

EXPLANATORY MEMORANDUM TO

THE REGISTRATION OF BIRTHS, DEATHS, MARRIAGES AND CIVIL PARTNERSHIPS (FEES) (AMENDMENT) AND MULTILINGUAL STANDARD FORMS REGULATIONS

2018 No. 1268

1. Introduction

- 1.1 This explanatory memorandum has been prepared by The Home Office and is laid before Parliament by Command of Her Majesty.

2. Purpose of the instrument

- 2.1 This instrument sets revised fees for civil registration birth, death, marriage and civil partnership (CP) certificates of registration entries and related administrative services. It also consolidates the fee for the service to provide civil registration information electronically in a Portable Document Format (PDF).
- 2.2 Additionally, this instrument provides for the Registrar General for England and Wales (RG) to issue multi-lingual standard forms (MSFs), for a fee. An MSF provides an official translation of a public document into the language of a European Union (EU) country, as a translation aid attached to that document.
- 2.3 MSFs will be provided by the RG for birth, death, marriage, CP certificates and Certificates of No Impediment (CONI) issued by the local registration service in connection with a marriage or CP abroad; and for certificates used in place of a birth certificate from the Gender Recognition Birth Register, the Adopted Children Register and the Parental Order Register (in relation to surrogacy arrangements).

3. Matters of special interest to Parliament

Matters of special interest to the Joint Committee on Statutory Instruments

- 3.1 None.

Matters relevant to Standing Orders Nos. 83P and 83T of the Standing Orders of the House of Commons relating to Public Business (English Votes for English Laws)

- 3.2 As the instrument is subject to negative resolution procedure there are no matters relevant to Standing Orders Nos. 83P and 83T of the Standing Orders of the House of Commons relating to Public Business at this stage.

4. Extent and Territorial Application

- 4.1 The territorial extent of this instrument is England and Wales.
- 4.2 The territorial application of this instrument is England and Wales.

5. European Convention on Human Rights

- 5.1 As the instrument is subject to the negative resolution procedure and is not subject to parliamentary procedure, no statement is required.

6. Legislative Context

- 6.1 Schedule 15 of the Immigration Act 2016 inserted provisions into Section 71A of the Marriage Act 1949, Section 38A of the Births and Deaths Act 1953, Section 19B of the Registration Service Act 1953, and Section 4 of the Civil Partnership Act 2004 and Section 5 of the Marriage (Same Sex Couples Act) 2013. It permits the RG to charge a fee for certificates, or other records of information, relating to an entry in a birth, death, marriage or CP register. Those fees would be set out in secondary legislation.
- 6.2 This instrument amends the Registration of Births, Deaths, Marriages and Civil Partnership Fees Regulations 2016, which sets out some of those services provided by the RG and other registration officials who also provide civil registration services, and the associated fee.
- 6.3 This instrument revokes provisions within existing secondary legislation that sets fees for the issue of a PDF record (The Births, Deaths, Marriages and Civil Partnership Records Regulations (2016/980)), and consolidates them into this instrument, increasing one fee.
- 6.4 EU Regulation 2016/1191 (EU Regulation) of the European Parliament, promoting the free movement of citizens by simplifying the requirements for presenting certain public documents in the EU, was published in the Official Journal on 6 July 2016 and must be fully implemented by 16 February 2019 across all EU Member States (MS).
- 6.5 The EU Regulation introduces multi-lingual standard forms (MSFs) as a lower cost alternative, for EU citizens, to existing certified translations accompanying documents to be used for official purposes. Article 15 of the EU Regulation provides for a designated authority (or authorities) who will undertake relevant functions. Article 11 provides for a fee to be charged for an MSF, with the fee being no greater than the charge for the public document to which it relates.
- 6.6 The European Communities (Designation) (No.2) Order 2018 (2018/1062) made under the EU Communities Act 1972, enables the Secretary of State to make provision within secondary legislation for the RG to be a designated authority under the EU Regulation 2016/1191.
- 6.7 This instrument makes provision for the powers set out in the Designation Order and will enable the RG to issue MSFs that correspond to a birth, death, marriage or CP record held or issued by him, and certificates of no impediment issued by a superintendent registrar employed by local authorities, for a fee.

7. Policy background

- 7.1 The Government has reviewed fees charged for a number of civil registration services provided by the Registrar General and by local registration officials. The Government want to set fees, to recoup costs, in proportion to the cost and efficiency of administration. The fees set out in this instrument reflect that. This is the first review of these fees since 2010.
- 7.2 Additionally, the RG is under a new obligation to provide MSFs on request for civil registration events. This instrument consolidates the fee provision of PDF copies of registration records.
- 7.3 For all fees, this instrument provides a facility for the RG or other registration official to waive, reduce or refund any fee on the grounds of hardship or compassion.

