

EXECUTIVE NOTE

The Registration Services (Fees, etc.) (Scotland) Regulations 2006 SSI/2006/575

The above instrument was made in exercise of the powers conferred by sections 28A(4), 37(1), 38(2) and (3), 39D(1) and 39E(3), 43(8), 47 and 54(1) of the Registration of Births, Deaths and Marriages (Scotland) Act 1965 (“the 1965 Act”), sections 38 and 39C of that Act as applied by sections 98 and 122(7) of the Civil Partnership Act 2004 (“the 2004 Act”), sections 3(1) and 19(2) of the Marriage (Scotland) Act 1977 (“the 1977 Act”), sections 88(1), 95(4), 122(4) and 134(2) of the 2004 Act and sections 58(5) and (8) and 61(2)(a) of the Local Electoral Administration and Registration Services (Scotland) Act 2006 (“the 2006 Act”). The instrument is subject to negative resolution procedure.

Policy Objectives

Registration service fees are set by the Registrar General for Scotland with the approval of the Scottish Ministers by regulations made under the 1965 Act, the 1977 Act, the 2004 Act and the 2006 Act.

The level of fees is reviewed annually to ensure that the cost of providing chargeable services is recovered and to take account when fixing charges of any likely future increases in costs. The purpose of this instrument is to prescribe, with effect from 1 January 2007, the fees payable to the Registrar General for Scotland and district registrars for services provided under the aforementioned Acts.

In particular, section 44 of the 2006 Act, which inserted section 39D into the 1965 Act, widened the scope of the information of which an extract can be provided for a fee by district registrars (e.g., extracts from the Register of Divorces and the parochial registers), and the fees for that wider sharing are prescribed here. These Regulations also prescribe fees for the provision of information under the new powers in section 58 of the 2006 Act in relation to the issuing of other material kept or held by the Registrar General (e.g. already publicly available census records over 100 years old). The opportunity has been taken to consolidate the existing fees for births, deaths and marriages and to incorporate the equivalent fees for the submission of notice of proposed civil partnership, for civil partnership registration, for searches and the issuing of extracts of entries in the registers of civil partnerships and dissolution of civil partnerships previously contained in S.S.I. 2005/556 with the equivalent and similar fees for births, deaths and marriages. So it brings all the fees together in the one instrument.

The fees payable for the existing services listed have been increased by these Regulations as noted in the Tables in Schedule 3 to the Regulations (so, the fee payable for submission of marriage notice forms or civil partnership notice forms has increased from £ 25 to £26, and the fee payable for a civil marriage ceremony and civil partnership registration has increased from £45 to £46.50). Otherwise they have not been increased. In addition, to make it more convenient for customers, the period during which an internet search session of the indexes may continue has been extended from 168 hours to 90 days.

The Regulations listed in Schedule 4 which previously prescribed the fees payable under the 1965 Act, the 1977 Act and the 2004 Act are revoked.

Consultation

GROS consulted the Convention of Scottish Local Authorities (CoSLA) and the Association of Registrars of Scotland) (AROS) on the level of fees.

Financial Effects

The costs associated will be borne by those who wish to marry or register a civil partnership.