

Title of Proposal

The Registration Services (Fees, etc.) (Scotland) Amendment Regulations 2022

Purpose and intended effect

These Regulations amend the Registration Services (Fees, etc.) (Scotland) Regulations 2006 to increase the fees payable for submission of a marriage notice and submission of a notice of a proposed civil partnership from £30 to £45 per party to the intended marriage or civil partnership.

Background

Each person submitting a marriage notice or a notice of a proposed civil partnership requires to pay a fee to the applicable local authority.¹ The level of fee is set by the Registrar General for Scotland (the Registrar General) with the approval of the Scottish Ministers by regulations made under the Marriage (Scotland) Act 1977 and the Civil Partnership Act 2004.

The Registrar General oversees all registrations of births, marriages and civil partnerships, and deaths. However, these services are delivered by registrars and other staff employed by local authorities. All paperwork at the start of the marriage or civil partnership process and at the end of the process (even for a religious or belief marriage or civil partnership) is dealt with by local authority registrars.

This means that local authorities determine how registration services are delivered in practice² and the appropriate staff resources. However, fixing statutory registration fees centrally ensures consistency of access to these services across Scotland.

The Scottish Government's policy as set out in guidance in the Scottish Public Finance Manual is that charges for public services should generally allow for full cost recovery. Consequently, the aim of regulations affecting fees for registration services is for each fee set by the Registrar General to recover, as far as possible, the true cost of the statutory service to which they relate.

The fee for giving notice of a proposed marriage or civil partnership is currently £30 per party and has been set at this level since April 2010.

¹ This is the local authority where the marriage ceremony or civil partnership registration will take place.

² This means there are different service delivery models for registration services in local authorities, including: as a stand-alone service with its own budget; as a stand-alone service but where the staff also carry out non-registration related duties such as school clothing grants; through a multi-function office where registration and non-registration services are offered; and a service delivered by home-based registrars.

Objective

Officials at National Records of Scotland (NRS) of which the Registrar General is Chief Executive, work closely with local authorities to establish, as far as possible given the differing service delivery models used, the costs of providing registration services.

In line with the general policy as set out in the Scottish Public Finance Manual, the objective of changing the fees for the submission of a marriage notice or notice of a proposed civil partnership is so that they better reflect the actual costs of the services provided by local authority registrars in relation to the processing of all the paperwork associated with marriages and civil partnership.

Rationale for Government intervention

In the absence of the proposal proceeding, overall the costs incurred by local authorities attributable to processing marriage and civil partnership paperwork³ will continue not to be adequately met from the income received from these statutory fees, which have not been increased in April 2010. This would in turn require these services to be subsidised from other local authority funds and might increase pressure on registration services and interfere with service delivery.

Consultation

Within Government

NRS has worked with the Family Law Policy Unit at Scottish Government.

NRS has also worked with the Association of Registrars of Scotland (ARoS) and the Convention of Scottish Local Authorities (CoSLA).

³ The impact for individual local authorities is likely to vary because of the differences in how registration services are delivered between local authorities and the number of these notices processed in each area.

Public Consultation

No public consultation has been carried out.

Business

The increase in these fees will be borne only by couples who intend to marry or register a civil partnership. The proposal has no impact for businesses. Consequently, no consultation has been undertaken with business.

Options

The Options considered were:

- Do nothing- retain the fees for marriage notices and civil partnership notices at their current level of £30 per person (Option 1)
- Increase the fees for marriage notices and civil partnership notices to £45 per person (Option 2)

Sectors and groups affected

Couples who intend to marry or register a civil partnership

Couples intending to marry or register a civil partnership will not be affected by Option 1: the fee each marriage or civil partnership notice would remain at £30 for each party.

Option 2 would affect couples intending to marry or enter a civil partnership as each party will need to pay an increased fee when they submit their notices to the local authority registrar for the area in which they intend to marry or register their civil partnership. Based on the numbers of marriages and civil partnerships in Scotland in 2019, around 26,000 couples (52,000 individuals) might be affected annually by the increase in fees.⁴

Local authorities

Local authorities would be affected by either Option 1 or Option 2. The impact for individual local authorities is likely to vary because of the differences in how registration services are delivered between local authorities and the number of these notices processed in each area.

Option 1 would mean that local authorities may have to find other funds in order to fund these services. These fees have not been increased since April 2010. This might increase pressure on registration services and might impact adversely on service delivery.

⁴ [List of Data Tables | National Records of Scotland \(nrscotland.gov.uk\)](#): Table 7.06 and Table 7.10.

Option 2 would mean that income from each notice will increase to better cover the costs of providing the services provided in connection with marriage and civil partnership.

In addition, there may also be minimal costs arising from Option 2 as local authorities may need to update the information available to couples for example from their website. It is anticipated that such costs would be met from existing resources.

NRS

National Records of Scotland would not be affected by Option 1 but are likely to be affected by Option 2 because there may be some costs in updating the information available for couples, for example on their website. It is anticipated that these costs would be met from existing resources.

Benefits

Option 1 has the benefit of consistency with the current arrangements.

