

SCHEDULES

SCHEDULE 15

Section 89

CIVIL REGISTRATION FEES

PART 1

POWERS TO MAKE REGULATIONS FOR THE CHARGING OF FEES

Marriage Act 1949 (c. 76)

- 1 Before section 72 of the Marriage Act 1949 (but after the heading of Part 6 of that Act) insert—

“71A Fees

- (1) The Secretary of State may by regulations provide for fees to be payable to such persons as may be prescribed in respect of—
- (a) the giving of notice of a marriage to a superintendent registrar;
 - (b) an application for the reduction of the waiting period in relation to a notice of marriage (see section 31(5A));
 - (c) the registration for the solemnization of marriages of a building certified as required by law as a place of religious worship, or the cancellation of such a registration;
 - (d) the authorisation of a person to be present at the solemnization of marriages in such a building;
 - (e) the presence of a superintendent registrar or registrar at a marriage (except in a case falling within section 51(1A));
 - (f) the delivery under section 57(1) of a certified copy of entries in a marriage register book;
 - (g) the carrying out of a search of—
 - (i) any marriage register book,
 - (ii) any index kept in relation to such a book, or
 - (iii) certified copies of entries in such a book;
 - (h) the provision of a certified copy, or other record of information, relating to an entry in a marriage register book;
 - (i) the issue of the Registrar General’s licence under section 7 of the Marriage (Registrar General’s Licence) Act 1970;
 - (j) such other marriage services as may be prescribed.
- (2) Regulations under this section may—
- (a) specify the amount of any fee payable under the regulations, or
 - (b) set out how such a fee is to be determined.

Status: This is the original version (as it was originally enacted).

(3) Subsection

(4)

applies where the regulations provide for a fee to be payable to a superintendent registrar or registrar.

(4) The regulations may provide for such part of the fee as may be specified by or determined in accordance with the regulations to be payable by the superintendent registrar or registrar to the Registrar General in prescribed circumstances.

(5) The regulations may provide for the reimbursement, reduction, waiver or refund of part or all of a fee whether by conferring a discretion or otherwise.

(6) Regulations under this section must be made by statutory instrument.

(7) Regulations under this section may—

- (a) provide for exemptions from any of the provisions of the regulations;
- (b) contain such consequential, incidental, supplemental and transitional provision as the Secretary of State considers appropriate.

(8) A statutory instrument containing regulations under this section is subject to annulment in pursuance of a resolution of either House of Parliament.

(9) In this section—

“marriage services” means services in connection with marriages which are provided by or on behalf of the Registrar General, a superintendent registrar or registrar;

“prescribed” means prescribed in regulations made under this section.”

Births and Deaths Registration Act 1953 (c. 20)

2

Before section 39 of the Births and Deaths Registration Act 1953 (but after the cross-heading above that section) insert—

“38A Fees

(1) The Minister may by regulations provide for fees to be payable to such persons as may be prescribed in respect of—

- (a) the issue of a certificate under section 13(2);
- (b) the carrying out of a search of—
 - (i) any register of births or register of deaths,
 - (ii) any index kept in relation to such a register, or
 - (iii) certified copies of entries in such a register;
- (c) the provision of a certified copy, or other record of information, relating to an entry in a register of births or a register of deaths;
- (d) the provision of a short certificate of birth or a short certificate of death (see sections 33 and 33A);
- (e) such other birth or death registration services as may be prescribed.

(2) Regulations under this section may—

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

- (a) specify the amount of any fee payable under the regulations, or
 - (b) set out how such a fee is to be determined.
- (3) Subsection
- (4) applies where the regulations provide for a fee to be payable to a superintendent registrar or registrar.
- (4) The regulations may provide for such part of the fee as may be specified by or determined in accordance with the regulations to be payable by the superintendent registrar or registrar to the Registrar General in prescribed circumstances.
- (5) The regulations may provide for the reduction, waiver or refund of part or all of a fee whether by conferring a discretion or otherwise.
- (6) In this section—
- “birth or death registration services” means services in connection with the registration of births or deaths which are provided—
 - (a) by or on behalf of the Registrar General, a superintendent registrar or registrar, or
 - (b) by any other person;
 - “prescribed” means prescribed in regulations made under this section.”

Registration Service Act 1953 (c. 37)

3 After section 19A of the Registration Service Act 1953 insert—

“19B Fees in respect of provision of copies of records etc

- (1) The Minister may by regulations provide for fees to be payable to the Registrar General in respect of the provision by the Registrar General to any persons of copies or other records of any information held by the Registrar General.
- (2) The regulations may—
 - (a) specify the amount of any fee payable under the regulations, or
 - (b) set out how such a fee is to be determined.
- (3) The regulations may provide for the reduction, waiver or refund of part or all of a fee whether by conferring a discretion or otherwise.
- (4) Regulations under this section must be made by statutory instrument.
- (5) Regulations under this section may—
 - (a) make different provision for different cases;
 - (b) provide for exemptions from any of the provisions of the regulations;
 - (c) contain such consequential, incidental, supplemental and transitional provision as the Minister considers appropriate.

