EXPLANATORY MEMORANDUM TO

THE PASSPORT (FEES) REGULATIONS 2022

2022 No. [XXXX]

1. Introduction

1.1 This explanatory memorandum has been prepared by the Home Office and is laid before Parliament by Command of Her Majesty.

2. Purpose of the instrument

2.1 This instrument sets the charging framework and individual fee levels for administering UK passport applications pursuant to sections 86 and 87 of the Immigration Act 2016 (c. 19).

2.2 These Regulations amend and simplify the definitions of priority services from those applying under the Passport (Fees) Regulations 2018 (S.I. 2018/414) (which are revoked by these Regulations), specify that fees for priority services include a booking fee for priority service appointments and provide that the fee for a priority service will not be refunded if the prospective passport holder fails to attend a booked appointment to make their application. The Regulations also simplify the fees table in the Schedule.

2.3 Applications for passports made overseas may be subject to other fees not set out in this instrument. This could include a fee to attend a Visa Application Centre as set out in the Immigration and Nationality (Fees) Regulations 2018 (S.I. 2018/330).

3. Matters of special interest to Parliament

Matters of special interest to the Joint Committee on Statutory Instruments

3.1 None

4. Extent and Territorial Application

4.1 The territorial extent of this instrument is the United Kingdom.

4.2 The territorial application of this instrument is the same as its extent.

5. European Convention on Human Rights

5.1 The Minister for Safe and Legal Migration has made the following statement regarding Human Rights:

"In my view the provisions of the Passport (Fees) Regulations 2022 are compatible with the Convention rights."

6. Legislative Context

6.1 This instrument replaces the Passport (Fees) Regulations 2018 and sets out the full framework for charging fees for administering a passport application including the priority services available and circumstances in which fees for the priority services may not be refunded.

7. Policy background

What is being done and why?

7.1 These Regulations make the following changes.

Priority services

7.2 The Passport (Fees) Regulations 2018 (the "2018 Regulations") provided for fees to be charged for the optional "priority services" offered by Her Majesty's Passport Office (HMPO), which are the "fast track collect service", "fast track service", "premium collect service" and "premium service". These services provide a faster method for applying for a passport over and above the standard services in connection with an application for a passport.

7.3 These Regulations simplify the definitions of the priority services, in particular by covering the premium collect service and premium service by one definition ("premium service") as the same fee is charged for both services. The difference in the services is that the premium collect service enables the applicant to submit information for their application online when booking an appointment which enables them to collect the passport immediately upon attending the appointment with the required documents. Under the premium service, the applicant collects their passport within 24 hours of attending an appointment with the required documents. The regulations also change the definition of the fast-track service to specify that the application will be administered within 8 working days instead of (as specified under the 2018 Regulations) 7 working days.

7.4 These Regulations include a definition of when a priority service application is 'made'.

Power to retain a fee

7.5 In order to minimise the impact on resources and the UK taxpayer, these Regulations include a provision that will allow HMPO to retain the full fee, (for the passport and the priority service fee), if the applicant or a person acting on their behalf, fails to attend the appointment without informing HMPO in advance that they are not able to attend. The fee will be refunded if the customer meets the compassionate ground policy.

7.6 These Regulations also specify that the fees for the priority services include a booking fee for priority service appointments that can be retained if an applicant cancels their appointment within 48 hours of the time of the appointment. The booking fee forms part of the existing priority service fee, so does not increase the cost of a priority service.

Simplification

7.7 The Schedule to these regulations contains a simplified version of the fees table set out in the Schedule to the 2018 Regulations to make it clearer and less repetitive. Some definitions contained in the Schedule to the 2018 Regulations are moved to the main body of the regulations.

7.8 The 2018 Regulations set a fee for priority services which includes the priority element and the fee for administering a passport. In these Regulations, the fee for administering a passport will be set out separately in the Schedule to the Regulations, so it will be clear to customers how much they are paying for each priority service.

Definition of administering a passport

7.9 Fees for standard passports, frequent traveller passports and collective passports are charged for the administration of an application. These Regulations include a definition of 'administration', providing clarity to customers on what the fee set out in these Regulations is paid for.

8. European Union Withdrawal and Future Relationship

8.1 This instrument does not relate to withdrawal from the European Union / trigger the statement requirements under the European Union (Withdrawal) Act.

9. Consolidation

9.1 This instrument does not consolidate existing legislation, nor does it give rise to a need for future consolidation.

10. Consultation outcome

10.1 There was no public consultation on the fees set out in this instrument because these changes are largely technical in nature and there are no significant impacts to the structure of the fees.

11. Guidance

11.1 The Home Office guidance to staff will be updated to reflect these changes. Guidance to general members of the public will also be published prior to a new refund policy coming into effect.

12. Impact

12.1 There is no, or no significant, impact on business, charities or voluntary bodies.

12.2 There is no, or no significant, impact on the public sector.

12.3 A full Impact Assessment has not been prepared for this instrument because there are no changes in fees levels or impacts on business.

13. Regulating small business

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

14. Monitoring & review

14.1 The approach to monitoring of this legislation is the Home Office will monitor the impacts of the amendments in these regulations annually.

15. Contact

15.1 Karen Clubbe at the Home Office Telephone: 07918 496830 or email: Karen.Clubbe@homeoffice.gov.uk can be contacted with any queries regarding the instrument.

15.2 Paul Darling, Deputy Director - Special Projects, Fees and Income Planning, Corporate Enablers, Finance Directorate at the Home Office can confirm that this Explanatory Memorandum meets the required standard.

15.3 Minister for Safe and Legal Migration, Kevin Foster MP at the Home Office can confirm that this Explanatory Memorandum meets the required standard.