EXPLANATORY MEMORANDUM TO

THE TRAVEL DOCUMENTS (FEES) (AMENDMENT) REGULATIONS 2005

2005 No.653

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. Description

2.1 These regulations, which will come into force on 1st April 2005, amend existing legislation to specify the fees which must be paid when an application for a travel document is made in respect of a child who is under the age of sixteen. In addition these regulations increase the fee for an application for a travel document other than a Convention travel document or a document of identity from £67 to £195 for adults

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

3.1 The current fee of £67 for an application for a travel document other than a Convention travel document or a document of identity was introduced on 1st January 1993. This fee has not been reviewed since its introduction. The new fee of £195 reflects increased operating costs associated with the travel documents service. The new fee takes into account inflation and the higher costs associated with processing applications, including changes in running costs (accommodation, IT, staffing and overheads) and the costs of producing the documents.

3.2 The new fee of £115 for an application for a child travel document other than a Convention travel document or a document of identity has been set at a level which reflects the full cost of processing the application up to the point of making and conveying a decision. The lower fee for child applications takes into account the reduced time required to consider such applications, which are usually submitted in conjunction with an adult application.

3.3 The new fee of £25 for an application for a child Convention travel document or a document of identity has been set at the level of an application for a child passport, in accordance with the 1951 Refugee Convention. Paragraph 3 of the Schedule to the Refugee Convention requires that fees charged for the issue of travel documents under the Convention shall not exceed the lowest scale of charges for national passports.

4. Legislative Background

4.1 Section 27 of the Immigration and Asylum Act 1999 enables the Secretary of State, with the approval of the Treasury, to make regulations prescribing fees to be paid in connection with applications to him for travel documents.

4.2 Fees to be paid in connection with applications for travel documents were prescribed in the Travel Documents (Fees) Regulations 1999 (S.I. 1999/3339). Those regulations have been amended by S.I. 2002/2155 and S.I. 2004/579.

5. Extent

5.1 This instrument applies to all of the United Kingdom.

6. European Convention on Human Rights

6.1 Not applicable

7. Policy background

7.1 In line with the UK Passport Agency's policy, separate travel documents for children are being introduced for security reasons, to reduce the risk of fraud and child abduction. This measure also forms part of the Home Office's preparation for the introduction of biometric travel documentation, whereby only data relating to a single individual will be held per document.

7.2 The Government aims to deliver a self-financing managed migration programme by 2008, where possible, to reduce reliance on the public purse and generate income to support the ongoing modernisation of immigration services.

7.3 In order to ensure the Government is achieving full cost recovery in relation to activities associated with the administration of immigration services, including the processing of applications for travel documents and the issue of such documents, the fee for an adult travel document (other than a Convention travel document or a document of identity) is being increased from £67 to £195. The fee for such a document in respect of a child is being introduced at £115.

7.4 As stated above, paragraph 3 of the Schedule to the Refugee Convention requires that fees charged for the issue of documents under the Convention shall not exceed the lowest scale of charges for national passports. Home Office fees for Convention travel documents and documents of identity are therefore the same as the fees charged for British passports. There is no change to the fee for a document for an adult, which remains at £42. The fee for a document in respect of a child is being introduced at £25 (the fee which must be paid for a child's passport).

8. Impact

8.1 A Regulatory Impact Assessment has not been prepared for this instrument as it has no impact on business

8.2 There is no impact on the public sector.

9. Contact

Richard Matthews at the Travel Documents Section Tel: 0208 760 3514 or e-mail: Richard.Matthews2@ind.homeoffice.gsi.gov.uk can answer any queries regarding the instrument.