
STATUTORY INSTRUMENTS

1997 No. 3050

TELEGRAPHS

**The Wireless Telegraphy Apparatus
Approval and Examination Fees Order 1997**

<i>Made</i>	- - - -	<i>17th December 1997</i>
		<i>22nd December</i>
<i>Laid before Parliament</i>		<i>1997</i>
<i>Coming into force</i>	- -	<i>2nd February 1998</i>

The Secretary of State, in exercise of the powers conferred on her by section 84(7) of the Telecommunications Act 1984⁽¹⁾, section 128 of the Finance Act 1990⁽²⁾, and of all other powers enabling her in that behalf, hereby makes the following Order:—

Citation and commencement

1. This Order may be cited as the Wireless Telegraphy Apparatus Approval and Examination Fees Order 1997 and shall come into force on 2nd February 1998.

Revocation and transitional provisions

2.—(1) Subject to paragraph (2) below, the Wireless Telegraphy Apparatus Approval and Test Fees Order 1992⁽³⁾ is hereby revoked.

(2) Where, for the purposes of the determination of an application for approval received by the Secretary of State on or before 1st February 1998, the whole or part of any approval of apparatus is conducted on or after the coming into force hereof, the fee to be charged in respect of the whole of that approval shall be the fee provided for in the Wireless Telegraphy Apparatus Approval and Test Fees Order 1992.

Interpretation

3.—(1) In this Order—
“the Act” means the Telecommunications Act 1984;

(1) 1984 c. 12.
(2) 1990 c. 29.
(3) S.I. 1992/2087.

“apparatus” means wireless telegraphy apparatus or apparatus designed or adapted for use in connection with wireless telegraphy apparatus;

“approval” means approval under section 84 of the Act and includes initial approval of apparatus and approval of a technical change or modification to approved apparatus under that section;

“approval fee” shall be construed in accordance with article 6;

“approved apparatus” means apparatus which is approved under section 84 of the Act;

“examination” means the supervision by an officer of a test carried out by a person other than an officer and inspection of apparatus and shall include the carrying out of a test by an officer;

“examination fee” shall be construed in accordance with article 5;

“modification” means any change to approved apparatus which is effected by or on behalf of a person other than the manufacturer of that apparatus;

“non-technical change” means any change to approved apparatus which does not affect or is not capable of affecting the radio frequency characteristics of that apparatus which is effected by or on behalf of the manufacturer;

“officer” means a person engaged in examination on behalf of the Secretary of State; and

“technical change” means any change to approved apparatus which affects or is capable of affecting the radio frequency characteristics of that apparatus which is effected by or on behalf of the manufacturer.

(2) For the purposes of this Order—

- (a) the setting up and dismantling of the apparatus examined and any other equipment required to conduct an examination;
- (b) the analysis of examination results;
- (c) the compiling of an examination report; and
- (d) unpacking and repacking the apparatus examined,

shall be treated as part of the examination.

(3) For the purposes of this Order, “visit” means a continuous period of time during which an officer is reasonably absent from his work place for the purposes of conducting an examination and includes time spent in conducting the examination, time reasonably spent in travel wholly undertaken for the purposes of an examination wholly or partly conducted at a place other than the officer’s work place, any period in which overnight accommodation (including a berth on a boat or train) is reasonably occupied (an “overnight stay”) and any other rest periods reasonably taken whilst so absent.

(4) In calculating an officer’s subsistence costs, a visit shall be divided into periods of time in the following order—

- (a) each complete period of 24 hours (a “24 hour period”);
- (b) any—
 - (i) single period of less than 24 hours; or
 - (ii) period of less than 24 hours remaining after any 24 hour periods have been taken into account,
which includes an overnight stay (an “overnight period”);
- (c) where—
 - (i) the visit does not involve an overnight stay; or
 - (ii) the visit involves one or more 24 hour periods, but no overnight period is counted,

any period of—

(aa) 10 hours or more but less than 24 hours (a “day period”); or

(bb) 5 hours or more but less than 10 hours (a “half-day period”); and

(d) any remaining period of less than 5 hours, which shall be disregarded.

(5) In calculating an examination fee or variable fee, each period of time taken by each officer involved in conducting an examination shall be counted separately, and the total for each officer be aggregated, and the aggregate for all officers involved divided into complete periods of 15 minutes, with any remaining period of 7.5 minutes or more but less than 15 minutes being counted as a complete period of 15 minutes, and any remaining period of less than 7.5 minutes being disregarded.

