
SCOTTISH STATUTORY INSTRUMENTS

2005 No.556

**REGISTRATION OF BIRTHS,
DEATHS, MARRIAGES, ETC.
MARRIAGE
CIVIL PARTNERSHIP**

The Marriages and Civil Partnerships
(Fees) (Scotland) Regulations 2005

Made - - - - 8th November 2005
*Laid before the Scottish
Parliament* - - - - 10th November 2005
Coming into force - - 5th December 2005

The Registrar General, in exercise of the powers conferred by sections 37(2) and 38(2) of the Registration of Births, Deaths and Marriages (Scotland) Act 1965(1) as they are applied by section 98 of the Civil Partnership Act 2004(2), section 54(1) of the Registration of Births, Deaths and Marriages (Scotland) Act 1965(3), section 3(1) of the Marriage (Scotland) Act 1977(4) and sections 88(1), 95(4), 122(4) and 134(2) of the Civil Partnership Act 2004(5) and of all other powers enabling him in that behalf, and with the approval of the Scottish Ministers(6) in accordance with section 54(1) of the 1965 Act, section 25(1) of the 1977 Act and section 126(3) of the 2004 Act, hereby makes the following Regulations:

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- (1) 1965 c. 49 (“the 1965 Act”); section 1 contains a definition of “Registrar General” and section 56 contains a definition of “prescribed” relevant to the exercise of the statutory powers under which these Regulations are made.
 - (2) 2004 c. 33 (“the 2004 Act”); sections 37(1) and (2) and 38(1) and (2) of the 1965 Act are applied in relation to the civil partnership register as they apply in relation to the registers of births, deaths and marriages by section 98 of the 2004 Act.
 - (3) section 54(1) was amended by the Children Act 1975 (c. 72), Schedule 4, part III and by the Marriage (Scotland) Act 1977 (c. 15), Schedule 3.
 - (4) 1977 c. 15 (“the 1977 Act”); section 26 contains a definition of “prescribed” relevant to the exercise of the statutory powers under which these Regulations are made.
 - (5) Sections 126(1) and 135 contain definitions of “prescribed” and “Registrar General” respectively relevant to the exercise of the statutory powers under which these Regulations are made.
 - (6) The functions of the Secretary of State under the 1965 and 1977 Acts were transferred to the Scottish Ministers by virtue of section 53 of the Scotland Act 1998 (c. 46).

Citation, commencement and extent

1.—(1) These Regulations may be cited as the Marriages and Civil Partnerships (Fees) (Scotland) Regulations 2005 and shall come into force on 5th December 2005.

(2) These Regulations extend to Scotland only.

Interpretation

2.—(1) In these Regulations—

“the 1965 Act” means the Registration of Births, Deaths and Marriages (Scotland) Act 1965;

“the 1977 Act” means the Marriage (Scotland) Act 1977;

“the 2004 Act” means the Civil Partnership Act 2004;

“bulk particular search” means a search for multiple specified entries, by comparison of electronic records, caused to be made by the Registrar General;

“general search” means a search (other than an Internet search) over any period of years for any number of entries, made by any person with the permission of the Registrar General or the district registrar;

“Internet search” means a search, in the indexes to the statutory registers and in the indexes to the parochial registers made available on the Internet, made by any person by means of the Internet with the permission of the Registrar General;

“Internet search session” means the period of time beginning with the time at which a person has—

- (a) access to the indexes made available on the Internet; and
 - (b) agreed to pay the prescribed fee for an Internet search session,
- and ending—

- (a) 168 hours after that time; or, if sooner,
- (b) with the time at which that person has retrieved 30 computer screens or part screens of index data;

“particular search” means a search for a specified entry caused to be made by the Registrar General or made by a district registrar;

“search” means a bulk particular search, a general search, an Internet search or, as the case may be, a particular search;

“working day” means a day on which the General Register Office is open for the purpose specified in section 38(2) of the 1965 Act.

(2) Any reference in these Regulations to an application made by post includes an application made by facsimile.

(3) In these Regulations, any reference to a numbered Schedule or to a Part of a Schedule is a reference to a Schedule or Part of a Schedule to these Regulations.

Amendment of the Births, Deaths, Marriages and Divorces (Fees) (Scotland) Regulations 1998

3. In the first entry in Schedule 3 to the Births, Deaths, Marriages and Divorces (Fees) (Scotland) Regulations 1998(7) (submission of marriage notice), for the amount “20.00” substitute “25.00”.

(7) S.I.1998/643; the heading to column 1 of Schedule 3 was corrected by correction slip and the first entry amended by S.S.I. 2000/447, regulation 2 and S.S.I. 2002/390, regulation 7.

Fees payable under the Civil Partnership Act 2004

4. The fees payable under the provisions of the 2004 Act specified in column 1 of Schedule 1 for the services described in column 2 of that Schedule (namely, submission of notice of proposed civil partnership and civil partnership registration) shall be the amounts specified in column 3 of that Schedule.

