

1988 No. 643

FEES AND CHARGES

The Department of Transport (Fees) Order 1988

Made - - - - - *29th March 1988*

Coming into force - - - - - *1st April 1988*

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(a);

Now, therefore, the Secretary of State for Transport, in exercise of the powers conferred by section 102 of that Act, hereby makes the following Order:-

Citation, commencement and interpretation

1.—(1) This Order may be cited as the Department of Transport (Fees) Order 1988 and shall come into force on 1st April 1988.

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

2. In relation to each of the powers to fix a fee listed in column 1 of the Tables in Schedule 1 to this Order in respect of the subject matters set out in that column the functions specified for the purposes of section 102(3) of the Act shall, as respects each subject matter, be those functions listed against that power in column 2 of the Tables.

3. In relation to each function listed in column 2 of the Tables in Schedule 1 to this Order as respects a subject matter set out in column 1 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 in column 3 of the Tables against that subject matter.

29th March 1988

Paul Channon
Secretary of State for Transport

SCHEDULE 1

TABLE I—TRANSPORT ACT 1968(a)

(1)	(2)	(3)
<i>Fee-Fixing Power</i>	<i>Specified Functions</i>	<i>Specified matters as set out in Schedule 2, which apply.</i>
<p>Section 89(1)— power to prescribe in regulations the fees payable in respect of— Goods vehicle operators' licences.</p>	<p>(i) The functions of the Secretary of State, the licensing authorities and the Transport Tribunal in relation to goods operator licensing under the Transport Act 1968.</p> <p>(ii) The functions of the Secretary of State and the licensing authorities in assistance to the Transport Tribunal under the Transport Act 1985(b).</p> <p>(iii) The functions of the Transport Tribunal under the Transport Act 1985.</p> <p>(iv) The functions of the Secretary of State and the licensing authorities with respect to anything done by the European Communities or any of their institutions in relation to goods operator licensing.</p> <p>(v) Any other functions of the Secretary of State and the licensing authorities in relation to goods operator licensing including, without prejudice to the generality of the foregoing:—</p> <p style="padding-left: 20px;">(a) the investigation and prosecution of offences and enforcement action in relation to conditions on an operators' licence in respect of maintenance of vehicles, vehicle weights, vehicle sizes, vehicle testing and plating, vehicle safety standards and the conduct of drivers;</p> <p style="padding-left: 20px;">(b) the investigation and prosecution of offences and enforcement action relating to conditions on an operator's licence in relation to maintenance of vehicles in respect of hazardous load requirements under the Health and Safety at Work etc Act 1974(c);</p> <p style="padding-left: 20px;">(c) the screening of tachograph records.</p>	<p>Paragraphs 1 to 7.</p>

(a) 1968 c.73; section 89(1) was amended by the Transport Act 1980 (c.34), section 69 and Schedule 9, Part II and by the Transport Act 1982 (c.49), section 74(2) and Schedule 6.
 (b) 1985 c.67.
 (c) 1974 c.37.

TABLE II—FINANCE ACT 1973(a)