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

- (6) A statutory instrument containing regulations under this section is subject to annulment in pursuance of a resolution of either House of Parliament.”

Civil Partnership Act 2004 (c. 33)

- 4 (1) Section 34 of the Civil Partnership Act 2004 (fees) is amended as follows.
- (2) In subsection (1), omit “, of such amounts as may be specified in the order,”.
- (3) After subsection (1) insert—
- “(1A) An order under this section may—
- (a) specify the amount of any fee payable under the order, or
- (b) set out how such a fee is to be determined.
- (1B) Subsection (1C) applies where the order provides for a fee to be payable to a registration authority.
- (1C) The order may provide for such part of the fee as may be specified by or determined in accordance with the order to be payable by the registration authority to the Registrar General in such circumstances as may be prescribed by the order.”
- (4) For subsection (2) substitute—
- “(2) The order may provide for the reduction, waiver or refund of part or all of a fee whether by conferring a discretion or otherwise.”

Marriage (Same Sex Couples) Act 2013 (c. 30)

- 5 In section 9 of the Marriage (Same Sex Couples) Act 2013 (conversion of civil partnership into marriage) after subsection (5) insert—
- “(5A) Subsection (5B) applies where regulations under this section provide for a fee to be payable to a superintendent registrar or registrar.
- (5B) The regulations may provide for such part of the fee as may be specified in or determined in accordance with the regulations to be payable by the superintendent registrar or registrar to the Registrar General in such circumstances as may be set out in the regulations.
- (5C) The regulations may provide for the reduction, waiver or refund of part or all of a fee whether by conferring a discretion or otherwise.”

PART 2

CONSEQUENTIAL AND RELATED AMENDMENTS

Places of Worship Registration Act 1855 (c. 81)

- 6 For section 5 of the Places of Worship Registration Act 1855 (fee to superintendent registrar) substitute—

“5 Fees

- (1) The Secretary of State may by regulations provide for fees to be payable to such persons as may be prescribed in the regulations in respect of the certification to the Registrar General under this Act of a place of meeting for religious worship.
- (2) Regulations under this section may—
 - (a) specify the amount of any fee payable under the regulations, or
 - (b) set out how such a fee is to be determined.
- (3) Subsection
(4) applies where the regulations provide for a fee to be payable to a superintendent registrar.
- (4) The regulations may provide for such part of the fee as may be specified by or determined in accordance with the regulations to be payable by the superintendent registrar to the Registrar General in such circumstances as may be set out in the regulations.
- (5) The regulations may provide for the reduction, waiver or refund of part or all of a fee whether by conferring a discretion or otherwise.
- (6) Regulations under this section must be made by statutory instrument.
- (7) Regulations under this section may—
 - (a) make different provision for different cases;
 - (b) provide for exemptions from any of the provisions of the regulations;
 - (c) contain such consequential, incidental, supplemental and transitional provision as the Secretary of State considers appropriate.
- (8) A statutory instrument containing regulations under this section is subject to annulment in pursuance of a resolution of either House of Parliament.”

Savings Banks Act 1887 (c. 40)

- 7 In section 10 of the Savings Banks Act 1887 (price of certificate of birth, death or marriage)—
- (a) the existing text becomes subsection (1),
 - (b) in that subsection (1), after “entered for” insert “, where the birth, death or marriage is registered in England and Wales, the appropriate fee or in any other case for”, and
 - (c) after that subsection insert—
 - “(2) In subsection (1), “the appropriate fee” means the fee payable to the registrar or other person having care of the register concerned for a certified copy of an entry in the register by virtue of section 38A of the Births and Deaths Registration Act 1953 or section 71A of the Marriage Act 1949.”

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

Marriage Act 1949 (c. 76)

- 8 The Marriage Act 1949 is amended as follows.
- 9 In section 27 (notice of marriage) omit subsections (6) and (7).
- 10 In section 31 (marriage under certificate without licence)—
- (a) omit subsections (5F) and (5G),
- (b) in subsection (5H), omit “or an order under subsection (5F)”, and
- (c) omit subsection (5I).
- 11 In section 41 (registration of buildings: marriage of a man and a woman) omit subsection (6).
- 12 In section 43D (regulations about registration of buildings) in subsection (1), omit “and the fees payable”.
- 13 In section 51 (fees of registrars for attending marriages)—
- (a) for the heading substitute “Fees of superintendent registrars for attending marriages in approved premises”,
- (b) omit subsection (1),
- (c) in subsection (1A), omit paragraph (a) (and the “but” after it), and
- (d) omit subsection (2).
- 14 In section 57 (quarterly returns to superintendent registrar) omit subsection (4).
- 15 In section 63 (searches in register books) in subsection (1), omit from “, on payment” to the end.
- 16 In section 64 (searches of indexes kept by superintendent registrars) in subsection (2), omit from “, on payment” to the end.
- 17 In section 65 (searches of indexes kept by Registrar General) in subsection (2), omit from “, on payment” to the end.
- 18 In section 65A (searches and records of information: additional provision) omit subsection (2).
- 19 In section 74 (regulations) in subsection (1)(b), after “this Act” insert “(other than section 71A)”.
- 20 In section 78 (interpretation) in subsection (1), in the definition of “prescribed” after ““prescribed”” insert “(other than in section 71A)”.

