

- (2) The amount of the fee payable under paragraph (1) is—
- (a) £39,721; or
 - (b) where the Secretary of State has published a charging scheme under regulation 4, the fee or fees set out in, or calculated in accordance with, that scheme.
- (3) The fee is payable when the application is made to the Secretary of State.
- (4) The Secretary of State is under no obligation to process or to issue a determination in respect of an outstanding application if there are outstanding fees in relation to it.
- (5) Any unpaid fee may be recovered by the Secretary of State as a civil debt.
- (6) No fee is payable in respect of an application to which regulations 9 or 10 of the 2020 Regulations apply.

Charging scheme

4.—(1) The Secretary of State may, with the consent of the Treasury, publish a document (“charging scheme”) setting out the fee or fees payable in accordance with regulation 3 or how the fee or fees will be calculated.

- (2) Before publishing a charging scheme, the Secretary of State must—
- (a) bring the proposals for a charging scheme to the attention of the persons likely to be affected by them;
 - (b) specify the period within which representations or objections to the proposals may be made;
 - (c) consider any representations or objections made under paragraph (2)(b); and
 - (d) make such modifications to the proposals as the Secretary of State considers appropriate.
- (3) If the Secretary of State proposes to revise a charging scheme in a material way, paragraph (2) applies to the revised charging scheme.
- (4) A charging scheme may—
- (a) make different provision for different cases, including different provision in relation to different persons or circumstances;
 - (b) provide for the times at which, and the manner in which, the fees prescribed by the scheme are to be paid;
 - (c) revoke or amend any previous charging scheme;
 - (d) contain supplemental, incidental, consequential or transitional provision for the purposes of the scheme.

Refund of fees

- 5.**—(1) This regulation applies where—
- (a) an application for which a fee is payable under or in accordance with these Regulations is withdrawn before being determined; or
 - (b) the fee paid under or in accordance with these Regulations for an application has exceeded the reasonable costs incurred by the Secretary of State in connection with that application.
- (2) The Secretary of State must refund such proportion of the fee paid in respect of an application as the Secretary of State thinks fit, having regard to any reasonable costs incurred by the Secretary of State in connection with that application.

Date

Name
Parliamentary Under Secretary of State
Department for Environment, Food and Rural Affairs

We consent

Name

Name

Two of the Lords Commissioners of Her Majesty's Treasury

Date

EXPLANATORY NOTE

(This note is not part of these Regulations)

These Regulations make provision for the charging of fees in connection with the exercise of a function conferred on the Secretary of State by the Hazardous Substances and Packaging (Legislative Functions and Amendment) (EU Exit) Regulations 2020 (S.I. 2020/1647) (“the 2020 Regulations”).

In particular, the introduction of fees payable to the Secretary of State for determining applications made under regulation 6 of the 2020 Regulations for the granting, renewal or revocation of an exemption from the restriction in regulation 3(1) of the Restriction of the Use of Certain Hazardous Substances in Electrical and Electronic Equipment Regulations 2012 (S.I. 2012/3032) (“the 2012 Regulations”).

The fees provided for by regulation 3 are payable by manufacturers, the authorised representative of manufacturers, or any economic operator in the supply chain within the meaning of the 2012 Regulations.

The fee levels provided for in this instrument represent full cost recovery of fees.

An impact assessment has not been produced for this instrument as no negative impact on the costs of the private or voluntary sectors is foreseen.