer’s quality system,

notwithstanding that the Secretary of State may refuse to issue, vary or withdraw a certificate or notification in accordance with paragraph 9(4), 13(3) or 14 of that Schedule, shall be the sum of—

- (a) the variable fee;
- (b) the amount based on the time which it is estimated by the Secretary of State will be required for use of equipment for testing the relevant measuring instrument—
 - (i) in an environmental testing chamber at the rate of £15 per hour; or
 - (ii) for electromagnetic compatibility in an electromagnetic chamber at the rate of £60 per hour; and
- (c) the anticipated amount of additional expense to be 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.

(2) The amount of the fee referred to in this regulation shall be due and payable in accordance with regulation 9.”.

(5) In Schedule 1—

- (a) after “regulation 7” in the first column omit “and 8” and insert “, 8 and 8B.”; and
- (b) after “regulation 8A” in the first column insert “and 8B.”.

1st October 2006

Sainsbury of Turville
Parliamentary Under Secretary of State for Science and Technology
Department of Trade and Industry

We consent

9th October 2006

Dave Watts
Claire Ward
Two of the Lords Commissioners of Her Majesty’s Treasury

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Measuring Instruments (EEC Requirements) (Fees) Regulations 2004 (S.I. 2004/1300).

They extend the fees charged by the Secretary of State for services provided in relation to the designation and inspection of approved bodies under the Non-automatic Weighing Instruments Regulations 2000 (S.I. 2000/1930) to services provided in relation to the designation and inspection of notified bodies under the Measuring Instruments Regulations 2006 as defined in these Regulations and the Measuring Instruments (Non-Prescribed Instruments) Regulations 2006 (S.I. 2006/1270).

They also prescribe fees to be charged by the Secretary of State for the carrying out of the conformity assessment of measuring instruments under the Measuring Instruments Regulations 2006 and the Measuring Instruments (Non-Prescribed Instruments) Regulations 2006.

A Regulatory Impact Assessment (RIA) has been produced for this instrument and a copy can be obtained from the National Weights and Measures Laboratory (NWML), Stanton Avenue, Teddington, Middlesex TW11 0JZ or from its website at www.nwml.gov.uk. A copy of the RIA has been placed in the libraries of both Houses of Parliament. Since the prescription of fees is ancillary to the implementation of the MID, a transposition note is not required.

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