

**EXPLANATORY MEMORANDUM TO**  
**THE REGISTRATION OF CIVIL PARTNERSHIPS (FEES) (AMENDMENT)**  
**ORDER 2010**

**2010 No. 440**

1. This explanatory memorandum has been prepared by the General Register Office, part of the Identity and Passport Service and is laid before Parliament by Command of Her Majesty.

This memorandum contains information for the Joint Committee on Statutory Instruments.

2. **Purpose of the instrument**

2.1 The purpose of this instrument is to increase the fees for certain statutory functions provided by the Registrar General, authorised persons, civil partnership registrars and registration authorities in connection with the formation of civil partnerships. These functions are the issue of a certified copy or certified extract of a civil partnership registration, the preliminaries to a civil partnership and the attendance of a civil partnership registrar at a civil partnership which is to take place at the residence of someone who is housebound or detained. This is the first time since their introduction in 2005 that the fees relating to civil partnerships will have been increased.

3. **Matters of special interest to the Joint Committee on Statutory Instruments**

3.1 The fees payable to the Registrar General for the issue of a certified copy or a certified extract have not been increased since they were introduced in 2005. The fees are now set at a level to recover the current costs of providing the service.

3.2 Following discussion with representatives of the local registration service and with the Local Authority Co-Ordinators of Regulatory Services (LACORS) (acting for the Local Government Association), the fees payable to registration authorities for the issue of certified copies and extracts of civil partnership registrations, for the preliminaries to a civil partnership and for the attendance of a civil partnership registrar at a civil partnership have also now been set at a level to reflect the current cost of providing each service. The previous methodology for calculating these fees did not achieve this. To leave them at their current level would mean local taxpayers subsidising the various services.

4. **Legislative Context**

4.1 The General Register Office undertakes an annual review of fees that are charged by the Registrar General and registration authorities for certain statutory functions relating to civil partnerships in England and Wales. The fees for civil partnerships were first set in 2005 when the Civil Partnership Act 2004 was implemented. Since then, the fees have been the subject of an annual review, the

outcome of which has been to maintain the same fee level. This order is the outcome of the latest review which has recommended that the fees for certain statutory functions carried out by the Registrar General and registration authorities in connection with the formation of civil partnerships should be increased.

## **5. Territorial Extent and Application**

5.1 This instrument applies to England and Wales.

## **6. European Convention on Human Rights**

6.1 Meg Hillier, Parliamentary Under Secretary of State at the Home Office has made the following statement regarding Human Rights:

In my view the provisions of the Registration of Births, Deaths and Marriages (Fees) Order 2010 are compatible with the Convention rights.

## **7. Policy background**

7.1 The Civil Partnership Act 2004 provides the Registrar General with the power to make regulations setting out the fees to be charged by him and by registration authorities for certain statutory functions that are carried out in connection with the formation of civil partnerships. The fees charged are set within Treasury fees and charges policy, at a level to recover the full cost of providing the service. The fees are set centrally to ensure consistent access to these services across England and Wales.

## **8. Consultation outcome**

8.1 There has been no consultation on the fees charged by the Registrar General, other than with Treasury officials. The fees have been set at a level to recover the full cost of providing the service.

8.2 Officials from the General Register Office have worked with the Local Authority Co-Ordinators of Regulatory Services (LACORS) (acting on behalf of the Local Government Association) and members of the local registration service to establish, as far as possible across 174 local authorities, the true costs to registration authorities of providing individual services. The outcome of these discussions has been reflected in the fees set out in the order.

## **9. Guidance**

9.1 A Press Notice is to be issued setting out the new fees. Officials in the General Register Office will notify members of the registration service of the new fees. Both will then work towards amending systems, information leaflets, websites, etc so that the new fees can be implemented on 6 April 2010.

## **10. Impact**

10.1 There is no impact on business, charities and voluntary bodies, other than the revised fees for certificates will apply.

10.2 There is no impact on the public sector other than revised fees for certificates will apply to public sector organisations.

10.3 An Impact Assessment has not been prepared for this instrument.

## **11. Regulating small business**

11.1 The legislation applies to small businesses only in that the fees will apply if any such business applies for a certificate.

## **12. Monitoring & review**

12.1 The revised fees aim to recover the full cost of providing the services listed. The fees will be subject to review during the next financial year.

## **13. Contact**

Susan Henstock at the General Register Office, part of the Identity and Passport Service Tel: 0151 471 4712 or email: [susan.henstock@ips.gsi.gov.uk](mailto:susan.henstock@ips.gsi.gov.uk) can answer any queries regarding the instrument.