EXPLANATORY MEMORANDUM TO

THE CONSULAR FEES (AMENDMENT) ORDER 2014

2014 No. 509

1. This explanatory memorandum has been prepared by the Home Office.

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

2. Purpose of the instrument

2.1 This Order is made to reduce three fees payable by overseas applicants for British passports, and to correct aspects of the drafting.

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

3.1 In its 12th Report of Session 2013/2014 (6 November 2013), the Committee identified ambiguity in the drafting of article 2(2) of the Consular Fees (Amendment) (No. 2) Order 2013 (S.I. 2013/1720).

4. Legislative Background

4.1 This Order is made to ensure that the fees payable by overseas passport applicants accurately reflect costs, and to correct ambiguities in the drafting.

5. Territorial Extent and Application

5.1 This instrument applies to all of the United Kingdom.

6. European Convention on Human Rights

6.1 As the instrument is not subject to parliamentary procedure and does not amend primary legislation, no statement is required.

7. Policy background

7.1 In April 2011 Her Majesty's Passport Office (an Executive Agency of the Home Office) took responsibility for issuing passports to British Citizens living outside of the United Kingdom from the Foreign and Commonwealth Office. The subsequent repatriation of application assessment and passport printing to the United Kingdom, which is due to conclude in March 2014, has generated significant cost savings.

7.2 The fee changes proposed aim to pass the benefit of the cost savings achieved back to the fee paying customer.

8. Consultation outcome

8.1 No consultation has been carried out in relation to this Order.

8.2 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 fees are not considered to have a disproportionate impact on any particular stakeholders.

8.3 The proposed fees have been approved by the HM Treasury Home and Legal spending team and the draft Order has been reviewed by HM Treasury lawyers.

9. Guidance

9.1 Detailed information on consular services and the fees charged is provided on the Gov.uk website (in the 'living abroad' section of the website). A significant majority of applicants applying from outside of the United Kingdom will apply via the online application process, which provides comprehensive guidance on fees and the application process.

10. Impact

10.1 A Regulatory Impact Assessment has not been prepared for this instrument as it is expected to have no impact on business, charities or voluntary bodies.

10.2 There is no impact expected on the Public Sector. The new fees have no impact on the level of funding for consular protection for British Citizens overseas. The new fees are expected to fully recover the cost of running the 'overseas' passport service.

11. Regulating small business

11.1 The legislation does not apply to small business.

12. Monitoring & review

12.1 Passport fees are reviewed annually as part of Her Majesty's Passport Offices' annual budgeting process, though this does not necessarily result in changes to the passport fees every year.

13. Contact

13.1 David Camp at the Home Office (tel: 020 7752 7345 or email: david.camp@hmpo.gsi.gov.uk) can answer any queries regarding the instrument.