

**EXPLANATORY MEMORANDUM TO  
THE MEASURING INSTRUMENTS (EEC REQUIREMENTS) (FEES) (AMENDMENT)  
REGULATIONS 2008**

**2008 No. 732**

1. This explanatory memorandum has been prepared by the Department of Innovation, Universities and Skills and is laid before Parliament by Command of Her Majesty.
  
2. **Description**
  - 2.1 These regulations amend the fees to be charged in relation to certain services provided by the Secretary of State with regard to Measuring Instruments. These fees are set to cover the cost of providing the service and permission to charge a fee has been granted under section 56(1) and (2) of the Finance Act 1973.
  
3. **Matters of special interest to the [Joint Committee on Statutory Instruments *or* the Select Committee on Statutory Instruments]**
  - 3.1 None
  
4. **Legislative Background**
  - 4.1 The Measuring Instruments (EEC Requirements) (Fees) Regulations 2004 (“the 2004 Regulations”) prescribe the fees payable to the Secretary of State for the technical work carried out by the National Weights and Measures Laboratory (“NWML”) under Regulations which implement EC Directives on measuring instruments. NWML’s work in this context relates to various statutory functions of the Secretary of State, including type approval, pattern approval, verification, certification, approval of quality systems and designation of notified bodies.
  - 4.2 The 2004 Regulations provide that one element of the fees payable to the Secretary of State is a “variable fee” calculated in accordance with Schedule 1 to those Regulations. One of the components of the variable fee is an hourly rate. Different hourly rates are prescribed depending on the work done and the seniority of the staff involved. The Regulations increase some of these hourly rates by £5.
  
5. **Territorial Extent and Application**
  - 5.1 This instrument applies to all of the United Kingdom
  
6. **European Convention on Human Rights**
  - 6.1 As the instrument is subject to negative resolution procedure and does not amend primary legislation, no statement is required.

## **7. Policy background**

7.1 Organisations requiring the relevant services are charged a fee which reflects the cost of providing that service. This service is provided in the UK by the Secretary of State through the National Weights and Measures Laboratory. Under Treasury Fees and Charges guidance fees need to be charged to organisations that use the services provided by the Secretary of State with regard to Measuring Instruments. These fees are currently laid down in the 2004 Regulations, which were last amended in 2006.

7.2 These regulations amend the fees further in line with inflation, with an increase of £5 per hour each on previous fees of £75; £80; £95 and £120 per hour. The fees charged depend on the grade of officer performing the work, with a different fee for each grade. These fees are reviewed each year and consideration is made as to whether they need to be increased in order to cover the cost of providing the service. Fees were last amended on 1 April 2006, so that means an average annual increase of 2.5%.

## **8. Impact**

8.1 An Impact Assessment is not required as the increase in fees are in line with inflation and therefore do not constitute an additional cost to business..

8.2 The impact on the public sector is that the costs of providing the relevant services will be recovered.

## **9. Contact**

Sarah Glasspool at the National Weights and Measures Laboratory  
Tel: 020 8943 7267 or e-mail: Sarah.Glasspool@nwml.gov.uk can answer any queries regarding the instrument.