STATUTORY INSTRUMENTS

1978 No. 692

DIPLOMATIC SERVICE

Consular Fees Regulations 1978

Made - - - - 4*th May* 1978

Coming into Operation 25*th May* 1978

Her Majesty's Principal Secretary of State for Foreign and Commonwealth Affairs, in 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 25th May 1978 and may be cited as the Consular Fees Regulations 1978.

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, read with section 13(4) of the Consular Relations Act 1968(**d**). It also includes, unless the context otherwise requires, public officers and any person authorised to act as a marriage officer under the Foreign Marriage Act 1892(**e**) and the Marriage with Foreigners Act 1906(**f**);

(*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 1978(**g**), or by any subsequent Order under section 2(1) of the Consular Salaries and Fees Act 1891 and section 8(1) of the Fees Increase Act 1923;

(*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;

(*e*) "consular premises" has the same meaning as in Article 1 of Schedule 1 to the Consular Relations Act 1968.

(3) The Consular Fees Regulations 1971(**h**) are hereby revoked.

(**a**) 1891 c. 36. (**b**) 1923 c. 4. (**c**) 1889 c. 63. (**d**) 1968 c. 18.
(**e**) 1892 c. 23. (**f**) 1906 c. 40. (**g**) S.I. 1978/177. (**h**) S.I. 1971/398.

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.

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 applies for repatriation and 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 premises or residence.

Receipts

6. On receiving any fee, a consular officer shall issue a receipt in respect thereof.

Authority to waive fees

7. A consular officer is authorised 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*) for any matter or thing done for candidates or for a holder of a British Council scholarship in connexion with such scholarship;

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

Accounts

8. All fees shall be accounted for to the Secretary of State.

Application

9. Monies received in respect of fees may be applied to defray official expenses or may be applied in any other manner authorised by the Secretary of State.

David Owen,

Her Majesty's Principal Secretary of State for Foreign and Commonwealth Affairs.

3rd May 1978.

We approve these Regulations.

J. Dormand,

T. E. Graham,

Two of the Lords Commissioners of Her Majesty's Treasury.

4th May 1978.

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 1971.

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