EXPLANATORY MEMORANDUM TO

THE REGISTRATION OF BIRTHS, DEATHS AND MARRIAGES (FEES) (AMENDMENT) ORDER 2014

2014 No 1790

AND

THE REGISTRATION OF CIVIL PARTNERSHIPS (FEES) ORDER 2014

2014 No 1789

AND

THE MARRIAGE OF SAME SEX COUPLES (REGISTRATION OF BUILDINGS AND APPOINTMENT OF AUTHORISED PERSONS) (AMENDMENT) REGULATIONS 2014

2014 No 1791

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

This memorandum contains information for the Joint Committee on Statutory Instruments.

2. Purpose of the instruments

2.1 These three instruments make increases to fees payable for certain statutory functions in connection with marriages and civil partnerships.

2.2 The Registration of Births, Deaths and Marriages (Fees) (Amendment) Order 2014 amends the Registration of Births, Deaths and Marriages (Fees) Order 2010 (S.I. 2010/441) to increase the fees payable for certain statutory functions provided by superintendent registrars and registrars. These functions relate to the preliminaries to and solemnization of marriages, the certification of a building for religious worship, and the registration of a building for the solemnization of marriage between a man and a woman under section 41 of the Marriage Act 1949 ('the 1949 Act').

2.3. The Registration of Civil Partnerships (Fees) Order 2014 consolidates all previous instruments made under section 34(1) of the Civil Partnership Act 2004 ('the 2004 Act'), and increases the fees payable for certain statutory functions provided by civil partnership registrars and registration authorities in connection with the formation of civil partnerships.

2.4 The Marriage of Same Sex Couples (Registration of Buildings and Appointment of Authorised Persons) (Amendment) Regulations 2014 amends the Marriage of Same Sex Couples (Registration of Buildings and Appointment of Authorised Persons) Regulations 2014, to bring the fee for the registration of a building for the solemnization of marriages of same sex couples under section 43A of the 1949 Act into line with the fee for the registration of a building for the solemnization of marriage between a man and a woman under section 41. The provision for the fee applicable to an application for the registration of a building under section 41 to be reduced where the building is already registered under section 43A is updated in line with these changes (those fees correspond with the fees applicable where an application is made under section 43A and the building is already registered under section 41).

3. Matters of special interest to the Joint Committee on Statutory Instruments

3.1 In the Registration of Births, Deaths and Marriages (Fees) (Amendment) Order 2014, the fees listed in column 3 of the Schedule (fees up to 1 September 2014), are not prescribed by the Order itself but are included to aid understanding of the effect of the Order in accordance with paragraph 2.13.6 of *Statutory Instrument Practice*.

3.2 The same applies to the fees listed in column 2 of the Schedule to the Registration of Civil Partnerships (Fees) Order 2014.

4. Legislative Context

4.1 The instruments are amended following the outcome of the latest annual review of fees related to the statutory functions of registration officials (superintendent registrars, registrars, civil partnership registrars and registration authorities).

4.2 The Registration of Civil Partnerships (Fees) Order 2014 also consolidates the four previous instruments made under section 34(1) of the 2004 Act. These are the Registration of Civil Partnerships (Fees) Order 2005 and the Registration of Civil Partnerships (Fees) (No. 2) Order 2005, and two amending instruments.

5. Territorial Extent and Application

5.1 These instruments apply to England and Wales.

6. European Convention on Human Rights

6.1 As the instruments are subject to negative resolution procedure and do not amend primary legislation, no statement is required.

7. Policy background

7.1 The 1949 Act, the 2004 Act, and other associated legislation provide for registration officials to charge for certain statutory functions.

7.2 The General Register Office for England and Wales considers on an annual basis whether fees should be amended. This review is completed with representatives from the Local Government National Panel for Registration, where an established formula is used to determine the costs of undertaking the relevant duties. In line with Treasury fees and charges guidance, the fees have been set at a level to recover the full cost of providing the service or, where costs exceed inflation, have been capped at inflation. The fees are set centrally to ensure consistent access to these services across England and Wales.

8. Consultation outcome

8.1 Officials from the General Register Office for England and Wales have worked with representatives from the Local Government National Panel for Registration to establish, as far as possible, the true costs to local authorities and registration authorities of providing individual services. The outcome of these discussions, developed in line with Treasury guidance, has been reflected in the fees set out in these instruments.

9. Guidance

9.1 A Press Notice is to be issued setting out the new fees. Officials in the General Register Office for England and Wales will notify members of the registration service of the new fees. Both will then work towards amending systems, information leaflets, websites and any other information sources in order that the new fees can be implemented on 1 August 2014.

10. Impact

10.1 These changes do not impact on businesses, charities or voluntary bodies.

10.2 There is no impact on the public sector.

10.3 An Impact Assessment has not been prepared for this instrument.

11. Regulating small business

11.1 The legislation does not apply to small businesses.

12. Monitoring & review

12.1 The fees will be subject to review during the next financial year.

13. Contact

John Cunningham at the General Register Office, part of Her Majesty's Passport Office (Tel: 0151 471 4590 or email: john.cunningham@gro.gsi.gov.uk) can answer any queries regarding the instruments.