

**EXPLANATORY MEMORANDUM TO**  
**THE REGISTRATION OF BIRTHS, DEATHS AND MARRIAGES (FEES)**  
**(AMENDMENT) ORDER 2012**

**2012 No. 760**

**1.** This explanatory memorandum has been prepared by the Home Office and is laid before Parliament by Command of Her Majesty.

**2. Purpose of the instrument**

2.1 This order amends the Registration of Births, Deaths and Marriages (Fees) Order 2010 (SI 2010/441) to change the fees for certain statutory functions provided by superintendent registrars and registrars. These functions are the issue of a certified copy of a birth, death or marriage (or other life event) registration, the civil preliminaries to and the solemnization and registration of a marriage.

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

3.1 None.

**4. Legislative Context**

4.1 This order is made under the Public Expenditure and Receipts Act 1968 which provides for the increase in fees including those relating to registration. The Births and Deaths Registration Act 1953 and the Marriage Act 1949 (and other associated legislation) allow for fees that cover certain statutory functions performed by superintendent registrars and registrars to be set by Order. The Registration of Births, Deaths and Marriages (Fees) (Amendment) Order 2012 amends the Registration of Births, Marriages and Deaths (Fees) Order 2010 to reflect the changes to the level of fees following the annual review of fees related to the statutory functions and duties of superintendent registrars and registrars.

**5. Territorial Extent and Application**

5.1 This instrument applies to England and Wales.

**6. European Convention on Human Rights**

6.1 As the instrument is subject to negative resolution procedure and does not amend primary legislation, no statement is required.

## **7. Policy background**

7.1 The Births and Deaths Registration Act 1953 and the Marriage Act 1949 (and other associated legislation) provide for superintendent registrars and registrars to charge for certain statutory functions.

7.2 The General Register Office for England and Wales considers on an annual basis whether fees should be amended. This review is completed with representatives from local authorities where an established formula is used to determine the costs of undertaking the relevant duties. The fee levels are set within Treasury fees and charges policy, at a level to recover the full cost of providing the service. The fees are set centrally to ensure consistent access to these services across England and Wales.

## **8. Consultation outcome**

8.1 Officials from the General Register Office for England and Wales have worked with representatives from local authorities and the local registration service to establish, as far as possible across 174 local authorities, the true costs to registration authorities of providing individual services. The outcome of these discussions has been reflected in the fees set out in the Order.

## **9. Guidance**

9.1 Officials in the General Register Office for England and Wales will notify members of the registration service of the new fees. Both will then work towards amending systems, information leaflets, websites and any other information sources in order that so that the new fees can be implemented on 1 April 2012.

## **10. Impact**

10.1 These changes do not impact on businesses, charities or voluntary bodies.

10.2 There is no impact on the public sector.

10.3 An Impact Assessment has not been prepared for this instrument.

## **11. Regulating small business**

11.1 The legislation does not apply to small businesses.

## **12. Monitoring & review**

12.1 The revised fees aim to recover the full cost of providing the services listed. The fees will be subject to review during the next financial year.

### **13. Contact**

Stephen Hunt at the General Register Office, part of the Identity and Passport Service Tel: 0151 471 4578 or email: [stephen.hunt@ips.gsi.gov.uk](mailto:stephen.hunt@ips.gsi.gov.uk) can answer any queries regarding the instrument.