EXPLANATORY MEMORANDUM TO

GENERAL REGISTER OFFICE (FEES) ORDER (NORTHERN IRELAND) 2014

SR 2014 No. 71

1. Introduction

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

1.2. The Statutory Rule is made under Article 47(1) and (2) of the Births and Deaths Registration (Northern Ireland) Order 1976, Articles 3(3)(b), 19(1)(a), 35(3), 36(1)(b) and (3) and 37 of the Marriage (Northern Ireland) Order 2003 and Section 157 of the Civil Partnership Act 2004 and is subject to the draft affirmative resolution procedure.

2. Purpose

2.1. The objective of the Fees Order is to revise fees and introduce new fees to recover the cost of various services provided by the General Register Office and District Registration Offices.

3. Background

3.1. The Department of Finance and Personnel have powers to charge fees for various services connected with the provision of the Civil Registration Service. Although fees are not chargeable for the statutory requirement of registering life events they are chargeable for birth, death, marriage and civil partnership searches and certificates. Fees are also charged in relation to the preliminaries to marriage and civil partnership, the solemnisation of civil marriage and the registration of civil partnerships. Fees are also included in relation to new services that are being introduced as a result of the Civil Registration Act (Northern Ireland) 2011, which will allow access to registration records both in the General Register Office and remotely.

3.2. The previous Fees Order was the General Register Office (Fees) Order (Northern Ireland) 2012 and this will be revoked by the General Register Office (Fees) Order 2014. It is planned that these new fees will come into operation from 31 March 2014.

4. Consultation

4.1. No consultation required.

5. Equality Impact

5.1. In accordance with its duties under section 75 of the Northern Ireland Act 1998, the Department conducted a screening exercise of the proposals. It concluded that the proposals do not have any significant implications for equality of opportunity and therefore considered that a full EQIA was not necessary.

6. Regulatory Impact

6.1. A Regulatory Impact Assessment has not been undertaken as the fees are assessed in a predetermined way using information on the actual cost of providing the service. There is a statutory requirement to charge fees and the government document Managing Public Money Northern Ireland requires that the cost of providing chargeable public services is fully recovered.

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 Fees 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 not parity in charges or operational dates in relation to Northern Ireland, England & Wales or Scotland.

11. Additional Information

11.1. Not applicable.