



# Immigration Act 2014

## 2014 CHAPTER 22

### PART 6

#### MISCELLANEOUS

##### *Fees*

#### 68 Fees

- (1) The Secretary of State may provide, in accordance with this section, for fees to be charged in respect of the exercise of functions in connection with immigration or nationality.
- (2) The functions in respect of which fees are to be charged are to be specified by the Secretary of State by order (“a fees order”).
- (3) A fees order—
  - (a) must specify how the fee in respect of the exercise of each specified function is to be calculated, and
  - (b) may not provide for a fee to be charged in respect of the exercise of a function otherwise than in connection with an application or claim, or on request.
- (4) For any specified fee, a fees order must provide for it to comprise one or more amounts each of which is—
  - (a) a fixed amount, or
  - (b) an amount calculated by reference to an hourly rate or other factor.
- (5) Where a fees order provides for a fee (or part of a fee) to be a fixed amount, it—
  - (a) must specify a maximum amount for the fee (or part), and
  - (b) may specify a minimum amount.
- (6) Where a fees order provides for a fee (or part of a fee) to be calculated as mentioned in subsection (4)(b), it—
  - (a) must specify—

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- (i) how the fee (or part) is to be calculated, and
    - (ii) a maximum rate or other factor, and
  - (b) may specify a minimum rate or other factor.
- (7) For any specified fee, the following are to be set by the Secretary of State by regulations (“fees regulations”)—
- (a) if the fee (or any part of it) is to be a fixed amount, that amount;
  - (b) if the fee (or any part of it) is to be calculated as mentioned in subsection (4)(b), the hourly rate or other factor by reference to which it (or that part) is to be calculated.
- (8) An amount, or rate or other factor, set by fees regulations for a fee in respect of the exercise of a specified function—
- (a) must not—
    - (i) exceed the maximum specified for that amount, or rate or other factor;
    - (ii) be less than the minimum, if any, so specified;
  - (b) subject to that, may be intended to exceed, or result in a fee which exceeds, the costs of exercising the function.
- (9) In setting the amount of any fee, or rate or other factor, in fees regulations, the Secretary of State may have regard only to—
- (a) the costs of exercising the function;
  - (b) benefits that the Secretary of State thinks are likely to accrue to any person in connection with the exercise of the function;
  - (c) the costs of exercising any other function in connection with immigration or nationality;
  - (d) the promotion of economic growth;
  - (e) fees charged by or on behalf of governments of other countries in respect of comparable functions;
  - (f) any international agreement.

This is subject to section 69(5).

- (10) In respect of any fee provided for under this section, fees regulations may—
- (a) provide for exceptions;
  - (b) provide for the reduction, waiver or refund of part or all of a fee (whether by conferring a discretion or otherwise);
  - (c) make provision about—
    - (i) the consequences of failure to pay a fee;
    - (ii) enforcement;
    - (iii) when a fee may or must be paid.
- (11) Any provision that may be made by fees regulations by virtue of subsection (10) may be included instead in a fees order (and any provision so included may be amended or revoked by fees regulations).
- (12) In this section and sections 69 and 70—
- “costs” includes—
    - (a) the costs of the Secretary of State, and
    - (b) the costs of any other person (whether or not funded from public money);
  - “fees order” has the meaning given by subsection (2);

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“fees regulations” has the meaning given by subsection (7);

“function” includes a power or a duty;

“function in connection with immigration or nationality” includes a function in connection with an enactment (including an enactment of a jurisdiction outside the United Kingdom) that relates wholly or partly to immigration or nationality;

“specified” means specified in a fees order.

- (13) Any reference in this section or section 70 to the exercise of a function includes a reference to its exercise in particular circumstances, including its exercise—
- (a) at particular times or in a particular place;
  - (b) under particular arrangements;
  - (c) otherwise in particular ways,
- and, for this purpose, “arrangements” includes arrangements for the convenience of applicants, claimants or persons making requests for the exercise of a function.

#### **69 Fees orders and fees regulations: supplemental**

- (1) A fees order or fees regulations may be made only with the consent of the Treasury.
- (2) A fee under section 68 may relate to something done outside the United Kingdom.
- (3) Fees payable by virtue of section 68 may be recovered as a debt due to the Secretary of State.
- (4) Fees paid to the Secretary of State by virtue of section 68 must—
  - (a) be paid into the Consolidated Fund, or
  - (b) be applied in such other way as the relevant order may specify.
- (5) Section 68 is without prejudice to—
  - (a) section 1 of the Consular Fees Act 1980 (fees for consular acts etc);
  - (b) section 102 of the Finance (No. 2) Act 1987 (government fees and charges), or
  - (c) any other power to charge a fee.

#### **70 Power to charge fees for attendance services in particular cases**

- (1) This section applies where a person exercises a function in connection with immigration or nationality in respect of which a fee is chargeable by virtue of a fees order (a “chargeable function”) in a particular case and—
  - (a) in doing so attends at a place outside the United Kingdom, and time, agreed with a person (“the client”), and
  - (b) does so at the request of the client.

It is immaterial whether or not the client is a person in respect of whom the chargeable function is exercised.

- (2) In this section “attendance service” means the service described in subsection (1) except so far as it consists of the exercise of a chargeable function.
- (3) The following are to be disregarded in determining whether a fee is chargeable in respect of a function by virtue of a fees order—
  - (a) any exception provided for by a fees order or fees regulations;

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- (b) any power so provided to waive or refund a fee.
- (4) The person exercising the chargeable function may charge the client such fee for the purposes of recovering the costs of providing the attendance service as the person may determine.
- (5) Fees paid to the Secretary of State by virtue of this section must be paid into the Consolidated Fund.
- (6) A fee payable by virtue of this section may be recovered as a debt due to the Secretary of State.
- (7) This section is without prejudice to—
  - (a) section 68;
  - (b) section 1 of the Consular Fees Act 1980 (fees for consular acts etc);
  - (c) section 102 of the Finance (No. 2) Act 1987 (government fees and charges), or
  - (d) any other power to charge a fee.