Births and Deaths Registration Act 1953 (c. 20)

- 21 The Births and Deaths Registration Act 1953 is amended as follows.
- 22 In section 13 (registration of name of child or of alteration of name) in subsection (2), omit “on payment of a fee not exceeding £1.00”.
- 23 In section 30 (searches of indexes kept by Registrar General)—
- (a) in subsection (2), omit from “, on payment” to the end, and
- (b) in subsection (3), omit “and on payment as aforesaid of the appropriate fee aforesaid”.
- 24 In section 31 (searches of indexes kept by superintendent registrars) in subsection (2), omit from “, on payment” to the end.

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

- 25 In section 32 (searches in registers kept by registrars) omit from “, on payment” to the end of paragraph (c).
- 26 In section 33 (short certificate of birth) in subsection (1), omit from “on payment” to “and”.
- 27 In section 33A (short certificate of death)—
- (a) in subsection (1), for paragraphs (a) and (b) substitute “, on furnishing the prescribed particulars,” and
 - (b) omit subsection (3).
- 28 In section 34A (searches and records of information: additional provision) omit subsection (2).
- 29 In section 39 (regulations made by the Registrar General) in paragraph (a), for “and 34A” substitute “, 34A and 38A”.
- 30 In section 39A (regulations made by the Minister: further provisions)—
- (a) in subsection (1)(c), after “such” insert “consequential,”
 - (b) in subsection (2), after “provisions” insert “other than section 38A”, and
 - (c) in subsection (5), for “and 34A” substitute “, 34A and 38A”.
- 31 In section 41 (interpretation) in subsection (1), in the definition of “prescribed”, for “and 10C” substitute “, 10C and 38A”.

Registration Service Act 1953 (c. 37)

- 32 Omit section 16 of the Registration Service Act 1953 (general provision as to fees).

Factories Act 1961 (c. 34)

- 33 In section 178 of the Factories Act 1961 (certificates of birth)—
- (a) in subsection (1), after “payment of” insert “the appropriate fee in England and Wales or”,
 - (b) also in subsection (1), before “, be entitled” insert “in Scotland”, and
 - (c) after subsection (2) insert—
- “(3) In subsection (1), “the appropriate fee” means the fee payable to a registrar or superintendent registrar for a certified copy of an entry in the register concerned by virtue of section 38A of the Births and Deaths Registration Act 1953.”

Public Expenditure and Receipts Act 1968 (c. 14)

- 34 In Schedule 3 to the Public Expenditure and Receipts Act 1968 (variation of fees)—
- (a) omit the entry relating to the Education Act 1996,
 - (b) omit the entry relating to the Marriage Act 1949,
 - (c) omit the entry relating to the Births and Deaths Registration Act 1953,
 - (d) in the entry relating to the Savings Banks Act 1887, in the second column, omit “Secretary of State or, as regards Scotland, the”,
 - (e) in the entry relating to the Factories Act 1961, in the second column, omit “Secretary of State or, as regards Scotland, the”,
 - (f) in the entry relating to the Social Security Administration Act 1992, in the second column, omit “Secretary of State or, as regards Scotland, the”, and

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

- (g) omit the entry for the Places of Worship Registration Act 1855.

Marriage (Registrar General's Licence) Act 1970 (c. 34)

- 35 Omit section 17 of the Marriage (Registrar General's Licence) Act 1970 (fees).

Social Security Administration Act 1992 (c. 5)

- 36 (1) Section 124 of the Social Security Administration Act 1992 (provisions relating to age, death and marriage) is amended as follows.
- (2) In subsection (3), for the words from “a fee” to “Wales and” substitute “the appropriate fee in England and Wales and a fee of”.
- (3) In subsection (3A), for paragraph (b) substitute—
“(b) on payment of the appropriate fee;”.
- (4) In subsection (5), in paragraph (a) after the opening words insert—
““the appropriate fee” means the fee payable to the registrar or superintendent registrar for a certified copy of an entry in the register concerned by virtue of section 38A of the Births and Deaths Registration Act 1953, section 71A of the Marriage Act 1949 or section 9 of the Marriage (Same Sex Couples) Act 2013.”

Education Act 1996 (c. 56)

- 37 (1) Section 564 of the Education Act 1996 (certificates of birth and registrars' returns) is amended as follows.
- (2) In subsection (1), for paragraph (b) substitute—
“(b) on payment of the appropriate fee;”.
- (3) In subsection (4)—
- (a) after the opening words insert—
““the appropriate fee” means the fee payable to the registrar having custody of the register concerned for a certified copy of an entry in the register by virtue of section 38A of the Births and Deaths Registration Act 1953;”, and
- (b) in the definition of “register of births and deaths”, for “the Births and Deaths Registration Act 1953” substitute “that Act”.