

POLICY NOTE

THE REGISTRATION SERVICES (FEES, ETC.) (SCOTLAND) AMENDMENT REGULATIONS 2022

SSI 2022/68

The above instrument was made in exercise of the powers conferred by section 3(1) of the Marriage (Scotland) Act 1977 and section 88(2) of the Civil Partnership Act 2004. The instrument is subject to negative procedure.

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.

Policy Objectives

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

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 is for each of the registration services fees set by the Registrar General to recover the true cost of the statutory service to which they relate.

The fees for marriage notices and notices of proposed civil partnership have been reviewed in the light of this policy.

This is the first increase in the fees for marriage notices and notices of proposed civil partnership since April 2010.

Consultation

National Records of Scotland consulted the Convention of Scottish Local Authorities (CoSLA) and the Association of Registrars of Scotland (AROS) on the level of fees.

Impact Assessments

A Business and Regulatory Impact Assessment (BRIA), an Equality Impact Assessment (EQIA) and a Fairer Scotland Duty Assessment have been completed and are attached.

Registration services are delivered by registrars and other staff employed by local authorities. The increase in the fees charged for the processing of these notices applies across all of Scotland. This ensures consistency of access to registration services across Scotland. The effect of these Regulations on island communities is not different from that on other communities.

The minimum age of marriage and civil partnership is 16 and these Regulations do not impact differently for 16 and 17 year olds who choose to marry or enter a civil partnership. Consequently, we have not undertaken a Child Rights and Wellbeing Impact Assessment; any impacts for children are considered in the EQIA.

These Regulations do not impact on the collection of data or on the environment.

Financial Effects

A BRIA has been completed and is attached.

These Regulations have no impact on business; the costs associated with the increase in the fees for submission of a marriage notice and submission of a notice of a proposed civil partnership will be borne by those who intend to marry or register a civil partnership.

There will be a positive financial impact for local authorities whose registrars process all documentation associated with marriage and civil partnership by ensuring that these fees will now better reflect the costs of providing the services.

National Records of Scotland
23 February 2022