(1)	(2)	(3)
<i>Fee—Fixing Power</i>	<i>Specified Functions</i>	<i>Specified matters as set out in Schedule 2, which apply.</i>
<p>Section 56(1)— power to prescribe in regulations the fees and charges for services or facilities provided or authorisations, certificates or other documents issued in pursuance of any Community obligation or any international agreement or arrangement, in respect of—</p>		
<p>A. International road haulage permits;</p>	<p>(i) The functions of the Secretary of State in relation to obligations under EEC regulations and bilateral road transport agreements regarding international road haulage permits. (ii) Any other functions of the Secretary of State in relation to international road haulage permits including, without prejudice to the generality of the foregoing, consideration of enforcement activity.</p>	<p>Paragraphs 1 to 7.</p>
<p>B. Type approval certificates;</p>	<p>(i) The functions of the Secretary of State in relation to any EEC directive with respect to EEC type approval certification, including, without prejudice to the generality of the foregoing, the investigation and prosecution of offences and enforcement action. (ii) The functions of the Secretary of State in relation to international obligations carried out as a contracting party to United Nations agreements concerning the adoption of uniform conditions of approval for motor vehicle equipment and parts and reciprocal recognition thereof with respect to Economic Commission for Europe type approval certification including, without prejudice to the generality of the foregoing, the investigation and prosecution of offences and enforcement action.</p>	<p>Paragraphs 1 to 7.</p>
<p>C. Certificates of conformity of vehicles to the European Agreement concerning the International Carriage of Dangerous Goods by road (ADR) and of compliance with the Customs Convention on the International Transport of Goods under cover of TIR Carnets of 15th November 1975(b);</p>	<p>(i) The functions of the Secretary of State in relation to approval certifications under the European Agreement for the Carriage of Dangerous Goods and the Customs Convention on the International Transport of Goods under cover of TIR Carnets. (ii) All other functions of the Secretary of State in relation to approval certifications including, without prejudice to the generality of the foregoing:— (a) the ensuring of uniformity in the application of standards of approvals;</p>	<p>Paragraphs 1 to 7.</p>

(a) 1973 c.51.

(b) Cmnd. 9032.

SCHEDULE I: Table II—*continued*

(1)	(2)	(3)
<i>Fee—Fixing Power</i>	<i>Specified Functions</i>	<i>Specified matters as set out in Schedule 2, which apply.</i>
C. Certificates — <i>continued</i>	(b) the issuing of certified copies of certificates and duplicates of certificates where appropriate, and the carrying out of any necessary investigations into the circumstances which led to the need for such copies or duplicates; (c) the enforcement of compliance with the provisions of the Agreement or the Convention.	Paragraphs 1 to 7.
D. Approval of tachograph calibration centres;	(i) The functions of the Secretary of State in relation to the approval of tachograph calibration centres under the Transport Act 1968. (ii) The functions of the Secretary of State in relation to the approval of tachograph calibration centres under EEC regulations. (iii) Any other functions of the Secretary of State in relation to the approval of tachograph calibration centres including, without prejudice to the generality of the foregoing:— (a) carrying out examinations and inspections in order to determine that approved centres continue to comply with the conditions of their approval and any subsequent enforcement of the conditions; (b) investigations required in relation to approved centres and any subsequent enforcement activity; (c) approval of equipment for use in connection with tachograph installation, repair or checking.	Paragraphs 1 to 7.
E. International road passenger transport authorisations.	(i) The functions of the Secretary of State in relation to international road passenger transport authorisations in accordance with EEC regulations and bilateral agreements with non EEC countries. (ii) Any other functions of the Secretary of State in relation to international road passenger transport authorisations including, without prejudice to the generality of the foregoing, work in connection with enforcement.	Paragraphs 1 to 7.

TABLE III – ROAD TRAFFIC ACT 1972(a)

(1)	(2)	(3)
<i>Fee – Fixing Power</i>	<i>Specified Functions</i>	<i>Specified matters as set out in Schedule 2, which apply.</i>
<p>1. Section 43(6)(b)– power to prescribe in regulations the fees to be charged for an application, examination or appeal in relation to an annual test or retest of a motor vehicle other than a goods vehicle, in respect of–</p>	<p>(i) The functions of the Secretary of State in relation to the testing of public service vehicles under the Road Traffic Act 1972 and the Public Passenger Vehicles Act 1981(c). (ii) Any other functions of the Secretary of State in relation to the testing of public service vehicles including, without prejudice to the generality of the foregoing, provision of information to enforcement agencies.</p>	Paragraphs 1 to 7.
<p>A. Public service vehicles;</p>		
<p>B. Vehicles other than goods vehicles and public service vehicles.</p>	<p>(i) Functions of the Secretary of State in relation to the testing of vehicles, other than goods vehicles and public service vehicles, under the Road Traffic Act 1972. (ii) Any other functions of the Secretary of State in relation to the testing of vehicles, other than goods vehicles and public service vehicles, including, without prejudice to the generality of the foregoing:– (a) inspections of premises, equipment, records, vehicles and testing station testing standards for enforcement purposes; (b) enforcement action against testing stations and testers, and appeals therefrom; (c) training, re-training and checking of the continuing competence of nominated testers; (d) the issue of duplicate test certificates where a testing station’s authorisation has ceased; (e) functions in connection with appeal tests.</p>	Paragraphs 1 to 7.
<p>2. Section 45(6)– power to prescribe in regulations the fees to be paid in respect of– Goods vehicle plating and testing.</p>	<p>(i) The functions of the Secretary of State in relation to goods vehicle plating and testing under the Road Traffic Act 1972.</p>	Paragraphs 1 to 7.

