
STATUTORY INSTRUMENTS

1992 No. 712

TELECOMMUNICATIONS

The Telecommunication Meters (Approval Fees) (British Approvals Board for Telecommunications) Order 1992

<i>Made</i>	- - - -	<i>11th March 1992</i>
<i>Laid before Parliament</i>		<i>12th March 1992</i>
<i>Coming into force</i>	- -	<i>6th April 1992</i>

Whereas certain licences granted under section 7 of the Telecommunications Act 1984⁽¹⁾ (“the Act”) being licences to which section 8 of the Act applies include provisions which are framed by reference to meters for the time being approved under section 24 of the Act for use in connection with telecommunication systems to which those licences relate:

Whereas, then, for the purposes of those provisions, meters may be approved for use in connection with those systems under the said section 24 by the Secretary of State:

Whereas the functions conferred on the Secretary of State by the said section 24 (other than the power to make orders) are, pursuant to an appointment⁽²⁾ for that purpose under section 25 of the Act, exercisable by the British Approvals Board for Telecommunications (“BABT”) to the extent and subject to the conditions specified in that appointment:

And whereas that appointment authorises BABT to retain any fees received by it:

Now, therefore, the Secretary of State, in exercise of the power conferred on him by section 24(13) of the Act, and of all other powers enabling him in that behalf, hereby makes the following Order:

Citation and commencement

1. This Order may be cited as the Telecommunication Meters (Approval Fees) (British Approvals Board for Telecommunications) Order 1992 and shall come into force on 6th April 1992.

Interpretation

2. In this Order—

“the Act” means the Telecommunications Act 1984;

“application fee” has the meaning given by article 3(a) below;

(1) 1984 c. 12.

(2) The appointment was made on 24th November 1988.

“approval” means approval of a meter under section 24 of the Act;

“BABT” means the British Approvals Board for Telecommunications;

“continuation fee” has the meaning given by article 3(b) below;

“licensee” means a particular person to whom a licence has been granted under section 7 of the Act being a licence to which section 8 of the Act applies;

“man-hour” includes a period of half a man-hour or more but less than a complete man-hour, any period of less than half a man-hour being disregarded for the purposes of calculating the fees payable pursuant to this Order;

“meter” has the meaning given by section 24(15) of the Act; and

“tax invoice” means an invoice provided by BABT in accordance with the requirements of Part III of the Value Added Tax (General) Regulations 1985(3) to the person by whom a fee is payable pursuant to article 3 of this Order.

Application

3. This Order shall apply to the fees to be paid to BABT—
- (a) in respect of exercising the function of considering applications for approval received on or after 6th April 1992 (which includes, without prejudice to the generality thereof, the appraisal of licensees' meters and assessment against the standard designated by the Director under section 24(6)(b) of the Act), by a person applying for such approval (such fee being referred to in this Order as an “application fee”); and
 - (b) where an approval specifies pursuant to section 24(4) of the Act a condition which must be complied with if the approval is to apply, imposing on the person to whom the approval is given a requirement from time to time to satisfy BABT with respect to any matter, by that person in respect of the exercise on or after 6th April 1992 of the function of being satisfied that that requirement is being complied with (such fee being referred to in this Order as a “continuation fee”).

Fees

- 4.—(1) The fees to be paid to BABT in respect of both application fees and continuation fees shall be calculated and paid in accordance with the following provisions of this article.
- (2) The fees shall be the sum of—
 - (a) an amount calculated at the rate of £43.24 per man-hour taken by BABT in exercising the relevant function; and
 - (b) an amount equal to the value added tax chargeable on the supply of exercising that function.
 - (3) For the purposes of this article, the value of the supply of exercising the relevant function by reference to which value added tax is chargeable shall be the amount calculated in accordance with paragraph (2)(a) above.
 - (4) The fees shall be paid on delivery by BABT of a tax invoice monthly in arrears.

(3) S.I. 1985/886; Part III was amended in regulation 15 by S.I. 1991/691. There are other amendments to S.I. 1985/886 not relevant to this Order.

11th March 1992

John Redwood
Department of Trade and Industry

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

EXPLANATORY NOTE

(This note is not part of the Order)

This Order provides for the charging of fees in respect of the approval of meters under section 24 of the Telecommunications Act 1984.

The Secretary of State, after carrying out the consultation required by the Act, appointed the British Approvals Board for Telecommunications (BABT) on 24th November 1988 under section 25 of the Act, to the extent and subject to the conditions set out in the appointment, to carry out the functions conferred on him in respect of the approval of meters. The appointment authorises BABT to retain the fees which are provided for in this Order and which BABT will charge in respect of exercising the Secretary of State's approval functions under section 24.

The fees provided for in this Order are payable in respect of the activities of BABT necessary for the exercise of the approval function. The application fee (article 3(a)) covers the consideration of applications for approval, which includes the appraisal of licensees' metering systems and assessment against the standard designated by the Director General of Telecommunications under section 24(6) (b) of the Act. The continuation fee (article 3(b)) covers the monitoring of metering system subsequent to the grant of approval in accordance with conditions imposed under section 24(4).

Article 4(2) sets the fee at £43.24 per man-hour taken in the exercise of the approval functions by BABT, plus value added tax (VAT). The fees are payable monthly in arrears upon the delivery of BABT's tax invoice (article 4(4)).

The letter of appointment of BABT, and the standard designated under section 24(6) of the Act, may be inspected at the Office of Telecommunications, Export House, 50 Ludgate Hill, London EC4M 7JJ.