Fees payable to Registrar General

5. Subject to regulation 8, the fees payable under the provisions of the Acts specified in—
- (a) column 1 of Part I of Schedule 2 for the services described in column 2 of Part I of that Schedule (namely, searches in the indexes to the civil partnership register and the Register of Dissolutions of Civil Partnership) shall be the amounts specified in column 3 of Part I of that Schedule;
 - (b) column 1 of Part II of Schedule 2 for the services described in column 2 of Part II of that Schedule (namely, the issue of extracts of entries in those registers) shall be the amounts specified in column 3 of Part II of that Schedule.

Priority handling fee

6. Subject to regulation 8, where—
- (a) a person applies for a service which is described in the entry numbered 1 in column 2 of Part II of Schedule 2;
 - (b) the application is made—
 - (i) in person before 1300 hours and the person requests that the extract be issued after 1600 hours on the same day, or
 - (ii) in person after 1300 hours and the person requests that the extract be issued after 1000 hours on the next working day following the application, or
 - (iii) by post and the person requests that the extract be issued by post on the next working day following receipt of the application; and
 - (c) the Registrar General considers that the request can reasonably be complied with,

then, in addition to the amount specified in column 3 of Part II of that Schedule as the fee payable for that service, a further fee of £10 per extract issued shall be payable, but, if the extract is not issued within the time requested, the further fee shall be refunded.

Fee payable to district registrars

7. Subject to regulation 8, the fees payable under the provisions of the Act specified in—
- (a) column 1 of Part I of Schedule 3 for the services described in column 2 of Part I of that Schedule (namely, searches in the civil partnership register) shall be the amounts specified in column 3 of Part I of that Schedule;
 - (b) column 1 of Part II of Schedule 3 for the services described in column 2 of Part II of that Schedule (namely, issue of extracts of entries in that register) shall be the amount specified in column 3 of Part II of that Schedule.

Remission of fees

8. The Registrar General may remit any fee or part of a fee payable under the provisions of the Acts specified in column 1 of both Parts of Schedules 2 and 3 where—

- (a) the payment of the fee is likely to cause hardship to the person by whom it is payable; or

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(b) the service in respect of which the fee is payable is performed for research purposes.

New Register House, Edinburgh
7th November 2005

DUNCAN MACNIVEN
Registrar General for Scotland

Approved by the Scottish Ministers

St Andrew's House, Edinburgh
8th November 2005

GEORGE LYON
Authorised to sign by the Scottish Ministers

SCHEDULE 1

Regulation 4

Fees Payable under the Civil Partnership Act 2004 – Registration

<i>1</i> <i>Civil Partnership Act 2004</i>	<i>2</i> <i>Service</i>	<i>3</i> <i>Fee payable under these Regulations</i> £
Section 88(1)	Submission of notice of proposed civil partnership	25.00
Section 95(4)	Civil partnership registration	45.00

SCHEDULE 2

Regulation 5

Fees Payable to Registrar General by virtue of the Civil Partnership Act 2004

PART I

SECTIONS 98 AND 122(4) OF THE 2004 ACT –
SEARCHES IN CIVIL PARTNERSHIP REGISTER AND
REGISTER OF DISSOLUTIONS OF CIVIL PARTNERSHIP

<i>1</i> <i>Registration of Births, Deaths and Marriages (Scotland) Act 1965</i>	<i>2</i> <i>Service</i>	<i>3</i> <i>Fee payable under these Regulations</i> £
Section 38(2)(a), as it is applied by section 98 of the 2004 Act	<p>1. Particular search for each period of 5 years or part thereof in the index to the civil partnership register, whether the specified entry is traced or not and application is made–</p> <p>(a) (a) in person 3.00</p> <p>(b) (b) by post 5.00</p> <p>2. Internet search – per Internet search session 6.00</p> <p>3. General search in the index to the civil partnership register–</p> <p>(a) (a) in a case where payment is made not less than 14 days in advance and a place is occupied in</p>	

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<i>1</i>	<i>2</i>	<i>3</i>
<i>Registration of Births, Deaths and Marriages (Scotland) Act 1965</i>	<i>Service</i>	<i>Fee payable under these Regulations</i>
		<i>£</i>
	the limited amount of general search accommodation made available for reservation at this fee— per day or part thereof	
	(b) (b) in any other case—	
	per afternoon or part thereof (being any time after 1300 hours)	10.00
	per day	17.00
	per week	65.00
	per four weeks	220.00
	per quarter	500.00
	per year	1,500.00
	4. Bulk particular search in the index to the civil partnership register, whether the specified entry is traced or not—	
	(a) (a) per application	100.00
	(b) (b) for each of the first 20,000 records searched;	0.01
	(c) (c) for each group of 10 records (or part thereof) searched additional to the first 20,000 records	0.01
<i>Civil Partnership Act 2004</i>		
Section 122(4)(a)	5. Particular search for each period of 5 years or part thereof in the index to the Register of Dissolutions of Civil Partnership, whether the specified entry is traced or not and application is made—	
	(a) (a) in person	3.00
	(b) (b) by post	5.00