(a) 1972 c.20.

(b) Section 43(6) was amended by the Transport Act 1982, section 74 and Schedule 5, paragraph 8.

(c) 1981 c.14, as amended by the Transport Act 1985.

SCHEDULE I: Table III—continued

(1)	(2)	(3)
<i>Fee-Fixing Power</i>	<i>Specified Functions</i>	<i>Specified matters as set out in Schedule 2, which apply.</i>
2. Section 45(6)— <i>continued</i>	(ii) Any other functions of the Secretary of State in relation to goods vehicle plating and testing including, without prejudice to the generality of the foregoing, provision of information to enforcement agencies.	Paragraphs 1 to 7.
3. Section 50(1)(a)— power to prescribe in regulations the fees and charges for the provision of services or facilities or the issue of certificates and other documents in respect of—	The functions of the Secretary of State in relation to type approval or Minister's approval certification under the Road Traffic Act 1972 including, without prejudice to the generality of the foregoing, the investigation and prosecution of offences and enforcement action.	Paragraphs 1 to 7.
Type approval of vehicles and parts.		
4. Section 85(2)— power to prescribe in regulations the fee for a test of competence to drive a motor vehicle (other than, in the case of Part I of the two part motorcycle test, a motorcycle) to be paid by a person who submits himself for such a test or applies for an appointment for such a test, in respect of—	The functions of the Secretary of State in relation to tests of competence to drive a motor vehicle (other than in the case of Part I of the two part motorcycle test, a motorcycle) under Part III of the Road Traffic Act 1972.	Paragraphs 1 to 7.
A. Motor vehicles, other than public service vehicles, heavy goods vehicles and, in the case of Part I of the two part motorcycle test, motorcycles;		
B. Motorcycles—Part I of the two part test.	The functions of the Secretary of State in relation to Part I of the two-part motorcycle test under the Road Traffic Act 1972, excluding those functions listed below against the next succeeding entry in this Table.	Paragraphs 1 to 7 and paragraph 9.

(a) Section 50(1) was amended by the Road Traffic Act 1974 (c.50), section 10(7) and Schedule 2, paragraph 8 and by the Transport Act 1982, sections 10 and 74 and Schedule 5, paragraph 10.

SCHEDULE I: Table III—continued

(1)	(2)	(3)
<i>Fee-Fixing Power</i>	<i>Specified Functions</i>	<i>Specified matters as set out in Schedule 2, which apply.</i>
<p>5. Section 85(2) as applied by section 23(6) of the Transport Act 1981(a)— power to prescribe in regulations the charge in respect of— Forms for certificates evidencing the results of tests of competence to drive which consist of separate parts.</p>	<p>(i) The functions to the Secretary of State in relation to training bodies appointed to conduct Part I of the two-part motorcycle test under the Road Traffic Act 1972 and the Transport Act 1981. (ii) All other functions of the Secretary of State in relation to training bodies appointed to conduct Part I of the two-part motorcycle test including, without prejudice to the generality of the foregoing, the supervision of standards of appointed training bodies.</p>	Paragraphs 1 to 7.
<p>6. Section 88(1)(b)— power to prescribe in regulations the fee in respect of— The grant of a driving licence.</p>	<p>(i) The functions of the Secretary of State in relation to driver licensing under Part III of the Road Traffic Act 1972. (ii) The functions of the Secretary of State in relation to anything done by the European Communities or any of their institutions with respect to minimum ages for driving, mutual recognition of driving tests and exchange of licences. (iii) Any other functions of the Secretary of State in relation to driver licensing including, without prejudice to the generality of the foregoing:— (a) carrying out enforcement work related to keeping records of endorsements and disqualifications and ensuring recovery of erroneous or revoked licences; (b) carrying out medical enquiries into the fitness of licence holders to drive following notifications which indicate that licence holders may have a medical condition requiring investigation; (c) work in connection with the investigation and prosecution of offences and enforcement action.</p>	Paragraphs 1 to 8.

