EXPLANATORY MEMORANDUM TO

THE REGISTRATION OF CIVIL PARTNERSHIPS (FEES) (AMENDMENT) ORDER 2012

2012 No. 761

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 Order amends the Registration of Civil Partnerships (Fees) Order 2005 (SI 2005/1996) and the Registration of Civil Partnerships (Fees) (No. 2) Order 2005 (SI 2005/3167) to change the fees for statutory functions provided by civil partnership registrars and registration authorities in connection with the formation of civil partnerships.

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

3.1 None.

4. Legislative Context

4.1 Section 34(1) of the Civil Partnership Act 2004 allows for fees that cover the functions of civil partnership registrars and registration authorities to be set by Order. The Registration of Civil Partnerships (Fees) Amendment Order 2012 amends the Registration of Civil Partnerships (Fees) Order 2005 and the Registration of Civil Partnerships (Fees) (No. 2) Order 2005 to reflect changes to the level of fees following the annual review of fees related to the statutory functions of civil partnership registrars and registration authorities.

5. Territorial Extent and Application

5.1 This instrument applies to England and Wales.

6. European Convention on Human Rights

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

7. Policy background

7.1 The Civil Partnership Act 2004 provides the Registrar General with the power

to make regulations setting out the fees to be charged by registration authorities for certain statutory functions that are carried out in connection with the formation of civil partnerships.

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 local authorities where an established formula is used to determine the costs of undertaking the relevant duties. The fee levels are set within Treasury fees and charges policy, at a level to recover the full cost of providing the service. The fees are set centrally to ensure consistent access to these services across England and Wales.

7.3 The Registration of Civil Partnership (Fees) Order 2005 sets fees for the preliminaries to and registration of a civil partnership. A second fees order, the Registration of Civil Partnerships (Fees) (No. 2) Order 2005 sets the fees for certificates, extracts and attesting a notice in certain circumstances.

8. Consultation outcome

8.1 Officials from the General Register Office for England and Wales have worked with representatives from local authorities and the Registration service to establish, as far as possible across 174 local authorities, the true costs to registration authorities of providing individual services. The outcome of these discussions has been reflected in the fees set out in the Order.

9. Guidance

9.1 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 April 2012.

10. Impact

10.1 These changes do not impact on business, 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 business.

12. Monitoring & review

12.1 The revised fees aim to recover the full cost of providing the services listed. The fees will be subject to review during the next financial year.

13. Contact

Stephen Hunt at the General Register Office, part of the Identity and Passport Service Tel: 0151 471 4578 or email: Stephen.Hunt@ips.gsi.gov.uk can answer any queries regarding the instrument.