



Immigration Act 2016

2016 CHAPTER 19

PART 8

FEES AND CHARGES

Passports and civil registration

86 Power to make passport fees regulations

- (1) The Secretary of State may by regulations provide for fees to be charged in respect of the exercise by the Secretary of State of such functions in connection with applications for the issue of a passport or other travel document as may be specified.
- (2) Regulations under subsection (1) are referred to in this section and section 87 as “passport fees regulations”.
- (3) Passport fees regulations must provide for the fee in respect of the exercise of each specified function to comprise one or more amounts each of which is—
 - (a) a specified fixed amount, or
 - (b) an amount calculated by reference to a specified hourly rate or other specified factor.
- (4) Provision made under subsection (3) may be intended to result in a fee in respect of a specified function which exceeds the costs of exercising the function.
- (5) In specifying the amount of any fee, or hourly rate or other factor, the Secretary of State may have regard only to the costs of exercising—
 - (a) the function;
 - (b) any other function of the Secretary of State in connection with United Kingdom passports or other UK travel documents;
 - (c) any consular function.

This is subject to section 87(5).

- (6) In respect of any fee provided for under this section, passport fees regulations may—

Status: This is the original version (as it was originally enacted).

- (a) provide for exceptions;
- (b) provide for the reduction, waiver or refund of part or all of a fee (whether by conferring a discretion or otherwise);
- (c) make provision about—
 - (i) the consequences of failure to pay a fee;
 - (ii) enforcement;
 - (iii) when a fee may or must be paid.

(7) In this section—

“consular function” means—

- (a) any of the functions described in Article 5 of the Vienna Convention on Consular Relations set out in Schedule 1 to the Consular Relations Act 1968;
- (b) any function in the United Kingdom which corresponds to a function mentioned in paragraph (a);

in each case regardless of whether the function is exercised by a consular officer or by another person authorised by the Secretary of State;

“costs” includes—

- (a) the costs of the Secretary of State, and
- (b) the costs of any other person (whether or not funded from public money);

“function” includes a power or a duty;

“specified” means specified in passport fees regulations;

“travel document” means a document which enables or facilitates travel from one state to another and a “UK travel document” means such a document issued by the Secretary of State;

“United Kingdom passport” has the same meaning as in the Immigration Act 1971 (see section 33 of that Act).

(8) Any reference in this section to the exercise of a function includes a reference to its exercise in particular circumstances, including its exercise—

- (a) at particular times or in a particular place;
- (b) under particular arrangements;
- (c) otherwise in particular ways,

and, for this purpose, “arrangements” includes arrangements for the convenience of applicants or persons making requests for the exercise of a function.

87 Passport fees regulations: supplemental

- (1) Passport fees regulations may be made only with the consent of the Treasury.
- (2) A fee under section 86 may relate to something done outside the United Kingdom.
- (3) Fees payable by virtue of section 86 may be recovered as a debt due to the Secretary of State.
- (4) Fees paid to the Secretary of State by virtue of section 86 must be—
 - (a) paid into the Consolidated Fund, or
 - (b) applied in such other way as passport fees regulations may specify.
- (5) Section 86 is without prejudice to—

- (a) section 1 of the Consular Fees Act 1980 (fees for consular acts etc),
- (b) section 102 of the Finance (No 2) Act 1987 (government fees and charges), or
- (c) any other power to charge a fee.

88 Power to charge for passport validation services

- (1) The Secretary of State may charge a fee in respect of the provision of passport validation services to persons on request.
- (2) “Passport validation services” are services in connection with confirming the validity of United Kingdom passports or the accuracy of the information contained in them which are provided for the purpose of preventing or detecting crime.
- (3) In this section “United Kingdom passport” has the same meaning as in the Immigration Act 1971 (see section 33 of that Act).
- (4) A fee payable under this section may be recovered as a debt due to the Secretary of State.
- (5) Fees paid to the Secretary of State under this section must be—
 - (a) paid into the Consolidated Fund, or
 - (b) applied in such other way as the Secretary of State may by regulations specify.
- (6) Regulations under subsection (5) may be made only with the consent of the Treasury.
- (7) This section is without prejudice to—
 - (a) section 1 of the Consular Fees Act 1980 (fees for consular acts etc),
 - (b) section 102 of the Finance (No 2) Act 1987 (government fees and charges), or
 - (c) any other power to charge a fee.

89 Civil registration fees

- (1) Schedule 15 (civil registration fees) has effect.
- (2) In that Schedule—
 - (a) Part 1 amends enactments about civil registration in connection with powers to make regulations for the charging of fees, and
 - (b) Part 2 makes consequential and related amendments.