(a) 1981 c.56.

(b) Section 88(1) was amended by the Road Traffic Act 1974, section 13 and Schedule 3, paragraph 4, and in other respects not relevant to this Order.

SCHEDULE I: Table III—continued

(1)	(2)	(3)
<i>Fee-Fixing Power</i>	<i>Specified Functions</i>	<i>Specified matters as set out in Schedule 2, which apply.</i>
<p>7. Section 119(1)(a)— power to prescribe in regulations the fee in respect of— A test of competence to drive a heavy goods vehicle to be paid by a person who submits himself for a test or applies for an appointment for such a test.</p>	<p>The functions of the Secretary of State in relation to tests of competence to drive a heavy goods vehicle under the Road Traffic Act 1972.</p>	<p>Paragraphs 1 to 7.</p>
<p>8. Section 120(1)— power to prescribe in regulations the fees to be charged in respect of— The grant of licences to drive heavy goods vehicles.</p>	<p>(i) The functions of the Secretary of State and the licensing authorities in relation to heavy goods vehicle driver licensing under the Road Traffic Act 1972. (ii) The functions of the Secretary of State and the licensing authorities in relation to anything done by the European Communities or any of their institutions with respect to minimum ages for driving, mutual recognition of driving tests and exchange licences. (iii) Any other functions of the Secretary of State in relation to heavy goods vehicle driver licensing including, without prejudice to the generality of the foregoing:— (a) carrying out enforcement work related to keeping records of endorsements and disqualifications and ensuring recovery of erroneous or revoked licences; (b) carrying out medical enquiries into fitness of licence holders to drive following notifications which indicate that licence holders may have a medical condition requiring investigation; (c) work in connection with the investigation and prosecution of offences and enforcement action.</p>	<p>Paragraphs 1 to 7.</p>
<p>9. Section 128(1)(b)— power to prescribe in regulations the fee in respect of— The entry of a person's name in the register of approved driving instructors.</p>	<p>The functions of the Secretary of State and the Registrar in relation to the register of approved driving instructors under the Road Traffic Act 1972 including, without prejudice to the generality of the foregoing, the investigation and prosecution of offences and enforcement action.</p>	<p>Paragraphs 1 to 7.</p>

(a) Section 119(1) is subject to amendments not relevant to this Order.

(b) Section 128(1) is subject to amendments not relevant to this Order.

SCHEDULE I: Table III—continued

(1)	(2)	(3)
<i>Fee-Fixing Power</i>	<i>Specified Functions</i>	<i>Specified matters as set out in Schedule 2, which apply.</i>
<p>10. Section 129(1)—power to prescribe in regulations the fee in respect of— The retention of a person's name on the register of approved driving instructors for a further period.</p>	<p>The functions of the Secretary of State and the Registrar in relation to the register of approved driving instructors under the Road Traffic Act 1972 including, without prejudice to the generality of the foregoing, the investigation and prosecution of offences and enforcement action.</p>	<p>Paragraphs 1 to 7.</p>
<p>11. Section 131(1)(a)—power to prescribe in regulations the fee in respect of— The grant of a licence to give instruction in the driving of a motor car.</p>	<p>The functions of the Secretary of State and the Registrar in relation to the register of approved driving instructors under the Road Traffic Act 1972 including, without prejudice to the generality of the foregoing, the investigation and prosecution of offences and enforcement action.</p>	<p>Paragraphs 1 to 7.</p>
<p>12. Section 133(1)(b)—power to prescribe in regulations fees in respect of— Taking parts of the qualifying examination.</p>	<p>The functions of the Secretary of State and the Registrar in relation to the register of approved driving instructors under the Road Traffic Act 1972 including, without prejudice to the generality of the foregoing, the investigation and prosecution of offences and enforcement action.</p>	<p>Paragraphs 1 to 7.</p>

(a) Section 131(1) is subject to amendments not relevant to this Order.

