

**EXPLANATORY MEMORANDUM TO**  
**THE REGISTRATION OF BIRTHS, DEATHS, MARRIAGES AND CIVIL**  
**PARTNERSHIPS (FEES AND RECORDS) (AMENDMENT) REGULATIONS 2024**

**2024 No. 598**

**1. Introduction**

- 1.1 This explanatory memorandum has been prepared by the Home Office and is laid before Parliament by Command of His Majesty.

**2. Declaration**

- 2.1 Tom Pursglove MP, Minister of State for Legal Migration and the Border at the Home Office, confirms that this Explanatory Memorandum meets the required standard.
- 2.2 Carly Blay SCS Passports, Citizenship and Civil Registration, Customer Services at the HO confirms that this Explanatory Memorandum meets the required standard.

**3. Contact**

- 3.1 Debra Owen at the HO Telephone: 0300 104 2409 or email: GROPolicy@GRO.Gov.uk can be contacted with any queries regarding the instrument.

**Part One: Explanation, and context, of the Instrument**

**4. Overview of the Instrument**

*What does the legislation do?*

- 4.1 This instrument amends The Registration of Births, Deaths, Marriages and Civil Partnership (Fees) Regulations 2016 ('the Fees Regulations'). It increases fees for some civil registration services (relating to births and deaths) provided by both the Home Office and the local registration service under local authority control, by 10% to a level of full cost recovery. Fees relating to marriage and civil partnerships will increase by 20%. Fees for these services have not been increased since 2010 and are significantly under recovered. The fee increases will move them towards cost recovery.
- 4.2 This instrument also makes provision in relation to the relevant information to be provided to the Registrar General for England and Wales (Registrar General) to identify a record for the purpose of issuing a certified copy from the Conversion (of a same-sex civil partnership to a same-sex marriage) Register, as relevant to the definition of 'priority service' and 'standard service' in the Fees Regulations. The same provision is made for certificates from the Gender Recognition Marriage and Civil Partnership registers. These are registers which record instances where a person who is married or in a civil partnership has had a gender change. The instrument provides for fee increases with respect to these services, to £12.50 for a standard service and £38.50 for a priority service.
- 4.3 This instrument amends the Fees Regulations to provide for a fee to be charged for a correction of a register entry in the Conversion Register. The fee of £99 aligns with other civil registration correction services already provided.

- 4.4 This instrument introduces fees for a new short death certificate. A new standard 5-15 day service (depending on the information provided) will cost £12.50. A priority service (next day) will cost £38.50. This aligns the service with other certificate service fees.
- 4.5 This instrument also amends the Births, Deaths, Marriages and Civil Partnerships Records Regulations 2016 to remove services that are no longer offered. These relate to the provision of a copy of a birth or death entry in electronic format.

*Where does the legislation apply to?*

- 4.6 The extent of this instrument (that is, the jurisdiction(s) which the instrument forms part of the law of) is England and Wales.
- 4.7 The territorial application of this instrument (that is, where the instrument produces a practical effect) is England and Wales.

**5. Policy Context**

*What is being done and why?*

- 5.1 The Registrar General is responsible for the system of civil registration for England and Wales. Through the General Register Office, the Registrar General maintains a central record of registration events. The registration of births, deaths, marriages and civil partnerships is delivered by 175 local authorities through their local registration service (under the responsibility of the Department for Levelling Up, Housing and Communities for England and the Welsh Government of Wales). Both the General Register Office and the local registration service provide products and services relating to civil registration for a fee set out in secondary legislation. They also provide free services such as the registration of a birth and a death.
- 5.2 This instrument will increase fees charged for a number of civil registration services set out in the Fees Regulations by 10%, moving them to a level that recovers full costs. This is in line with HM Treasury's Managing Public Money Principles (MPM).
- 5.3 Some fees for marriages and civil partnerships undertaken by the local registration service have not been revised since 2010. These relate to services including the giving of notice to marry or form a civil partnership, and the attendance of a registrar(s) to solemnise a marriage or to sign a civil partnership schedule, with the fee reflecting where this service takes place. It also includes a service to solemnise a marriage or civil partnership by Registrar General's Licence (where one or more parties to the marriage/civil partnership are terminally ill) under the Marriage (Registrar General Licence) Act 1970 and under the Civil Partnership Act in 2004, since enacted. The fees increase from £15 to £18. The increase of 20% will move these services towards cost recovery. An increase of c.100% would be needed to fully recover costs, which did not align with other fee increases across Government. The Registrar General has committed to an annual review of fees to ensure they reach full cost recovery at the earliest opportunity. This aligns with those same MPM principles. The fees have received the explicit approval of the Home Office Minister and HM Treasury.
- 5.4 Legislation is currently being drafted to commence section 33A of the Births and Deaths Registration Act 1953. This allows for a new, short death certificate to be introduced for the first time as part of a wider governmental death certification reform. This certificate aligns with the short birth certificate already in place. This instrument provides for the relevant fees of £12.50 and £38.50, in line with other certificate service fees.

