

STATUTORY INSTRUMENTS

1981 No. 476

DIPLOMATIC SERVICE

Consular Fees Regulations 1981

Made - - - - 16th March 1981

Coming into Operation 11th May 1981

Her Majesty's Principal Secretary of State for Foreign and Commonwealth Affairs, in exercise of the powers conferred upon him by section 1(3) of the Consular Fees Act 1980(a), and of all other powers enabling him in that behalf, hereby makes, with the approval of the Treasury, the following Regulations:—

Commencement, citation and revocation

1.—(1) These Regulations shall come into operation on 11th May 1981 and may be cited as the Consular Fees Regulations 1981.

(2) The Consular Fees Regulations 1979(b) are revoked.

Interpretation

2. In these Regulations—

- (a) “consular officer” means any person authorised by the Secretary of State to exercise consular functions, or functions in the United Kingdom which correspond with consular functions, (including persons who are not as well as persons who are consular officers); it also includes, unless the context otherwise requires, any person authorised to act as a marriage officer under the Foreign Marriage Act 1892(c) and the Marriage with Foreigners Act 1906(d);
- (b) “fee” means any fee fixed by the Consular Fees Order 1981(e), or by any subsequent Order under section 1(1) of the Consular Fees Act 1980;
- (c) “applicant” means any person making application to a consular officer for any matter or thing to be done by him in the execution of his office;
- (d) “consular premises” means the buildings or parts of buildings used for the purposes of the consular post or diplomatic mission.

Method of payment

3.—(1) Fees shall be paid in currency circulating at the place of payment, except that a consular officer shall have discretion to accept, in lieu of such currency, a cheque, money order, or other means of effecting payment in terms of that currency.

(a) 1980 c. 23.

(b) S.I. 1979/875.

(c) 1892 c. 23.

(d) 1906 c. 40.

(e) S.I. 1981/419.

(2) The rate of exchange for calculating the equivalents of fees in terms of a foreign currency shall be based upon the rate of exchange which is generally prevailing on the date, and at the place, of payment, but which may be adjusted by the consular officer in such a manner and to such an extent as he considers to be expedient in the interests of administrative efficiency.

Levy of fees in advance

4. Fees shall be levied in advance, except where—

- (a) a master of a British ship does not have sufficient funds;
- (b) the applicant applies for repatriation and does not have sufficient funds;
- (c) a fee cannot be calculated in advance;
- (d) in the opinion of the consular officer, it is impracticable to levy a fee in advance.

In such cases, before any matter or thing is done in respect of which a fee is to be levied, the applicant shall be required to signify his agreement to pay that fee, which shall be claimed subsequently in accordance with instructions issued from time to time by the Secretary of State.

Travelling and other expenses

5. Before travelling or other expenses are incurred in the performance of any matter or thing for which a fee is to be levied, the applicant shall be required to signify his agreement to pay such expenses which shall be recovered by the consular officer when the fee is taken. Travelling expenses shall not be charged by the consular officer for attendance at the consular premises or residence.

Receipts

6. On receiving any fee, a consular officer shall issue a receipt in respect thereof.

Authority to waive fees

7. A consular officer is authorised to waive fees as follows:—

- (a) where the consular officer so decides on the ground of proved destitution;
- (b) where the consular officer so decides as a matter of international courtesy;
- (c) in respect of any matter or thing done in connexion with the official duty of any official of Her Majesty's Government in the United Kingdom;
- (d) in respect of any matter or thing done for a candidate for, or for a holder of, a British Council scholarship in connexion with such scholarship;
- (e) where the Secretary of State with the consent of the Treasury so directs.

Accounts

8. All fees shall be accounted for to the Secretary of State.

Application

9. Monies received in respect of fees may be applied to defray official expenses or may be applied in any other manner authorised by the Secretary of State.

Carrington,
Her Majesty's Principal Secretary of State for
Foreign and Commonwealth Affairs.

16th March 1981.

We approve these Regulations.

John Wakeham,
John Cope,
Two of the Lords Commissioners
of Her Majesty's Treasury.

16th March 1981.

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

Section 1(3) of the Consular Fees Act 1980 provides that all fees to be taken by persons authorised by the Secretary of State to exercise consular functions, or functions in the United Kingdom which correspond with consular functions, shall be levied, accounted for and applied, and may be remitted, in accordance with regulations made by the Secretary of State with the approval of the Treasury.

These Regulations prescribe the manner in which these persons should carry out these duties. They replace the Consular Fees Regulations 1979.

SI 1981/476
ISBN 0-11-016476-8

