EXPLANATORY MEMORANDUM TO

THE CONSULAR FEES (AMENDMENT) ORDER 2016

2016 No. 373

1. Introduction

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

2. Purpose of the instrument

2.1 The purpose of the Order in Council is to amend the existing consular fees for general consular services.

3. Matters of special interest to Parliament

Matters of special interest to the Joint Committee on Statutory Instruments

3.1 None.

Other matters of interest to the House of Commons

3.2 As this instrument is not subject to any Parliamentary procedure, consideration as to whether there are other matters of interest to the House of Commons does not arise.

4. Legislative Context

4.1 This Order amends the Consular Fees Order 2012.

5. Extent and Territorial Application

5.1 This instrument extends to all of the United Kingdom.

5.2 This instrument applies to all of the United Kingdom.

6. European Convention on Human Rights

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

7. Policy background

What is being done and why

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. The Consular Fees Order 2012 came into force on 6 April 2012 and prescribes the current levels of fees to be charged for consular services.

7.2 This Order amends the fees levied for general consular services. It simplifies the range of fees charges to that they are £10, £25, £50, £100 or £150.

7.3 There are some minor changes required to the Consular Fee Table to make it clearer. Adjustments have been made to the language of fees 4, 6, 7, and 17. A fee for

depositing a copy of a foreign marriage certificate with the GRO has been removed as this service has not been offered since June 2013. Fee 12 has been updated to include converting existing Consular Civil Partnerships into marriage

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 fees are 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 A full regulatory impact assessment has not been produced for this instrument as no impact on the private or voluntary sectors is foreseen.

11. Regulating small business

11.1 The legislation does not apply to activities that are undertaken by small businesses.

12. Monitoring & review

12.1 The level of consular fees will be reviewed again during the course of 2016.

13. Contact

13.1 Anna Powick at the Foreign and Commonwealth Office, Tel: 020 7008 4068 or email: anna.powick@fco.gov.uk, can answer any queries regarding the instrument.