STATUTORY INSTRUMENTS

1968 No. 456

DIPLOMATIC SERVICE

Consular Fees (No. 2) Regulations 1968

Made - - - 21*st March* 1968

Coming into Operation 22*nd March* 1968

Her Majesty's Principal Secretary of State for Foreign Affairs, in the exercise of the powers conferred upon him by Section 2(2) of the Consular Salaries and Fees Act 1891(a) and Section 8(2) of the Fees (Increase) Act 1923(b), and of all other powers enabling him in that behalf, hereby makes, with the approval of the Treasury, the following Regulations:

Commencement and citation

1. These Regulations shall come into operation on 22nd March 1968 and may be cited as the Consular Fees (No. 2) Regulations 1968.

Interpretation and revocation

2.—(1) The Interpretation Act 1889(c) shall apply for the interpretation of these Regulations as it applies for the interpretation of an Act of Parliament and as if these Regulations and the Regulations hereby revoked were Acts of Parliament.

(2) In these Regulations—

(*a*) "consular officer" has the same meaning as in Section 3 of the Consular Salaries and Fees Act 1891. It also includes where the context so requires public officers, any person authorized to act as a marriage officer under the Foreign Marriage Act 1892(d), and any person authorized under Section 6 of the Commissioners for Oaths Act 1889(e), as amended by Section 2 of the Commissioners for Oaths Act 1891(f), to perform the acts set out in that section;

(*b*) "public officer" means a public officer in Great Britain acting under the authority of the Secretary of State;

(*c*) "fee" means any fee fixed by the Consular Fees Order 1968(g) including any Order amending the said Order (hereinafter referred to as "the Order");

(*d*) "applicant" means any person making application to a consular officer for any matter or thing to be done by him in the execution of his office.

(3) The Consular Fees Regulations 1968(h) are hereby revoked.

Payment in local currency

3. Fees shall be paid in currency circulating at the place of payment, except that a consular officer shall have discretion to accept, in lieu of such currency, a cheque, money order, or other means of effecting payment in terms of that currency. The equivalents of fees in terms of a foreign currency shall be calculated at a rate of exchange sufficient to cover the cost of remittance to London.

(a) 1891 c. 36.
(b) 1923 c. 4.
(c) 1889 c. 63.
(d) 1892 c. 23.
(e) 1889 c. 10.
(f) 1891 c. 50.
(g) S.I. 1968/114 (1968 I, p. 328).
(h) S.I. 1968/137 (1968 I, p. 377).

Levy of fees in advance

4. Fees shall be levied in advance, except where—

(*a*) a master of a British ship does not have sufficient funds;

(*b*) the applicant, in the case of fee 83, does not have sufficient funds;

(*c*) a fee cannot be calculated in advance;

(*d*) in the opinion of the consular officer, it is impracticable to levy a fee in advance.

In such cases, before any matter or thing is done in respect of which a fee is to be levied, the applicant shall be required to signify his agreement to pay that fee, which shall be claimed subsequently in accordance with instructions issued from time to time by the Secretary of State.

Travelling and other expenses

5. Before travelling or other expenses are incurred in the performance of any matter or thing for which a fee is to be levied, the applicant shall be required to signify his agreement to pay such expenses which shall be recovered by the consular officer when the fee is taken. Travelling expenses shall not be charged by the consular officer for attendance at the consular office or residence.

Use of fee stamps

6.—(1) On receipt of any fee, fee stamps to the amount of the fee shall be affixed—

(*a*) by a consular officer, either in accordance with any instruction contained in the Schedule to these Regulations or to the appropriate document, or, if there is no such instruction or document, to a receipt, issued to the person paying the fee;

(*b*) by a public officer, except in respect of fees 36, 49, 50, 51, 52, 53, 54, 55, 56, 58 and 60, to the appropriate document, or, if there is no such document, to a receipt.

(2) Fee stamps shall not be affixed to any consular register or retained in any consular archives in respect of any fee paid.

