EXPLANATORY MEMORANDUM TO

THE REGISTRATION OF BIRTHS, DEATHS, MARRIAGES AND CIVIL PARTNERSHIPS (FEES) (AMENDMENT) REGULATIONS 2026

2026 No. 672

1. Introduction

1.1 This Explanatory Memorandum has been prepared by the Home Office and is laid before Parliament by Command of His Majesty.

2. Declaration

2.1 Mike Tapp, Minister for Migration and Citizenship at the Home Office confirms that this Explanatory Memorandum meets the required standard.

2.2 Carly Blay, SCS1 for Passports, Citizenship, and Civil Registration, at the Home Office confirms that this Explanatory Memorandum meets the required standard.

3. Contact

3.1 Deborah Twist at the Home Office can be contacted by email at the following address with any queries regarding the instrument: RGAdvisoryUnit@gro.gov.uk.

Part One: Explanation, and context, of the Instrument

4. Overview of the Instrument

What does the legislation do?

4.1 This instrument amends the Registration of Births, Deaths, Marriages and Civil Partnership (Fees) Regulations 2016 ('the Fees Regulations') which set fees for applications and services in relation to the registration of births, deaths, marriages, and civil partnerships in England and Wales. The Fees Regulations are being amended to reflect the move to an electronic register in light of the implementation of provisions in the Data (Use and Access) Act 2025.

4.2 This instrument will amend the description of service and the officials to whom fees are payable for the issue of birth, still-birth, and death certified copies of an entry (certificates), and for the correction of an entry in a register. This instrument will also remove the term 'custody' from the Fees Regulations; it does not change the level of any fee.

Where does the legislation extend to, and apply?

4.3 The extent of this instrument (that is, the jurisdiction(s) which the instrument forms part of the law of) is England and Wales.

4.4 The territorial application of this instrument (that is, where the instrument produces a practical effect) is England and Wales.

5. Policy Context

What is being done and why?

5.1 Since 1 July 2009, all birth, still-birth and death registrations have been captured electronically by registrars in parallel with the paper registers. These paper registers are held in the custody of the registrar or the superintendent registrar in the local

register office where the event took place. Birth, still-birth, and death certificates are issued locally by the official who has custody of the physical paper register, with the Registrar General issuing certificates from their certified copies of the registers. Similarly, where a correction to an entry in a register is required, it is made by the official who has custody of the paper register.

5.2 The implementation of the provisions in the Data (Use and Access) Act 2025 introduces a solely electronic register for births, still-births, and deaths. The Data (Use and Access) Act 2025 also makes provision for those registrations which have been captured electronically since 1 July 2009 to be the electronic register from that date onwards.

5.3 With the move to an electronic register, all open paper registers will be closed and deposited with the superintendent registrar, abolishing the concept of 'custody' of registers for events registered on or after 1 July 2009. Any certificates issued for events registered prior to 1 July 2009 will continue to be issued from the paper registers by the superintendent registrar, and the Register General will continue to issue certificates from their certified copies. Certificates issued for events which were registered on or after 1 July 2009 will be from the electronic register and can be issued by the registrar, the superintendent registrar and the Registrar General.

5.4 As a result, this instrument will therefore make minor technical amendments to the Fees Regulations to clarify that the named official who is responsible for correcting an entry is the official to whom the fee is payable, instead of the person with custody of the register; i.e. if the entry in the register was made before 1 July 2009, the fee is payable to the superintendent registrar and if the entry in the register was made on or after that date, the fee is payable to the superintendent registrar or to the registrar.

5.5 This instrument also reflects the removal of the concept of custody from the Fees Regulations by amending the description of the service for which a certificate fee is payable. This reflects that certificates will be "issued by" registrars and superintendent registrars, removing references to registers "kept" by those officials.

What was the previous policy, how is this different?

5.6 Births, still-birth, and deaths have been registered in paper registers since 1837, with registrars or superintendent registrars holding the paper registers in their custody. Schedule 1 of the Fees Regulations sets out the service for which a fee is payable in Column 2, and to which official the fee should be paid in Column 4.[1]

5.7 In respect of the registration or alteration of a child's name (e.g. after baptism) or a correction, the fee was payable to the registrar or the superintendent registrar who had custody of the register. For a correction, the description of the service stated it was to be made by the person with custody of the register. A fee was also payable for a certified copy of an entry (a certificate), which would be issued from the register kept by the registrar or the register kept by the superintendent registrar.

