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STATUTORY INSTRUMENTS

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**1990 No. 184**

**FEES AND CHARGES**

**The Electricity Act 1989 (Fees) Order 1990**

*Made* - - - - *7th February 1990*

*Coming into force* - - *8th February 1990*

Whereas a draft of this Order has been approved by a resolution of the House of Commons in pursuance of section 102(5) of the Finance (No. 2) Act 1987<sup>(1)</sup>:

Now, therefore, the Secretary of State for Energy, in exercise of the powers conferred by section 102 of that Act, and being in relation to the powers to fix fees specified in Part II of Schedule 1 the Minister of the Crown determined by the Treasury to be the appropriate authority, hereby makes the following Order:—

**Citation, commencement and interpretation**

**1.**—(1) This Order may be cited as the Electricity Act 1989 (Fees) Order 1990 and shall come into force on the day after it is made.

(2) In this Order “the Act” means the Finance (No. 2) Act 1987.

(3) Except when the context otherwise requires, any reference in Schedule 1 to this Order to a numbered section or Schedule is a reference to the section or Schedule bearing that number in the Electricity Act 1989<sup>(2)</sup>.

**Specification of functions for the purposes of section 102(3) of the Act**

**2.** In relation to each power to fix a fee listed in column 1 in Schedule 1 to this Order, the functions specified for the purposes of section 102(3) of the Act shall, as respects each such power, be the functions listed against that power in column 2 in that Schedule.

**Specification of matters for the purposes of section 102(4) of the Act**

**3.** In relation to each function listed in column 2 in Schedule 1 to this Order the matters specified for the purposes of section 102(4) of the Act shall be such of the matters set out in Schedule 2 to this Order as are listed against that function in column 3 of Schedule 1.

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(1) 1987 c. 51.

(2) 1989 c.29.

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**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

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7th February 1990

*John Wakeham*  
Secretary of State for Energy

## SCHEDULE 1

Article 2

## PART I

(1) Fee-fixing power	(2) Specified functions	(3) Specified matters, as set out in Schedule 2 below, which apply
Section 6—  power to prescribe in regulations the fee payable with an application for a licence or extension.	The functions of the Director General of Electricity Supply (“the Director”) in relation to standards of performance prescribed or determined under sections 39 to 41 of the Electricity Act 1989	Paragraphs 1 to 8.
Section 49(6)—  power by order to specify fee payable for a copy of, or extract from, part of register.	The functions of the Director in relation to the maintenance of, and provision of copies of or extracts from, the register maintained under section 49 of the Electricity Act 1989.	Paragraphs 1 to 7.
Schedule 8, paragraph 1(3)—  power by regulations to determine the fees payable with applications for consent under section 36 or 37.	The functions of the Secretary of State in relation to generating stations and overhead electric lines under sections 36 to 38 of, and Schedules 8 and 9 to, the Electricity Act 1989.	Paragraphs 1 to 4 and 8.

## PART II

(1) Fee-fixing power	(2) Specified functions	(3) Specified matters, as set out in Schedule 2 below, which apply
Schedule 7, paragraph 2(3)(a)—  power by regulations to determine fees to be paid for meter approvals.	The functions of the Director General of Electricity Supply (“the Director”) in relation to the approval of the pattern and construction of meters and the manner of their installation including, without	Paragraphs 1 to 7.

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(1) Fee-fixing power	(2) Specified functions	(3) Specified matters, as set out in Schedule 2 below, which apply
	<p>prejudice to the generality of the foregoing—</p> <ul style="list-style-type: none"> <li>(a) carrying out examinations of and tests to meters submitted for approval;</li> <li>(b) carrying out subsequent tests to meters to ascertain compliance with any terms and conditions of an approval; and</li> <li>(c) reviewing the terms and conditions of approvals.</li> </ul>	
<p>Schedule 7, paragraph 5(4)(b)—</p> <p>power by regulations to determine the fees to be paid for examining, testing and certifying meters.</p>	<p>The functions of the Director in relation to the certification of meters including, without prejudice to the generality of the foregoing—</p> <ul style="list-style-type: none"> <li>(a) carrying out examinations of and tests to meters submitted for certification;</li> <li>(b) carrying out subsequent tests to meters to ascertain compliance with any terms and conditions of a certificate; and</li> <li>(c) carrying out examinations of and tests to meters when reviewing the period of certification.</li> </ul>	<p>Paragraphs 1 to 8.</p>
<p>Schedule 7, paragraph 5(5)(a)—</p> <p>power by regulations to determine the fees to be paid for authorisations to certify meters.</p>	<p>The functions of the Director in relation to the authorisation of persons to certify meters including, without prejudice to the generality of the foregoing—</p> <ul style="list-style-type: none"> <li>(a) carrying out inspections of premises, equipment, procedures and records of persons to be authorised;</li> </ul>	<p>Paragraphs 1 to 8.</p>

(1) Fee-fixing power	(2) Specified functions	(3) Specified matters, as set out in Schedule 2 below, which apply
	(b) carrying out similar inspections to ascertain compliance with any conditions of an authorisation; and (c) monitoring compliance with directions given by the Director regarding the provision of apparatus.	
Schedule 7, paragraph 7(3)– power by regulations to determine the fees to be paid for examining and testing meters.	The functions of meter examiners appointed by the Director in relation to the examination and testing of meters under the Electricity Act 1989 including, without prejudice to the generality of the foregoing, the investigation and prosecution of offences.	Paragraphs 1 to 7.

## SCHEDULE 2

## Article 3

1. All costs incurred by the Secretary of State and the Director General of Electricity Supply which are directly attributable to any of the functions in Schedule 1 above.
2. That proportion of the costs, not falling within paragraph 1 above, incurred by or on behalf of the Secretary of State or the Director General of Electricity Supply in relation to staff, equipment, premises, facilities and matters connected (whether directly or indirectly) therewith, being the proportion which falls to be attributed to any of the functions specified in Schedule 1 above.
3. A return on the resources employed in carrying out any of the functions specified in Schedule 1 above.
4. The allocation of a sum in respect of matters which would otherwise be covered by insurance, the allocation of a sum in respect of superannuation payments and provision for bad debts, in relation to any of the functions specified in Schedule 1 above.
5. Amounts recovered in relation to any of the functions specified in Schedule 1 above other than from such fees as are referred to in this Order.
6. The allocation, over a period of years, of an initial or exceptional cost in relation to any of the functions specified in Schedule 1 above.
7. In respect of any function of the Secretary of State or the Director General of Electricity Supply consisting of the payment or remittance of any sum or amount, both the sum or amount in question and the cost incurred in effecting the payment or remittance.

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8. The recovery of any past deficits incurred in relation to any of the functions specified in Schedule 1 above.

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### EXPLANATORY NOTE

*(This note is not part of the Order)*

This Order specifies functions and matters which are to be taken into account in the determination of fees to be fixed in regulations made under the Electricity Act 1989 by the Secretary of State or the Director General of Electricity Supply in respect of certain matters concerning the generation, transmission and supply of electricity. The rate of return (see paragraph 3 of Schedule 2 to the Order) will be a rate agreed with the Treasury.