
STATUTORY INSTRUMENTS

1992 No. 3093

FEES AND CHARGES

**The Non-automatic Weighing Instruments
(EEC Requirements) (Fees) Regulations 1992**

<i>Made</i>	- - - -	<i>7th December 1992</i>
<i>Laid before Parliament</i>		<i>10th December 1992</i>
<i>Coming into force</i>	- -	<i>1st January 1993</i>

The Secretary of State for Trade and Industry, with the consent of the Treasury, in exercise of the powers conferred on him by section 56(1) and (2) of the Finance Act 1973⁽¹⁾, section 128 of the Finance Act 1990⁽²⁾ and of all other powers enabling him in that behalf, hereby makes the following Regulations:

Citation and commencement

1. These Regulations may be cited as the Non-automatic Weighing Instruments (EEC Requirements) (Fees) Regulations 1992 and shall come into force on 1st January 1993.

Interpretation

2. In these Regulations—

“the principal Regulations” mean the Non-automatic Weighing Instruments (EEC Requirements) Regulations 1992⁽³⁾;

“the relevant Community obligations” mean the Community obligations of the United Kingdom under Council Directive 90/384/EEC⁽⁴⁾; and

“approved body”, “approved type”, “EC type-approval certificate”, “EC unit verification”, “instrument” and “sticker” have the same meanings as in the principal Regulations.

Fees relating to designation of approved bodies

3. The fees payable in connection with the services provided by the Department of Trade and Industry in pursuance of the relevant Community obligations relating to the designation of approved

(1) 1973 c. 51.

(2) 1990 c. 29.

(3) S.I.1992/1579.

(4) OJNo. L189, 20.7.90, p.1 as corrected by the corrigendum published in OJ No. L258, 22.9.90, p.35.

bodies (implemented by regulation 9 of the principal Regulations) shall be determined and payable in accordance with Schedule 1 to these Regulations, whether the body is designated or not.

Fees relating to the grant of an EC type-approval certificate

4. The fees payable in connection with the services provided by the Department of Trade and Industry in pursuance of the relevant Community obligations relating to the grant or extension of an EC type-approval certificate and the issue of an addition to an original EC type-approval certificate (implemented by regulation 10 of the principal Regulations) shall be determined and payable in accordance with Schedule 2 to these Regulations, notwithstanding that the Secretary of State may not grant or extend the EC type-approval certificate or issue an addition to the original EC type-approval certificate in accordance with regulation 10(3), (4) and (9) respectively.

Fees relating to EC unit verification

5. The fees payable in connection with the services provided by the Department of Trade and Industry in pursuance of the relevant Community obligations relating to EC unit verification (implemented by regulation 12 of the principal Regulations) shall be determined and payable in accordance with Schedule 3 to these Regulations, notwithstanding that the Secretary of State may refuse to affix an EC mark of conformity or a sticker in accordance with regulation 12(3).

Consolidated fund

6. All fees received under these Regulations shall be paid into the Consolidated Fund.

4th December 1992

N. Hamilton
Parliamentary Under-Secretary of State,
Department of Trade and Industry

We consent

7th December 1992

Nicholas Baker
Greg Knight
Two of the Lords Commissioners of Her
Majesty's Treasury

Schedule 1

Regulation 3

FEES FOR DESIGNATION OF APPROVED BODIES

1. Where regulation 9(1) of the principal Regulations applies (designation of approved bodies) the fees are as follows—

- (a) a fixed fee of £180.00 to cover the costs of considering each application for designation; and
- (b) the amount of additional expense, if any, incurred by or occasioned to the Secretary of State by reason of any part of the consideration of such an application taking place at a place other than the National Weights and Measures Laboratory of the Department of Trade and Industry; and
- (c) the amount of additional expense, if any, incurred by or occasioned to the Secretary of State by reason of employing the assistance of a third party in the consideration of any such application;

and the total shall be due and payable, as indicated in paragraph 2 below.

2. On completion of the consideration of the application for designation, the Secretary of State shall serve an invoice on the applicant for the amount of the fees, together with notification that the consideration of the application for designation has been completed, and the amount shall immediately be due and payable to the Secretary of State.

Schedule 2

Regulation 4

FEES RELATING TO THE GRANT OF AN EC TYPE-APPROVAL CERTIFICATE

1.—(1) Where regulation 10(1) of the principal Regulations applies (application for the grant of an EC type-approval certificate), the fees shall be the aggregate of any one or more of the following—

- (a) the amount in respect of any time calculated to the nearest quarter of an hour (a period of 7½minutes being rounded up to a quarter of an hour) taken by examination staff conducting the examination at the rate of £36.50 per hour and by equipment test unit staff in testing the type at the rate of £55.00 per hour (including any time spent in travelling);
- (b) the amount in respect of any time during which the type is:—
 - (i) tested in an environmental testing chamber, at the rate of £5.00 per hour;
 - (ii) tested in a load cell testing facility, at the rate of £90.00 per hour;
 - (iii) tested for electromagnetic compatibility, at the rate of £45.00 per hour;
- (c) the amount of additional expense, if any, incurred by or occasioned to the Secretary of State by reason of any part of the examination or testing taking place at a place other than the National Weights and Measures Laboratory of the Department of Trade and Industry;
- (d) the amount of additional expense, if any, incurred by or occasioned to the Secretary of State by reason of employing the assistance of a third party in the examination or testing;

and shall be due and payable as indicated in sub-paragraphs (2) and (3) below.