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<i>1</i>	<i>2</i>	<i>3</i>
<i>Registration of Births, Deaths and Marriages (Scotland) Act 1965</i>	<i>Service</i>	<i>Fee payable under these Regulations</i>
		<i>£</i>
	6. Internet search – per Internet search session	6.00
	7. General search in the index to the Register of Dissolutions of Civil Partnership–	
	(a) (a) in a case where payment is made not less than 14 days in advance and a place is occupied in the limited amount of general search accommodation made available for reservation at this fee– per day or part thereof	13.00
	(b) (b) in any other case–	
	per afternoon or part thereof (being any time after 1300 hours)	10.00
	per day	17.00
	per week	65.00
	per four weeks	220.00
	per quarter	500.00
	per year	1,500.00
	8. Bulk particular search in the index to the Register of Dissolutions of Civil Partnership, whether the specified entry is traced or not–	
	(a) (a) per application	100.00
	(b) (b) for each of the first 20,000 records searched;	0.01
	(c) (c) for each group of 10 records (or part thereof) searched	0.01

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<i>1</i>	<i>2</i>	<i>3</i>
<i>Registration of Births, Deaths and Marriages (Scotland) Act 1965</i>	<i>Service</i>	<i>Fee payable under these Regulations</i>
		<i>£</i>
	additional to the first 20,000 records	

PART II

SECTION 98 AND 122(4) OF THE 2004 ACT – ISSUE OF EXTRACTS OF ENTRIES IN CIVIL PARTNERSHIP REGISTER AND REGISTER OF DISSOLUTIONS OF CIVIL PARTNERSHIP

<i>1</i>	<i>2</i>	<i>3</i>
<i>Registration of Births, Deaths and Marriages (Scotland) Act 1965</i>	<i>Service</i>	<i>Fee payable under these Regulations</i>
		<i>£</i>
Section 38(2)(b), as it is applied by section 98 of the 2004 Act	<ol style="list-style-type: none"> 1. Issue of an extract of an entry in the civil partnership register 2. Issue of an extract of an entry identified by an Internet search where application is made by electronic mail in the course of that search 	8.00 10.00
<i>Civil Partnership Act 2004</i>		
Section 122(4)(b)	<ol style="list-style-type: none"> 3. Issue of an extract of an entry in the Register of Dissolutions of Civil Partnership 4. Issue of an extract of an entry identified by an Internet search where application is made by electronic mail in the course of that search 	8.00 10.00

SCHEDULE 3

Regulation 6

Fees Payable to District Registrar by virtue of the Civil Partnership Act 2004

PART I

SECTION 98 OF THE 2004 ACT – SEARCHES
IN CIVIL PARTNERSHIP REGISTER

<i>1</i> <i>Registration of Births, Deaths and Marriages (Scotland) Act 1965</i>	<i>2</i> <i>Service</i>	<i>3</i> <i>Fee payable under these Regulations</i>
		<i>£</i>
Section 37(2)(a), as it is applied by section 98 of the 2004 Act	<p>1. Particular search for each period of 5 years or part thereof in the index to the civil partnership register, whether the specified entry is traced or not. Provided that no fee shall be payable where the specified entry has been entered in the register within the preceding month</p> <p>2. General search in the index to the civil partnership register–</p> <p>(a) (a) for the first hour or part thereof</p> <p>(b) (b) for the second and each subsequent hour or part thereof</p>	<p>5.00</p> <p>10.00</p> <p>10.00</p>

PART II

SECTION 98 OF THE 2004 ACT – ISSUE OF EXTRACTS
OF ENTRIES IN CIVIL PARTNERSHIP REGISTER

<i>1</i> <i>Registration of Births, Deaths and Marriages (Scotland) Act 1965</i>	<i>2</i> <i>Service</i>	<i>3</i> <i>Fee payable under these Regulations</i>
		<i>£</i>
Section 37(2)(b), as it is applied by section 98 of the 2004 Act	Issue of an extract of an entry in the civil partnership register	8.50

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EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Births, Deaths, Marriages and Divorces (Fees) (Scotland) Regulations 1998 to raise the fee for the submission of a marriage notice from £20 to £25 (regulation 3).

The Regulations also set fees for the submission of a notice of proposed civil partnership and for a civil partnership registration (regulation 4 and Schedule 1). They set fees for searches and the issuing of extracts of entries in the civil partnership register and the Register of Dissolutions of Civil Partnership (regulations 5 to 8 and Schedules 2 to 3).