Application

4. This Order applies to the charging of fees for the purpose of determining an application for approval and in respect of the examination of apparatus for that purpose conducted by the Secretary of State.

Examination fees

5.—(1) This article applies to the charging of fees, “examination fees”, in respect of the examination of apparatus conducted by the Secretary of State for the purpose of determining an application for approval.

(2) The examination fee shall be the sum of—

(a) the amount calculated in accordance with Schedule 1 hereto; and

(b) an amount equal to the value added tax chargeable on the supply of that examination.

(3) For the purposes of this article, the value of the supply of examination by reference to which value added tax is chargeable shall be the amount calculated in accordance with Schedule 1 hereto.

Approval fees

6.—(1) This article applies to the charging of fees, “approval fees”, in respect of the determination of an application for approval of apparatus by the Secretary of State including the charging of fees in respect of any examination carried out as part of that determination.

(2) The approval fee, which is payable whether or not approval is granted, shall be the sum of—

(a) the sum specified in relation to the type of application appearing in Schedule 2 hereto (“the fixed fee”); and

(b) if the determination of an application for approval includes a visit, the sum of—

(i) the amount calculated in accordance with Schedule 3 hereto (“the variable fee”); and

(ii) an amount equal to the value added tax chargeable on the supply of that examination.

(3) For the purposes of this article, the value of the supply of examination by reference to which value added tax is chargeable shall be the variable fee.

Timing of payment of fees

7.—(1) Where an examination fee is payable, the Secretary of State shall—

(a) on receipt of an application for examination of apparatus, estimate in complete periods of 15 minutes the time to be taken in conducting the examination and thereby estimate the amount to be payable in accordance with article 5 above, and shall serve an invoice on

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the applicant for the amount so estimated, which shall thereupon be due and payable to the Secretary of State;

(b) on completion of the examination, the Secretary of State shall—

(i) serve an invoice on the applicant for the final amount of the examination fee, which shall thereupon, and before disclosure of the examination report, be due and payable to the Secretary of State; or

(ii) if the amount received under paragraph (1)(a) above exceeds the final amount of the examination fee, repay the balance to the applicant.

(2) Where a variable fee is payable, the Secretary of State shall on completion of the visit notify the applicant of the amount of the variable fee which shall thereupon, and before disclosure and notification of the result of the application, be due and payable to the Secretary of State.

(3) The fixed fee shall be due and payable on the making of the application for approval.

Barbara Roche,
Parliamentary Under Secretary of State for Small
Firms, Trade and Industry,
Department of Trade and Industry

17th December 1997

SCHEDULE 1

Article 5

CALCULATION OF EXAMINATION FEES

The amount to be included in the examination fee for the purposes of article 5(2)(a) shall be £66 per hour taken in conducting the examination, subject to—

- (a) a minimum of £250; and
- (b) a maximum of £10,500.

SCHEDULE 2

Article 6(2)

CALCULATION OF FIXED FEES

<i>Type of Application</i>	<i>Fee</i>
Initial Approval	£400
Modification	£400
Non-technical Change	£200
Technical Change	£200

SCHEDULE 3

Article 6(2)

CALCULATION OF VARIABLE FEES

The amount to be included in the variable fee for the purposes of article 6(2)(b)(i) shall be the sum of the following—

- (a) £41 per hour for time spent in conducting the examination;
- (b) any travelling costs reasonably incurred; and
- (c) where an examination involves a visit of 5 hours or more, each officer's reasonable subsistence costs.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order provides for the charging of fees in relation to determination of applications for approval or variation of approval of wireless telegraphy apparatus and the examination of such apparatus for that purpose by the Secretary of State in exercise of her functions under section 84 of the Telecommunications Act 1984 (c. 12) (article 4). It replaces the Wireless Telegraphy Apparatus Approval and Test Fees Order 1992 (S.I.1992/2087). This Order updates the level of the fees for

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examination (including testing) and for determination of applications for approval to achieve full cost recovery (Schedules 1, 2 and 3).

These fees are altered as follows:

- (a) the fee payable on initial approval is increased from £375 to £400;
- (b) the modification of an application is increased from £375 to £400;
- (c) the non-technical change of an application is increased from £150 to £200;
- (d) the technical change of an application is increased from £150 to £200;
- (e) the fee payable for site visits is changed from a variable rate of £30.48 to £46.86 per hour depending on the grade of officer to a single rate of £41.00 per hour

The above fees are set at a level to achieve full cost recovery.