(2) Subject to sub-paragraph (3) below, the amounts referred to in sub-paragraphs (1)(a), (b), (c) and (d) above shall be due and payable upon the service on the applicant of an invoice from the Secretary of State quarterly in arrears.

(3) On completion of the examination and testing, the Secretary of State shall serve an invoice on the applicant for the final amount of the fees, together with a notification of such completion,

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and the final amount shall immediately, and before notification of the result, be due and payable to the Secretary of State.

2.—(1) Where paragraphs (4) or (9) of regulation 10 of the principal Regulations apply (application for the extension of an EC type-approval certificate or for the approval of modifications or additions to an approval type) the fees shall be an amount calculated as indicated in paragraph 1(1) above and shall be due and payable as indicated in sub-paragraphs (2) and (3) below.

(2) The Secretary of State shall, on receipt of an application under sub-paragraph (1) above, estimate to the nearest hour (a period of 30 minutes being rounded up to one hour) the time to be taken in conducting the examination and testing the approved type and thereby estimate the amount to be payable, calculated in accordance with paragraph 1(1) above, and shall serve an invoice on the applicant for the amount so estimated, which amount, subject to sub-paragraph (3) below, shall immediately be due and payable to the Secretary of State.

(3) On completion of the examination and testing, the Secretary of State shall—

- (a) serve a further invoice on the applicant for the final amount of the fees, together with a notification of such completion, and the final amount, after deducting the amount received under sub-paragraph (2) above, shall immediately, and before notification of the result, be due and payable to the Secretary of State; or
- (b) if the amount received under sub-paragraph (2) above exceeds the final amount, repay the balance to the applicant.

SCHEDULE 3

Regulation 5

FEES FOR EC UNIT VERIFICATION

1.—(1) Where regulation 12 of the principal Regulations applies (application for EC unit verification), the fees shall be the aggregate of any one or more of the following—

- (a) the amount in respect of any time calculated to the nearest quarter of an hour (a period of 7½minutes being rounded up to a quarter of an hour) taken by examination staff conducting the examination at the rate of £36.50 per hour and by equipment test unit staff in testing the instrument at the rate of £55.00 per hour (including any time spent in travelling);
- (b) the amount in respect of any time during which the instrument is:—
 - (i) tested in an environmental testing chamber, at the rate of £5.00 per hour;
 - (ii) tested in a load cell testing facility, at the rate of £90.00 per hour;
 - (iii) tested for electromagnetic compatibility, at the rate of £45.00 per hour;
- (c) the amount of additional expense, if any, incurred by or occasioned to the Secretary of State by reason of any part of the examination or testing taking place at a place other than the National Weights and Measures Laboratory of the Department of Trade and Industry;
- (d) the amount of additional expense, if any, 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 for EC unit verification;

and shall be due and payable as indicated in sub-paragraph (2) and (3) below.

(2) Subject to sub-paragraph (3) below, the amounts referred to in sub-paragraph (1) (a), (b), (c) and (d) above shall be due and payable upon the service on the applicant of an invoice from the Secretary of State.

(3) On completion of the appropriate examinations and tests the Secretary of State shall, together with a notification of such completion, serve an invoice on the applicant for the amount of the fees and the amount shall immediately, and before notification of the result, be due and payable to the Secretary of State.

EXPLANATORY NOTE

(This note is not part of the Regulations)

1. These Regulations stipulate the fees payable in connection with new services to be provided by the Department of Trade and Industry in respect of the designation of approved bodies, the grant of an EC type-approval certificate or the approval of modifications or additions to an approved type and EC unit verification. These services are to be performed pursuant to regulations 9, 10 and 12 of the Non-automatic Weighing Instruments (EEC Requirements) Regulations 1992, coming into force on 1st January 1993.

2. The fees in respect of the designation of approved bodies are as follows: a fixed fee of £180.00 in respect of the application for designation with additional amounts to be computed as incurred if any part of the consideration of an application takes place at a venue other than the National Weights and Measures Laboratory of the Department of Trade and Industry or if it is necessary to employ the assistance of a third party in the consideration of any application.

3. The fees in respect of the grant of an EC type-approval certificate or the approval of modifications or additions to an approved type and EC unit verification will be the aggregate of any one or more of the following: for examiner staff — £36.50 per hour; for equipment test unit staff — £55.00 per hour; for the use of an environmental testing chamber — £5.00 per hour; for the use of a load cell facility — £90.00 per hour and if tested for electromagnetic compatibility — £45.00 per hour; with additional amounts to be computed as incurred if any part of the consideration of an application takes place at a venue other than the National Weights and Measures Laboratory of the Department of Trade and Industry or if it is necessary to employ the assistance of a third party in the consideration of any application. The fees in respect of the grant of an EC type-approval certificate are payable quarterly in arrears.