EXPLANATORY MEMORANDUM TO THE

BRITISH NATIONALITY (FEES) (AMENDMENT) REGULATIONS 2005

2005 No. 651

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 amend the British Nationality (Fees) Regulations 2003, by prescribing new, increased, fees for certain nationality applications, namely:

- Application for registration as a British citizen, British overseas territories citizen, British Overseas citizen or British subject under the British Nationality Act 1981
- Application for naturalisation as a British citizen or British overseas territories citizen under that Act
- Application for registration as a British citizen under section 1 of the British Nationality (Hong Kong) Act 1997
- Registration of a declaration of renunciation of British citizenship, British overseas territories citizenship, British Overseas citizenship or British subject status

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

3.1 Fees for nationality applications are set at a level which enables the full cost of providing the relevant service to be recovered. The new fees take account of forecast costs associated with processing Nationality applications over the coming financial year (2005-06). In addition, the new fees allow for the recovery of some of the deficits incurred in the administration of Nationality services in 2003-04 and 2004-05. This is in accordance with HM Treasury's "Fees and Charges Guide". The fees have been approved by HM Treasury.

4. Legislative Background

4.1 Section 41 (2) and (3) of the British Nationality Act 1981 (which is extended by section 2(3) of the British Nationality (Hong Kong) Act 1997) enables the Secretary of State, by regulations, to prescribe fees for nationality applications and related matters. These powers have most recently been exercised in the British Nationality (Fees) Regulations 2003 (SI No. 3157), which came into force on 1 January 2004.

4.2 These regulations draw on the power in the Immigration (Application Fees) Order 2005, made under Section 102 of the Finance (No.2) Act 1987, which enables the recovery of any deficits incurred before and after the date of the Order to be taken into account in determining the amount of the fees prescribed under section 41(2) of the British Nationality Act 1981.

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 to deliver a self-financing managed migration programme by 2008, where possible, to reduce reliance on the public purse and generate income to support the ongoing modernisation of immigration and nationality services.

7.2 Against this policy background, our financial objective in setting the fees for Nationality applications is to recover the full costs of resources used in delivering the services from those who benefit directly from them. There is provision in HM Treasury's "Fees and Charges Guide" for Departments to recover deficits incurred in current and previous years in respect of chargeable activities, and an Order recently made under section 102 of the Finance (No. 2) Act 1987 specifically enables the recovery of deficits in the context of nationality fees. The new fees for nationality applications provided for in these regulations are consistent with this, and ensure that the full administrative costs of delivering nationality services are recovered through the fees.

7.3 Certain nationality fees prescribed in the 2003 Regulations remain unchanged. The fee for a certified copy of a notice, certificate, order, declaration or entry given, granted or made under the British Nationality Act 1981 remains unchanged at £20. The fee for the arrangement of a citizenship ceremony (including the administration of the oath and pledge at the ceremony) remains at £68, and the fee for the administration of a citizenship oath or pledge where not administered at a citizenship ceremony remains at £5.

8. Impact

8.1 A Regulatory Impact Assessment has not been prepared for this instrument as it has no impact on business, charities or voluntary bodies. An application for nationality or related matters and the associated fee is the prerogative of the individual.

8.2 There is no anticipated impact on the public sector.

9. Contact

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