EXPLANATORY MEMORANDUM TO

THE CONSULAR FEES (AMENDMENT) ORDER 2013

2013 No. 535

1. This explanatory memorandum has been prepared by the Foreign and Commonwealth Office.

This memorandum contains information for the Joint Committee on Statutory Instruments.

2. Purpose of the instrument

This Order is made to amend the Consular Fees Order 2012 to enable those exercising consular functions or functions in the United Kingdom corresponding to consular functions to levy a consular fee for conducting certain searches.

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

This Order replaces the fee table in Part 1 of Schedule 1 of the Consular Fees Order 2012. No fees are increasing in cost. However an additional fee (fee 17) has been inserted into the table for making a search in: (i) the consular register of births, deaths and marriages or civil partnerships where the number or date of entry is not provided; (ii) the naturalisation, registration or renunciation records kept by the consular officer.

4. Legislative Context

This Order amends the Consular Fees Order 2012.

5. Territorial Extent and Application

This instrument applies to all of the United Kingdom.

6. European Convention on Human Rights

As this Order is not subject to Parliamentary procedure and does not amend primary legislation, no statement is required.

7. Policy background

7.1 The Consular Fees Act 1980 provides that Her Majesty may by Order in Council prescribe the fees that can be levied for performance of consular services. Consular fees are levied so that the costs of providing such services can be recovered from the customers that use them. This Order amends the Consular Fees Order 2012, as amended, to insert an additional fee for making

a search in: (i) the consular register of births, deaths and marriages or civil partnerships where the number or date of entry is not provided; (ii) the naturalisation, registration or renunciation records kept by the consular officer.

8. Consultation outcome

8.1 No consultation has been carried out in relation to this Order. Treasury rules require that the full cost of fee-bearing services is recovered through the fees charged, but impose no requirement to consult. The Order introduces no changes in policy and the additional fee is not considered to have a disproportionate impact on any particular stakeholders.

9. Guidance

9.1 Detailed information on consular services and the fees charged is provided on the www.fco.gov.uk website and hard copies of the fees table are on display at consular offices around the world.

10. Impact

10.1 No impact on business, charities or voluntary bodies is foreseen.

10.2 The impact on the public sector is that the costs to the public sector of providing consular services will continue to be recovered from the fees charged for those services.

10.3 An Impact Assessment has not been prepared for this instrument.

11. Regulating small business

The legislation does not apply to small business.

12. Monitoring & review

The level of consular fees will be reviewed again during the course of 2013.

13. Contact

Joanna Bateman in Foreign and Commonwealth Office Legal Directorate can answer any queries regarding the instrument.

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