(b) Section 133(1) was amended by the Road Traffic (Driving Instruction) Act 1984 (c.13), section 4(1).

**TABLE IV – INTERNATIONAL CARRIAGE OF PERISHABLE FOODSTUFFS
ACT 1976(a)**

(1)	(2)	(3)
<i>Fee – Fixing Power</i>	<i>Specified Functions</i>	<i>Specified matters as set out in Schedule 2, which apply.</i>
Section 3 – power to prescribe in regulations fees in respect of– Examination and testing of transport equipment, and the issue of certified copies of certificates.	The functions of the Secretary of State in relation to the examination, testing and certification of transport equipment under the International Carriage of Perishable Foodstuffs Act 1976.	Paragraphs 1 to 7.

TABLE V – PUBLIC PASSENGER VEHICLES ACT 1981

(1)	(2)	(3)
<i>Fee – Fixing Power</i>	<i>Specified Functions</i>	<i>Specified matters as set out in Schedule 2, which apply.</i>
1. Section 52(1)(b)– power to prescribe in regulations fees for the purposes of sections 6 and 10 in respect of– Type vehicle approval, certificates of conformity and the issue of duplicate certificates and appeals.	The functions of the Secretary of State, certifying officers and public service vehicle examiners in relation to type vehicle approval certification and certificates of conformity under the Public Passenger Vehicles Act 1981 including, without prejudice to the generality of the foregoing, the enforcement of conformity of production standards.	Paragraphs 1 to 7.
2. Section 52(1)– power to prescribe in regulations fees in respect of– A. The certificate of initial fitness examination and re- examination of public service vehicles, and the issue of duplicate certificates and appeals;	The functions of the Secretary of State, certifying officers and public service vehicle examiners in relation to the certificate of initial fitness examination and re-examination of public service vehicles under the Public Passenger Vehicles Act 1981.	Paragraphs 1 to 7.

(a) 1976 c.58.

(b) Section 52(1) was amended by the Transport Act 1985, section 3(5) and Schedule 2, Part II, paragraph 4.

SCHEDULE I: Table V—continued

(1)	(2)	(3)
<i>Fee-Fixing Power</i>	<i>Specified Functions</i>	<i>Specified matters as set out in Schedule 2, which apply.</i>
<p>B. A test of competence to drive a public service vehicle to be paid by a person who submits himself for such a test or applies for an appointment for such a test;</p>	<p>The functions of the Secretary of State and the traffic commissioners in relation to tests of competence to drive a public service vehicle under the Public Passenger Vehicles Act 1981.</p>	<p>Paragraphs 1 to 7.</p>
<p>C. Applications for and the issue of licences to drive public service vehicles;</p>	<p>(i) The functions of the Secretary of State and the traffic commissioners in relation to public service vehicle driver licensing under the Public Passenger Vehicles Act 1981. (ii) The functions of the Secretary of State and the traffic commissioners in relation to anything done by the European Communities or any of their institutions with respect to minimum ages for driving, mutual recognition of driving tests and exchange licences. (iii) Any other functions of the Secretary of State and the traffic commissioners in relation to public service vehicle driver licensing including, without prejudice to the generality of the foregoing:— (a) carrying out enforcement work related to keeping records of endorsements and disqualifications and ensuring the recovery of erroneous or revoked licences; (b) carrying out medical enquiries into the fitness of licence holders to drive following notifications which indicate that licence holders may have a medical condition requiring investigation; (c) work in connection with the investigation and prosecution of offences and enforcement action.</p>	<p>Paragraphs 1 to 8.</p>
<p>D. Applications for the grant of a public service vehicle operator's licence, the issue of operator's discs and applications for the issue of a certificate as to repute, professional competence or financial standing.</p>	<p>(i) The functions of the Secretary of State and the traffic commissioners in relation to public service vehicle operator licensing under the Road Traffic Act 1972, the Public Passenger Vehicles Act 1981 and the Transport Act 1985. (ii) The functions of the Secretary of State and the traffic commissioners in assistance to the Transport Tribunal under the Transport Act 1985. (iii) The functions of the Transport Tribunal under the Transport Act 1985. (iv) The functions of the Secretary of State in relation to anything done by the European Communities or any of their institutions in relation to public service vehicle operator licensing. (v) Any other functions of the Secretary of State in relation to public service vehicle operator licensing including, without prejudice to the generality of the foregoing:—</p>	<p>Paragraphs 1 to 7.</p>