Certificate fees

- 7.4 Fees for standard certificates (those issued within 5-15 days) issued by the RG will rise by £1.75 to £11, and by £11.60 to £35 for the 24 hour priority service. This instrument also introduces fees for certificates from the Gender Recognition (GR), Marriage and Civil Partnership (CP) Registers, to remove a disparity from the GR Birth Register where a fee is already in place, and to align with all other certificate fees. It also introduces a priority service for CPs and certificates from the Same Sex Marriage Conversion Register.
- 7.5 New administration fees are being introduced, supplementing the certificate fees set out in paragraph 7.4, for customers who choose less efficient, non on-line routes for ordering certificates. These are a supplementary fee of £4 for applications made by post or telephone, and a fee of £3 for applications where the available GRO Index reference (which identifies the entry in a register and makes it easier for GRO to find) is not quoted. Where insufficient or incorrect information has been provided, so that despite a search by officials no certificate can be produced, a sum of £3.50 will be deducted from any refund of the original fee.
- 7.6 Some customers using the priority service want certificates sent to them through a premium delivery service rather than the first class route included in the certificate fee. To provide this option, this instrument includes premium postal offerings, for weekday and weekend UK delivery, of £7.25 and £19.25 respectively, and an overseas courier delivery service of £12.
- 7.7 Fees for certificates provided by other registration officials, employed by local authorities, will be aligned with the fees charged by the RG, including the introduction of a priority service. That removes the existing three-tier fee structure for certificates issued by registration officials, which is no longer relevant due to process changes and alignment with national and local fees.
- 7.8 Modern digital processes have brought about cheaper and more efficient ways of processing applications, so the fees reflect the difference in the cost of processing applications under each arrangement. Some customers may encounter difficulties in accessing digital systems (online application system and online indexes) and the RG will provide support arrangements to help those people access the service online and minimise the impact of any change in fee.

Multi-lingual standard forms

- 7.9 This instrument sets a fee of £11 for the RG to provide an MSF. The fee for MSF under-recovers the cost of providing the MSF due to the restrictions set out in 6.5. The MSF will be provided alongside the certificate to which it relates, in addition to the fee for the certificate as set out above.
- 7.10 This includes (i) records held in the GR Birth Register where a birth certificate is issued in the person's acquired gender, (ii) certificates for adopted people issued from the Adopted Children Register, and (iii) certificates issued from the Parental Order Register, issued in relation to surrogacy arrangements. In those cases the certificate is used in place of the original birth certificate.
- 7.11 The RG will also provide an MSF for a certificate of no impediment (CONI) for a fee of £11. CONIs are issued by superintendent registrars, employed by local authorities, to UK nationals, living in England and Wales, wishing to marry or form a CP abroad,

after notice is given. The applicant must provide the CONI for which the MSF is required.

PDF service

- 7.12 A PDF service has been run under pilot conditions to test the demand for the product. This has proved successful, with 324,384 applications having been made between 12 October 2017 and 13 November 2018. A digitised standard service for historical records will be made available following analysis of the pilot, with the fee increased by £1 to £7. The fee for that service has been consolidated within this instrument.

8. European Union (Withdrawal) Act/Withdrawal of the United Kingdom from the European Union

- 8.1 This instrument is not being made under the European Union (Withdrawal) Act but relates to the withdrawal of the United Kingdom from the European Union because the status of the RG as an authority and the provision of MSFs under the EU Regulation may be revised after the United Kingdom leaves the European Union.

9. Consolidation

- 9.1 This instrument consolidates fees for PDFs which have been set out in other secondary legislation. Including this and the EU Regulation provisions within this SI negates the requirement to introduce further secondary legislation.

10. Consultation outcome

- 10.1 No public consultation has taken place for the review of certificate fees or the introduction of MSFs. However, during the pilot phase of the PDF service, the RG undertook informal consultation with customers; feedback was generally positive. The feedback has been used to inform a regulatory impact assessment.

11. Guidance

- 11.1 Guidance to Home Office staff will be updated to reflect these changes. Guidance to members of the general public will also be published prior to new fees coming into effect.

12. Impact

- 12.1 There is no, or no significant, impact on business, charities or voluntary bodies.
- 12.2 There is no, or no significant, impact on the public sector.
- 12.3 A full impact assessment will be submitted at a later date and will be published on the legislation.gov.uk website. Changes to fees and charges are exempt from the Business Impact Target. However, there is an estimated positive impact from the PDF service of £240,000 a year for businesses.

13. Regulating small business

- 13.1 The legislation applies to activities that are undertaken by small businesses. Fees are set at cost recovery levels which minimise the impact of the requirements on small businesses (employing up to 50 people). The PDF service offers a lower cost alternative to a physical certificate.

14. Monitoring & review

- 14.1 The Government will monitor the impact of fees for the all applications set out in this instrument, undertaking periodic review.

15. Contact

- 15.1 Debra Owen at the Home Office, General Register Office, telephone: 0151 471 4447 or email: Debra.owen@hmpo.gsi.gov.uk can be contacted with any queries regarding the instrument.
- 15.2 Andrew Dent, Director of Civil Registration and Deputy Registrar General for England and Wales, at the Home Office, can confirm that this Explanatory Memorandum meets the required standard.
- 15.3 Caroline Nokes, the Minister for Immigration, at the Home Office can confirm that this Explanatory Memorandum meets the required standard.