

EXPLANATORY MEMORANDUM TO
THE REGISTRATION OF BIRTHS, DEATHS AND MARRIAGES (FEES)
ORDER 2010

2010 No. 441

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, superintendent registrars and registrars. These functions are the issue of a certified copy of a birth, death or marriage (or other life event) registration, the civil preliminaries to a marriage, the attendance of a superintendent registrar and registrar at the marriage of someone who is housebound or detained, and the attendance of a registrar at a religious ceremony requiring the attendance of a registrar. This is the first time since the fees for certified copies have been increased since 2003. The fees for the attendance of a superintendent registrar and a registrar at a marriage were last increased in 2005.

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 certificate have not been increased since 2003. The fees for the attendance of a superintendent registrar and a registrar at a marriage were last increased in 2005. Both sets of 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 superintendent registrars and registrars for the issue of certified copies, for the preliminaries to marriage and for the attendance of a superintendent registrar and registrar at a marriage 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, superintendent registrar and registrars for certain statutory functions in England and Wales. Since 2005, the outcome of this review 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, superintendent registrars and registrars 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 Births and Deaths Registration Act 1953 and the Marriage Act 1949 (and other associated legislation) provide the Registrar General, superintendent registrars and registrars with the power charge fees for certain statutory functions. 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 can answer any queries regarding the instrument.