SCHEDULE I: Table V—continued

(1)	(2)	(3)
<i>Fee-Fixing Power</i>	<i>Specified Functions</i>	<i>Specified matters as set out in Schedule 2, which apply.</i>
D. Applications—continued	(a) the investigation and prosecution of offences and enforcement action in relation to conditions on an operator's licence in respect of maintenance of vehicles, vehicle sizes, vehicle testing, vehicle safety standards, carrying capacity regulations and the conduct of drivers, conductors and passengers; (b) the screening of tachograph records.	Paragraphs 1 to 7.
3. Section 52(1) as applied by section 126(1) of the Transport Act 1985—power to prescribe in regulations the fees in respect of—	(i) The functions of the Secretary of State and the metropolitan traffic commissioner in relation to London local service licences under the Public Passenger Vehicles Act 1981 and the Transport Act 1985. (ii) Any other functions of the Secretary of State and the metropolitan traffic commissioner in relation to London local service licences including, without prejudice to the generality of the foregoing, the investigation and prosecution of offences and enforcement action.	Paragraphs 1 to 7.
A. Applications for and the grant of London local service licences;	(i) The functions of the Secretary of State and the traffic commissioners in relation to the registration of local bus services under the Public Passenger Vehicles Act 1981 and the Transport Act 1985. (ii) Any other functions of the Secretary of State and the traffic commissioners in relation to the registration of local bus services including, without prejudice to the generality of the foregoing, the investigation and prosecution of offences and enforcement action.	Paragraphs 1 to 7.
B. Applications for the registration of local bus services and the variation of such registrations;	(i) The functions of the Secretary of State and the traffic commissioners in relation to small bus permits, large bus permits and community bus permits under the Public Passenger Vehicles Act 1981 and the Transport Act 1985. (ii) Any other functions of the Secretary of State and the traffic commissioners in relation to small bus permits, large bus permits and community bus permits including, without prejudice to the generality of the foregoing, the investigation and prosecution of offences and enforcement action.	Paragraphs 1 to 7.
C. Applications for and the grant of small bus permits, large bus permits and community bus permits.	(i) The functions of the Secretary of State and the traffic commissioners in relation to small bus permits, large bus permits and community bus permits under the Public Passenger Vehicles Act 1981 and the Transport Act 1985. (ii) Any other functions of the Secretary of State and the traffic commissioners in relation to small bus permits, large bus permits and community bus permits including, without prejudice to the generality of the foregoing, the investigation and prosecution of offences and enforcement action.	Paragraphs 1 to 7.

SCHEDULE 2

1. All costs incurred by the Secretary of State, the Transport Tribunal, licensing authorities, traffic commissioners and the Registrar of approved driving instructors which are directly attributable to the functions specified in Schedule 1 above.

2. That proportion of the costs, not falling within paragraph 1 above, incurred by, or on behalf of, any of the persons specified in paragraph 1 above, 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 any of the persons specified in paragraph 1 above 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.

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

9. Value added tax.

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 by the Secretary of State for Transport in respect of certain activities concerning road vehicles, road transport, drivers, goods vehicle operators, public service vehicle operators and bus services.