
STATUTORY INSTRUMENTS

2006 No. 3322

The Compensation (Claims Management Services) Regulations 2006

PART 4

FEEES

Determination of fees

15.—(1) The Regulator must, by written instrument, determine—

- (a) fees, or a scale of fees, for the making of applications under Part 3; and
- (b) annual fees, or a scale of annual fees, for authorisations.

(2) A determination under paragraph (1)(b) may provide for the fee to be calculated by reference to the annual turnover or expected annual turnover of the business of the applicant or authorised person concerned.

(3) A determination under paragraph (1)—

- (a) may make provision that applies generally, or only in specified cases or circumstances;
- (b) may make different provision for different cases or circumstances;
- (c) may include transitional, incidental or consequential provisions; and
- (d) may provide for a fee of zero amount in specified circumstances.

(4) Before making such a determination, the Regulator must consult such persons as appear to him to represent the views of persons engaged in the provision of regulated claims management services, and such other organisations, as he considers appropriate.

(5) A determination under paragraph (1) (except a determination by the Secretary of State while exercising functions of the Regulator) has no effect unless a draft of it has been approved in writing by the Secretary of State.

Amendment etc of fees determination

16.—(1) The Regulator may, by written instrument, revoke or amend any determination in force from time to time under regulation 15, but such a revocation or amendment (except a revocation or amendment by the Secretary of State while exercising the functions of the Regulator) has no effect unless a draft of it has been approved by the Secretary of State.

(2) A revocation or amendment may include transitional, incidental or consequential provisions.

Invoicing for fees

17. Invoices for fees may be sent electronically, and regulation 5 applies to an invoice so sent.

Payment of fees by cheque

18. If a cheque is accepted in payment of a fee, the fee is taken not to have been paid until the cheque is honoured in full.

Refund etc of fees

19.—(1) The Regulator may refund all or part of a fee to an applicant or authorised person if he is satisfied that—

- (a) where the fee was calculated by reference to the applicant's or authorised person's expected turnover from claims management activities during a period, the actual turnover for the period was substantially less than the expected turnover; or
- (b) the applicant or authorised person has been otherwise overcharged.

(2) If an authorised person surrenders his authorisation, the Regulator may refund so much of the fee for that year as represents the difference between the amount paid and the amount that the Regulator is satisfied was properly due for the part of the year until the surrender.

Cancellation for non-payment of fee

20. The Regulator may cancel an authorised person's authorisation if the Regulator sends an invoice for a fee to the person and the person does not pay the fee within one month after the date of the invoice.