

**EXPLANATORY MEMORANDUM TO THE
ACCESSION (IMMIGRATION AND WORKER REGISTRATION) (AMENDMENT)
REGULATIONS 2005**

2005 No. 2400

1. This explanatory memorandum has been prepared by the Home Office and is laid before Parliament by Command of Her Majesty. This memorandum contains information for the Joint Committee on Statutory Instruments.

2. Description

2.1 These Regulations increase the fee that has to accompany an application for a registration certificate under the Accession State Worker Registration Scheme. Workers from the States that acceded to the European Union on 1st May 2004 (other than from Malta and Cyprus) are generally required to apply for a registration certificate if they begin working in the UK or change employer after 1st May. The first time they register the application has to be accompanied by a fee. These Regulations, which come into force on 1 October 2005, increase that fee from £50 to £70.

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

3.1 The current £50 fee does not recover all of the direct costs and overheads associated with processing applications to the Worker Registration Scheme. The fee increase is necessary to ensure that the full administrative costs of operating the Scheme are recovered, including all the overhead costs attributable to the Scheme. The increased fee will continue to apply to first-registrations only. Applicants whose applications are refused or withdrawn will be refunded the fee in full. The fee will be reviewed before 1 April 2006.

4. Legislative Background

4.1 The power to levy a fee is contained in section 2(2) of the European Communities Act 1972. That section allows a fee that covers the direct costs and related overheads of providing a service to be levied. This instrument is being laid to ensure that the full overhead costs associated with processing an application to the Worker Registration Scheme are recovered through the application fee.

5. Extent

5.1 This instrument applies to all of the United Kingdom.

6. European Convention on Human Rights

6.1 Not applicable.

7. Policy background

7.1 The Government aims, where possible, to deliver a self-financing managed migration programme by charging applicants a fee which reflects the full cost of providing a service. A fee of £50 for applications to the Worker Registration Scheme was fixed and agreed by Parliament, prior to the launch of the Scheme on 1 May 2004. This fee was based on an estimate of how much it would cost to run the Scheme. Start-up costs were not included.

7.2 At the request of HM Treasury, the Home Office undertook to review the fee after the Scheme had been in operation for 6 months, to ensure full administrative cost recovery was being achieved.

7.3 The Government has taken care to ensure the fee is set at a level which does not deter workers from applying to register their employment with the Worker Registration Scheme. Management information from the Scheme (published on 26 May 2005 and available on the Home Office website at www.homeoffice.gov.uk) showed that around 231,000 people applied to register between 1 May 2004 and 30 June 2005. Once registered, a worker's subsequent applications to the Worker Registration Scheme are free of charge.

8. Impact

8.1 fee is payable by the individual applicant. A Regulatory Impact Assessment has not been prepared for this instrument as it has no impact on business, charities or voluntary bodies

9. Contact

Ragnar Clifford at the Home Office (Tel:0114 274 3393) or e-mail: Ragnar.Clifford@ind.homeoffice.gsi.gov.uk can answer any queries regarding the Instrument.