Option 2 will have the benefit of increasing the funds available to local authority registration services to support the processing of these notices.

Under Option 2, assuming the numbers of marriages and civil partnerships remain consistent with the position in 2019 (before the COVID-19 pandemic), when there were 26,007 marriages and 83 civil partnerships,⁵ then the total annual income for local authority registration services would increase by around £780,000.⁶

The impact for individual local authorities is likely to vary because of the differences in how registration services are delivered between local authorities and the number of these notices processed in each area.

In addition, the objective of Option 2 is the additional income will offset the increase in costs attributable to providing the services associated with these notices: there is not intended to be an overall financial benefit to local authorities.

Costs

Option 1 would have costs for local authorities in that other funds would need to be identified to support these services.

The costs of Option 2 would be minimal, in the form of updates to public facing information which it is anticipated would be met from existing resources.

⁵ [List of Data Tables | National Records of Scotland \(nrscotland.gov.uk\)](#): Table 7.06 and Table 7.10.

⁶ More recent figures published by NRS shows that the number of marriages in Scotland have almost returned to pre-pandemic numbers. There were 10,540 marriages in quarter 3 of 2021, only 1% fewer than the quarter 3 average for 2015 – 2019: [Quarter 3 Deaths 15% above average | National Records of Scotland \(nrscotland.gov.uk\)](#)

Scottish Firms Impact Test

As stated, the Regulations will have no impact on business as the increased costs would be borne by couples who intend to marry or register a civil partnership. Consequently, no Scottish Firms Impact Test has been undertaken and there will be no impact on competition, including on consumer choice. Under the Marriage (Scotland) Act 1977 and the Civil Partnership Act 2004, those who intend to marry or register a civil partnership must submit their notices to a local authority register who has a duty to process these notices in accordance with the statutory arrangements.

Consumer Assessment

The proposal has an impact for couples who decide to marry or register a civil partnership. Increasing the fees could have an impact for couples with limited incomes.

There is some limited information about the average costs of a wedding but the data will not be representative. The average cost of a wedding in the UK, including the costs of any honeymoon, was reported in 2020 to be £20,731.⁷ The same report indicated the average cost represented 25% or more of household income of the survey respondents. This suggests that, for many couples, the notice fee is a small proportion of the overall costs of the event for many couples and that such an impact is limited. Local authority registrars cannot remit or waive the marriage notice or civil partnership notice fees.

Test run of business forms

There are no new business forms as a result of this proposal.

Digital Impact Test

The proposed change has no adverse impact for future digital provision of this service in the future. The measure would be applicable to any provision of the service on an online basis.

Legal Aid Impact Test

The proposal does not create any new rights or responsibilities. We do not anticipate any increased use of legal processes as a result of the proposed increase in these fees.

⁷ The 2020 UK Wedding Report by Bridebook, based on a survey of around 3000 couples based in the UK who married in 2018 and 2019:

Enforcement, sanctions and monitoring

Notice fees are collected by local authority registrars who process marriage notices and notices of proposed civil partnership.

The proposed increase in these notice fees would be enforced by local authority registrars or other local authority registration staff. The sanction for non-payment is that the registrar will not proceed to complete or issue a marriage schedule or civil partnership schedule.⁸ This means that the couple cannot then marry or register their civil partnership.

Registration services fees are reviewed by officials from NRS with input from local authorities and registrars.

Implementation and delivery plan

The increase in these fees is intended to take effect from 1 May 2022. From that date, each marriage notice or notice of proposed civil partnership received by a local authority registrar will require to be accompanied by the increased fee.

Post-implementation review

Regular reviews of registration fees were carried out by NRS with input from CoSLA, local authorities and ARoS before the COVID-19 pandemic. The Registrar General intends to start a review of other registration fees later in 2022 and the experience of implementation of the new notices fees will be considered as part of that.

⁸ Where a couple have arranged for a religious or belief celebrant to conduct their marriage ceremony or civil partnership registration, the registrar must issue the marriage schedule or civil partnership schedule to one or both of the couple. This is not required in the case of a civil ceremony.

Summary and recommendation

Option 2 is recommended. It accords with the general policy set out in the Scottish Public Finance Manual concerning the approach to fees for public services and should have a minimal impact on individuals. The proposed increase will help ensure that the costs of processing marriage notices and notices of proposed civil partnership are being met from those fees rather than from other local authority funds or from cost savings which might impact on the efficiency and effectiveness of the services.

Summary costs and benefits table

Option	Total benefit per annum: - economic, environmental, social	Total cost per annum: - economic, environmental, social - policy and administrative
1	£Nil	Costs not covered by the current fee would require to be subsidised from other local authority funds.
2	£Nil (increased income intended only to offset costs of processing these notices)	Minimal costs of updating public facing guidance from existing resources

Declaration and publication

I have read the Business and Regulatory Impact Assessment and I am satisfied that (a) it represents a fair and reasonable view of the expected costs, benefits and impact of the policy, and (b) that the benefits justify the costs.

Signed: Rod Burns

23 February 2022

Rod Burns

Deputy Registrar General for Scotland