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## STATUTORY INSTRUMENTS

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# 2006 No. 397

## The Railways (Interoperability) Regulations 2006

PROSPECTIVE

### PART 4

#### *Notified Bodies*

##### **Fees of notified bodies**

**29.**—(1) Subject to paragraph (2), a notified body may charge such a fee in connection with, or incidental to, carrying out its functions under these Regulations as it may determine.

(2) The fee charged pursuant to paragraph (1) shall not exceed the sum of the following—

- (a) the costs incurred or to be incurred by the notified body in carrying out relevant work; and
- (b) an amount of profit which is reasonable in the circumstances having regard to—
  - (i) the character and extent of the work carried out by the notified body on behalf of the person commissioning the work; and
  - (ii) the commercial rate normally charged on account of profit for that work or similar work.

(3) Subject to paragraph (4) the power in paragraph (1) includes the power to require the payment of a fee, or a reasonable estimate of the fee, in respect of the work commissioned in advance of carrying out that work.

(4) Unless the parties otherwise agree, an amount charged in accordance with paragraph (3) shall not exceed a reasonable estimate of the fee for the work for the three months subsequent to the request for the advance payment.

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##### **Commencement Information**

**11** Reg. 29 in force at 2.4.2006, see [reg. 1\(3\)](#)

**Status:**

This version of this provision is prospective.

**Changes to legislation:**

There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Railways (Interoperability) Regulations 2006. Any changes that have already been made by the team appear in the content and are referenced with annotations.

[View outstanding changes](#)

**Changes and effects yet to be applied to :**

- Regulations revoked by [S.I. 2011/3066 reg. 47\(1\)](#)
- reg. 29 coming into force by [S.I. 2006/397 reg. 1\(3\)](#)

**Changes and effects yet to be applied to the whole Instrument associated Parts and Chapters:**

Whole provisions yet to be inserted into this Instrument (including any effects on those provisions):

- reg. 4(9A) inserted by [S.I. 2008/1746 reg. 4\(4\)\(c\)](#)
- reg. 4A4B inserted by [S.I. 2008/1746 reg. 4\(5\)](#)
- reg. 11(7) inserted by [S.I. 2008/1746 reg. 4\(7\)](#)
- reg. 12(3)-(6) inserted by [S.I. 2008/1746 reg. 4\(8\)\(b\)](#)
- reg. 33(1A) inserted by [S.I. 2008/1746 reg. 4\(9\)](#)