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STATUTORY INSTRUMENTS

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**1991 No. 874**

**TELEGRAPHS**

**The Wireless Telegraphy Apparatus  
(Approval) (Test Fees) Order 1991**

<i>Made</i>	- - - -	<i>27th March 1991</i>
<i>Laid before Parliament</i>		<i>4th April 1991</i>
<i>Coming into force</i>	- -	<i>1st May 1991</i>

The Secretary of State, in exercise of the powers conferred on him by section 84(7) of the Telecommunications Act 1984<sup>(1)</sup>, 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 Wireless Telegraphy Apparatus (Approval) (Test Fees) Order 1991 and shall come into force on 1st May 1991.

**Revocation, amendment and transitional provisions**

2.—(1) Subject to paragraph (3) below, the Wireless Telegraphy Apparatus (Approval) (Test Fees) Order 1988<sup>(2)</sup> is hereby revoked.

(2) The Wireless Telegraphy Apparatus (Approval) (Test Fees) Order 1990<sup>(3)</sup> is hereby amended by the deletion of article 4.

(3) Where, for the purpose of the determination of an application for approval received by the Secretary of State on or before 30th April 1991, the whole or part of any test of apparatus is conducted on or after the coming into force hereof, the fee to be charged in respect of the whole of that test shall be the fee provided for in the Wireless Telegraphy Apparatus (Approval) (Test Fees) Order 1988.

**Interpretation**

3.—(1) In this Order—

“the Act” means the Telecommunications Act 1984;

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(1) 1984 c. 12.  
(2) S.I. 1988/1949.  
(3) S.I. 1990/889.

“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;

“fixed service” means a radiocommunication service between one fixed point and one or more other fixed points other than a service consisting in the making of a broadcast of sounds or visual images intended for general reception; and

“test fee” shall be construed in accordance with article 5(1).

(2) For the purposes of this Order—

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

shall be treated as part of the test, and time reasonably spent in travel wholly undertaken for the purposes of conducting a test shall be treated as time taken in conducting the test.

(3) For the purposes of calculating a test fee pursuant to this Order, each period of time taken by each person involved in conducting the test shall be counted separately, and the total for each person be aggregated, and the aggregate for all persons 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.—(1) Subject to paragraph (2) below, this Order applies to the charging of fees (“test fees”) in respect of the testing of apparatus conducted by the Secretary of State for the purpose of determining an application for approval.

(2) Nothing in this Order shall apply to the test fees to be charged in respect of the testing of apparatus designed or adapted for use in a fixed service.

### **Test fees**

5.—(1) The test fee shall be the sum of—

- (a) the amount calculated in accordance with paragraph (2) below; and
- (b) an amount equal to the value added tax chargeable on the supply of that testing.

(2) The amount to be included in the test fee for the purposes of paragraph (1)(a) above shall be £12.50 per 15 minutes taken in conducting the test, subject to—

- (a) a minimum of £180; and
- (b) a maximum of £8,000.

(3) For the purposes of this article, the value of the supply of testing by reference to which value added tax is chargeable shall be the amount calculated in accordance with paragraph (2) above.

(4) The Secretary of State shall, on receipt of an application for approval in the course of the determination of which he is to conduct the testing of apparatus, estimate in complete periods of 15 minutes the time to be taken in conducting the test and thereby estimate the amount of the test fee, and shall serve an invoice on the applicant for the amount so estimated, which shall thereupon be due and payable by the applicant to the Secretary of State.

(5) If the estimate of the test fee made pursuant to paragraph (4) above falls short of the test fee calculated in accordance with paragraph (1), the Secretary of State shall, on completion of the test,

serve a final invoice on the applicant for the remainder of the test fee, which shall thereupon, and before disclosure of the test report and notification of the result of the application for approval, be due and payable to the Secretary of State.

(6) If the estimate of the test fee made pursuant to paragraph (4) above exceeds the test fee calculated in accordance with paragraph (1), the Secretary of State shall, on completion of the test, repay the balance to the applicant.

27th March 1991

*John Redwood*  
Minister of State,  
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.*

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## EXPLANATORY NOTE

*(This note is not part of the Order)*

This Order replaces with effect from 1st May 1991 the Wireless Telegraphy Apparatus (Approval) (Test Fees) Order 1988 (S.I. 1988/1949), which set the test fees payable in respect of wireless telegraphy apparatus other than fixed links, where testing was conducted by the Secretary of State for Trade and Industry in the course of the determination of applications for approval under section 84 of the Telecommunications Act 1984.

Article 5 of this Order introduces a single structure for test fees (other than for fixed links), calculated on the basis of £12.50 per 15 minutes taken in conducting the tests, subject to a minimum of £180 and maximum of £8,000, plus VAT (the total test fee may thus exceed £8,000 after inclusion of the VAT). Paragraphs (4) to (6) of article 5 provide for the payment of test fees in advance of the test in accordance with an estimate, any shortfall or excess being settled on completion of the test.

Article 2(3) of the Order incorporates a transitional provision. In respect of applications for approval involving testing by the Secretary of State received on or before 30th April 1991, the test fees will be in accordance with S.I. 1988/1949.

Fees for testing fixed links continue to be set under the Wireless Telegraphy Apparatus (Approval) (Test Fees) Order 1990 (S.I. 1990/889).

For most types of wireless telegraphy apparatus, tests acceptable for the purposes of application for approval under section 84 may be conducted by certain non-governmental laboratories. The fees in respect of such tests are not covered by this Order; but rather are set by the laboratories themselves. Details of these laboratories may be obtained from the Radiocommunications Agency, The Department of Trade and Industry, Waterloo Bridge House, Waterloo Road, London SE1 8UA. Tests by the Secretary of State for Trade and Industry are generally conducted at the Radio Technology Laboratory (Kenley), Whyteleafe Hill, Whyteleafe, Surrey CR3 0YY.

Value added tax is payable by the Secretary of State on the test fees set out in this Order pursuant to a Direction of the Treasury under section 27(2) and (3) of the Value Added Tax Act 1983 (c. 55), made on 27th March 1985. The Direction came into force on 1st April 1985 and was published in the London Gazette on 17th May 1985. The relevant provision is under "Department of Trade and Industry" (paragraph 42 in Column 1 of the Direction) at item 9 in Column 2.