

SCHEDULE 2

Regulation 18

Fees

Interpretation

- 1.—(1) In this Schedule “application” has the same meaning as in regulation 9 .
- (2) Any reference in this Schedule to a paragraph is a reference to a paragraph of this Schedule.
- (3) In this Schedule any reference to the receipt by the Commission of a payment by way of a fee is a reference to the Commission having received cleared funds in respect of the full amount of the fee.
- (4) In these Regulations any reference to a failure to pay a fee is a reference to the Commission not having received cleared funds in respect of the full amount of the fee or having received payment of the full amount by cheque which has subsequently been dishonoured.

Fee to accompany an application

- 2.—(1) At the same time that an application for an order under paragraph 3(1) of Schedule 6 to the Act is made to the Commission the fee specified in sub-paragraph (3) must be paid to the Commission.
- (2) If the applicant fails to pay the fee, the Commission need not consider the application until payment is received by the Commission.
- (3) The fee payable on making an application is £4,500.

Pre-examination fee

- 3.—(1) The Commission must charge the applicant a pre-examination fee.
- (2) Following a decision under regulation 22, the Commission must notify the applicant as soon as reasonably practicable, of the pre-examination fee.
- (3) The pre-examination fee is—
 - (a) where a single Commissioner will handle the application, £8,500;
 - (b) where two or three Commissioners will handle the application, £25,500;
 - (c) where more than three Commissioners will handle the application, £38,500.
- (4) The pre-examination fee must be received by the Commission within the period of 28 days beginning with the date of the notice referred to in sub-paragraph (2).
- (5) If the applicant fails to pay the pre-examination fee within the period specified in sub-paragraph (4), the Commission need take no further steps in relation to the application until payment has been received by the Commission.

Fee in respect of the handling of an application

- 4.—(1) The Commission must charge the applicant a fee in respect of its examination of the application.
- (2) The fee payable is the sum of—
 - (a) an initial payment calculated in accordance with paragraph 5; and
 - (b) a final payment calculated in accordance with paragraph 6.

Initial payment in respect of the handling of an application

5.—(1) Following the preliminary meeting under regulation 28, the Commission must, as soon as reasonably practicable, give the applicant notice in writing of—

- (a) the number of estimated relevant days;
- (b) whether the application is to be examined by a single Commissioner, or 2 or more Commissioners, and in the latter case, the number of Commissioners who are to be appointed; and
- (c) the initial payment.

(2) In this paragraph—

“estimated relevant day” means a day estimated by the Commission as required for its examination of the application;

“initial payment” in relation to a notice under sub-paragraph (1) means—

- (a) where the examination is to be handled by a single Commissioner, £615 for each estimated relevant day;
- (b) where the examination is to be handled by 2 or 3 Commissioners, £1,340 for each estimated relevant day;
- (c) where the examination is to be handled by more than 3 Commissioners, £2,040 for each estimated relevant day.

(3) The initial payment must be received by the Commission within the period of 28 days beginning with the date of the notice referred to in sub-paragraph (1).

(4) If the applicant fails to pay the initial payment within the period specified in sub-paragraph (3), the Commission need take no further steps in relation to the application until payment has been received by the Commission.

Final payment in respect of the handling of an application

6.—(1) Following notification of the completion of the examination, the Commission must, as soon as reasonably practicable, give the applicant notice of the final payment.

(2) The final payment is—

- (a) where a single Commissioner has examined the application, £1,230 for each relevant day;
- (b) where two or three Commissioners have examined the application, £2,680 for each relevant day;
- (c) where more than three Commissioners have examined the application, £4,080 for each relevant day;

less the initial payment referred to in paragraph 5.

(3) In this paragraph “relevant day” means a day on which the Commission examined the application.

(4) The final payment must be received by the Commission within the period of 28 days beginning with the date of the notice referred to in sub-paragraph (1).

(5) If the applicant fails to pay the fee within the period specified in sub-paragraph (4), the Commission need take no further steps in relation to the application until payment has been received by the Commission.

Fee in respect of venue costs

7.—(1) Where the applicant does not provide a venue for a hearing the Commission may charge a fee in respect of the venue costs.

(2) In sub-paragraph (1) “venue costs” means—

(a) where the Commission causes a hearing to be held, the costs reasonably incurred by the Commission in respect of that hearing; or

(b) where the Commission makes arrangements for a hearing to be held but it does not take place, the costs reasonably incurred by the Commission in respect of those arrangements.

(3) The Commission must notify the applicant of the amount of the fee.

(4) The fee must be received by the Commission within the period of 28 days beginning with the date of the notice referred to in sub-paragraph (3).

(5) If the applicant fails to pay the fee within the period specified in sub-paragraph (4), the Commission need take no further steps in relation to the application until payment has been received by the Commission.

(6) In this paragraph “hearing” means a hearing held in accordance with these Regulations.