5.8 With the move to an electronic register, the concept of custody is removed, and therefore this instrument updates the descriptions in the Fees Regulations to remove references to 'custody' for the service and to whom the corresponding fee is payable. The official to whom the fee is payable for an alteration to a child's name, or a correction, is changed from "the registrar or superintendent registrar having custody of the register" and "the person having custody of the register", to "If the entry in the register was made before 1 July 2009 to the superintendent registrar", and "If the

[1] https://www.legislation.gov.uk/uksi/2016/911/schedule/1

entry in the register was made on or after 1 July 2009 to the superintendent registrar or the registrar". For a certificate, the description of the service will change from "for a certified copy of an entry in the register kept by the superintendent registrar", and "for a certified copy of an entry in the register kept by the registrar" to "for a certified copy of an entry in a register issued by…".

6. Legislative and Legal Context

How has the law changed?

6.1 The introduction of an electronic register for births, still-births, and deaths through provisions in the Data (Use and Access) Act 2025 mean that for entries from 1 July 2009 onwards, a registrar, superintendent registrar and the Registrar General can issue certificates from the same electronic register as opposed to (certified copies of) registers held in their custody. When required, either the registrar or superintendent registrar will be able to correct a birth or death entry, and the Registrar General will correct a still birth entry. There is no change in who can issue a certificate or correct an entry for an event which was registered prior to 1 July 2009.

6.2 The Birth and Death Registration Act 1953 provide a power for the Minster to make regulations for fees for the issue of birth, still-birth, and death certified copies of an entry (certificates), and for the correction of an entry in a register. The Fees Regulations prescribes the amount of each fee and the official to whom it is payable, in the table in Schedule 1 to the Fees Regulations.

6.3 This instrument amends the Fees Regulations to clarify the description of the official to whom a fee is payable for a certificate, or a correction to an entry, and removing references to custody of the registers.

6.4 For corrections and alteration to the name of a child (e.g. after baptism), the description of the official to whom the fee is payable is amended to the superintendent registrar if the registration was made before 1 July 2009, or to the registrar or superintendent registrar if the registration was made on or after 1 July 2009, removing references to the official 'having custody of the register'.

6.5 For the fee payable for a certificate, this instrument amends the description of the service for which the fee is payable, which is amended to 'certified copy of an entry in the register issued by' instead of, 'certified copy of an entry in the register kept by'.

Why was this approach taken to change the law?

6.6 This is the only possible approach to make the necessary changes.

7. Consultation

Summary of consultation outcome and methodology

7.1 No public consultation was conducted because there are no significant impacts on the policy or structure of the fees. It does not change the amount of any fee payable for a certificate, or a correction to an entry in the register. The principle of the fee being payable to the registration official who issues the certificate or makes the correction has not changed. The General Register Office engages quarterly with the National Panel for Registration, a representative body for the local registration service across England and Wales who are key stakeholders and have been kept informed of changes which are a result of the implementation of the provisions in the Data (Use and Access) Act 2025. The introduction of an electronic register for the registration of births and deaths is welcomed by the registration service.

8. Applicable Guidance

8.1 Internal Home Office guidance for staff and the local registration service will be updated to reflect these changes and will be made available at the time the Regulations are laid. There are no changes to guidance for general members of the public, as the changes made by this instrument are only minor and technical in nature and do not affect their experience of the service.

Part Two: Impact and the Better Regulation Framework

9. Impact Assessment

9.1 A full Impact Assessment has not been prepared for this instrument because it only amends the description of the service being applied for, and the description of to whom the fee is payable. There is no change to revenue for the General Register Office, or the local registration service.

Impact on businesses, charities and voluntary bodies

9.2 There is no, or no significant, impact on business, charities, or voluntary bodies because this instrument only applies to individuals who have applied for a certificate or for correction to an entry.

9.3 The legislation does not impact small or micro businesses.

9.4 There is no, or no significant, impact on the public sector because this instrument only applies to individuals who have applied for a correction to an entry or for a certificate.

10. Monitoring and review

What is the approach to monitoring and reviewing this legislation?

10.1 The approach to monitoring this legislation is through ongoing stakeholder engagement with the National Panel for Registration, a representative group of the local registration service in England and Wales.

10.2 The instrument does not include a statutory review clause because the changes are minor and technical in nature and there is no change to the level of fee payable.

Part Three: Statements and Matters of Particular Interest to Parliament

11. Matters of special interest to Parliament

11.1 None.

12. European Convention on Human Rights

12.1 As the instrument is subject to negative procedure and does not amend primary legislation no statement is required.

13. The Relevant European Union Acts

13.1 This instrument is not made under the European Union (Withdrawal) Act 2018, the European Union (Future Relationship) Act 2020 or the Retained EU Law (Revocation and Reform) Act 2023 (“relevant European Union Acts”).