Cancellation of fee stamps

7. Fee stamps, on being affixed in accordance with Regulation 6, shall be cancelled by the consular officer with the date stamp supplied for the purpose, in such manner that as much as possible of the date and name of the post or date and wording on the date stamp will appear on each stamp cancelled.

Authority to waive fees

8. The consular officer is authorized to waive fees as follows:—

(*a*) where the consular officer so decides on the ground of proved destitution;

(*b*) where the consular officer so decides as a matter of international courtesy;

(*c*) in respect of any matter or thing done in connexion with the official duty of any official of Her Majesty's Government in the United Kingdom;

(*d*) where the fee would be borne by any Government within the Commonwealth;

(*e*) in respect of any matter or thing done in connexion with British yachts owned by British clubs mentioned in the Navy List whose owners are in possession of warrants to fly a special ensign issued by the Secretary of State for Defence, provided that it is ascertained from the Master or otherwise that

(i) the warrant is carried on board and

(ii) the owner holding the warrant is on board or in effective control of the yacht when she is in harbour or at anchor near the shore,

for which, but for this Article, fees numbers 1 to 16, 21, 22, 24, 25, 28 and any fee for the certification of a foreign bill of health would be taken;

(*f*) for any matter or thing done for candidates or for a holder of a British Council scholarship in connexion with such scholarship;

(*g*) where the Secretary of State with the consent of the Treasury so directs.

Procedure when fee is waived

9. Where, but for Regulation 8, a consular officer would have levied a fee and would have affixed a fee stamp to a document or receipt in accordance with Regulation 6 of these Regulations, he shall add "Gratis" near his signature on the document or receipt.

Recording of fees

10. A consular officer shall record each fee on receipt, and each occasion on which a fee is waived by reason of Regulation 8, in a Fee Cash Book.

Accounts

11.—(1) All fees shall be accounted for to the Secretary of State.

(2) A consular officer shall include with each account separate statements showing the total value of fees levied and of fees waived by reason of Regulation 8.

21st March 1968.

Approved.

Michael Stewart,
Her Majesty's Principal Secretary
of State for Foreign Affairs.

We approve these Regulations.

21st March 1968.

B. K. O'Malley,
Harry Gourlay,
Two of the Lords Commissioners
of Her Majesty's Treasury.

SCHEDULE

Fee stamps shall be affixed in respect of—

Fee	
2	to the agreement with the crew and not to the certificate of registry, a note being made on the agreement of the matter or thing in respect of which the fee is paid ;
7	to the certificate of sale and not the bill of sale or certificate of registry ;
8 to 12	beside the endorsement on the agreement with the crew ;
14	beside the entry of the result of the examination in the official log-book ;
16	beside the signature of the consular officer on the agreement with the European seamen where there are separate agreements with the European seamen and with the non-European seamen and the endorsement is made on both agreements, a note to this effect being made on the other agreement ;
18	to the first copy, if any, required by the person asking for the extension and paying the fee, and on this copy the consular officer shall write the words "First copy gratis" beside his attesting signature ;
19	to the order of survey ;
20	to the first copy, if any, required by the person asking for the survey and paying for the survey and fee, and on this copy the consular officer shall write the words "First copy gratis" beside his attesting signature ;
21	to the top left-hand corner of the front page of the copy of the agreement which is signed by the crew and delivered to the master.

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

Section 2(2) of the Consular Salaries and Fees Act 1891 provides that all fees to be taken by a consular officer shall be levied, accounted for, and applied, and may be remitted, in accordance with regulations issued by the Secretary of State with the approval of the Treasury.

These Regulations prescribe the manner in which a consular officer should carry out these duties. They replace the Consular Fees Regulations 1968 and make minor amendments, in particular to Regulations 1, 6, 7, 9, and 10 thereof.

The Fees referred to in the Regulations are those which form the Schedule to the Consular Fees Order 1968.