

SCHEDULE 2

CALCULATION OF THE OFFICIAL CONTROLS CHARGE

The standard charge

9.—(1) An operator who does not agree that an additional charge is justified under paragraph 8 may request that the question be determined by a person nominated for the purpose pursuant to sub-paragraph (3)(a).

(2) A request under sub-paragraph (1) shall be made within 1 week of the Agency giving the operator notice under paragraph 8(3).

(3) Where an operator makes a request under sub-paragraph (1)—

- (a) the Agency shall nominate a person to determine the question from the list established under sub-paragraph (4);
- (b) the person so nominated shall give the operator and the Agency an opportunity to make representations on the question to be determined;
- (c) the person so nominated shall, within 1 month of being nominated, decide whether an additional charge is payable and shall notify the operator and the Agency of that decision;
- (d) the decision notified under sub-paragraph (c) shall be binding on the operator and the Agency; and
- (e) the Agency shall give effect to the decision so notified.

(4) The Agency shall establish and maintain a list of people who may be nominated for the purposes of this paragraph and shall consult those organisations appearing to represent operators before including any person on the list.