EXPLANATORY MEMORANDUM TO

General Register Office (Fees) Amendment Order (Northern Ireland) 2021

2021 No. 299

1. Introduction

1.1. This Explanatory Memorandum has been prepared by the Department of Finance to accompany the Statutory Rule (details above) which is laid before the Northern Ireland Assembly.

1.2. The Statutory Rule is made under sections 8 and 11 of the Northern Ireland (Executive Formation etc) Act 2019 and is subject to the negative resolution procedure.

2. Purpose

2.1. The purpose of this rule is to prescribe a fee for the signing of a conversion declaration by a same-sex couple to convert their civil partnership to a marriage and an opposite-sex couple to convert their marriage to a civil partnership.

3. Background

3.1. The UK Government introduced legislation to enable couples to convert their civil partnership to a marriage where the civil partnership was formed under the law of Northern Ireland and the civil partners were the same sex and to enable spouses to convert their marriage to a civil partnership where the marriage was solemnised under the law of Northern Ireland and the spouses were opposite sex. The legislation enables the signing of a conversion declaration in the three year period from the day the Regulations came into force. It included a nil fee for the signing of the conversion declaration for the first year. Powers were included in the legislation to enable fees to be introduced for year two and three.

4. Consultation

4.1. No consultation required in relation to the setting of the fee. On the wider issue of conversion rights 'The Marriage and Civil Partnership - Conversion entitlements in Northern Ireland' consultation document was published on 20 January 2020 and closed on 23 February 2020 It sought views on the UK government's proposals for the introduction of conversion rights in Northern Ireland.

5. Equality Impact

5.1. It is Departmental policy not to conduct a screening exercise on a Fees Order.

6. Regulatory Impact

6.1. A Regulatory Impact Assessment has not been carried out as the proposal results in no, or negligible, costs or savings.

7. Financial Implications

7.1. None.

8. Section 24 of the Northern Ireland Act 1998

8.1. The Department has considered its obligations under section 24 of the Northern Ireland Act 1998 and is satisfied that the Fees Order is not incompatible with Convention rights; is not incompatible with Community law; does not discriminate against a person or class of person on the grounds of religious belief or political opinion and does not modify an enactment in breach of Section 7 of the Northern Ireland Act 1998.

9. EU Implications

9.1. Not applicable.

10. Parity or Replicatory Measure

10.1. The order applies only to Northern Ireland. The provision of the civil registration service and the associated fees is a devolved issue with each jurisdiction operating under its own legislation and fees. There is no parity in charges or operational dates in relation to Northern Ireland, England & Wales or Scotland.

11. Additional Information

11.1. Not applicable.