- 5.5 The local registration service relies on funding from central or local government to operate at a reasonable level. Without a review of the existing civil registration fees, there are significant risks that service may be diminished because of a lack of access to appropriate funding. This in turn may limit their ability to continue to deliver for free core statutory services such as the registration of births and deaths.
- 5.6 Sufficient information must be provided to identify a register entry and for a certificate to be issued, for a fee of £12.50 or £38.50. Regulation 2 of the Fees Regulations sets out the relevant legislation related to this service for births, deaths, marriages and civil partnerships. The regulation contains interpretive provisions including defining the 'relevant information' required to be provided by an applicant for a service (priority or standard). The regulation currently does not define 'relevant information' for the purposes of applications for certified copies of entries within the Conversion Register.
- 5.7 Since the amendments mentioned in the paragraphs above correct omissions in the Fees Regulations, this instrument is being issued free of charge to all known recipients of the Fees Regulations.
- 5.8 A correction to a register entry can be requested for reasons such as a mistake by the informant or registrar, incorrect information provided inadvertently, or false information given deliberately. Straightforward corrections can be dealt with by the local registration service for a fee of £83. The General Register Office deals with more complex cases for a fee of £99. Entries where the registrar has made an error or those identified by a coroner would not be subject to a fee. Provision for a correction of an entry in the Conversion Register, for a fee of £99, is needed to align it with other corrections fees set out in the Fees Regulations.
- 5.9 The Portable Document Format (PDF) service was introduced in 2016 by way of several pilots. These pilots tested demand for the product and the resilience of the General Register Office's financial business model. One of the pilots (historic, digitised births (registered over 100 years ago) and deaths (registered over 50 years ago) successfully moved into full production in February 2019. The pilots not taken forward due to low demand will be removed from the statute book. The fees for these services will also be removed from the Fees Regulations by this instrument.
- 5.10 PDF services relating to copies of civil partnership register entries sit within separate regulations, the Civil Partnership Records Regulations 2016 (although the fees sit within the Fees Regulations). Additional amending regulations will be made separately to deal with those regulations.

*What was the previous policy, how is this different?*

- 5.11 Civil registration fees are usually set to recover full costs. There is no change in policy or services provided however, a statutory instrument is required to amend the fees.

## **6. Legislative and Legal Context**

*How has the law changed?*

- 6.1 The Fees Regulations consolidate fees for a number of registration services relating to births, deaths, marriages and civil partnerships. Fee amounts are set out in the table in Schedule 1 to the Fees Regulations.
- 6.2 This instrument introduces fees for two new services to provide a short certificate of death of £12.50 for a standard service and £38.50 for a priority service. S33A provides for a Short Certificate of Death which remained un-commenced since the

Births and Deaths Registration Act 1953 (BDRA) received Royal Assent. It was not previously commenced as it is only an extract of a death registration and was not deemed necessary at the time. This has been reviewed as part of wider governmental death certification reform and was always intended to be commenced at the same time. Separate Ministry of Justice regulations will commence S33A of the BDRA to introduce the certificate, with the fees to come into force at the same time.

- 6.3 This instrument also amends Regulation 2 of the Fees Regulations. This defines the information the applicant is required to provide to enable the register entry to be identified for the purposes of provision of a certified copy from the GR marriage and civil partnership registers and the Conversion Register. The fee is £12.50 for the standard service and £38.50 for the priority service. This instrument provides for 'relevant information' that is needed to identify a register entry within the Fees Regulations. This aligns it to certificate services already provided for.
- 6.4 The instrument makes an insertion of a fee of £99 into Schedule 1 of the Fees Regulations for a correction of an entry in the Conversion Register. This aligns it with fees for other corrections. It rectifies an erroneous omission in the Fees Regulations.
- 6.5 This instrument also removes a small number of services in the Births, Deaths, Marriages and Civil Partnership Records Regulations 2016 (The 'Records Regulations') to provide electronic copies (in PDF format) of historic birth and death register entries that are now redundant as they are not offered. There was little demand to make it a viable service. The Records Regulations include an expedited service for £45 and PDFs of more modern records for £8. These services will be removed from Regulation 2 (births) and Regulation 3 (deaths) of the Records Regulations. The fees will be removed from Schedule 1 of the Fees Regulations. Additionally, Regulation 5 of the Records Regulations will be revoked as the provision of entries to government departments is covered under other legislation.
- 6.6 A separate set of regulations will revoke the Civil Partnership Records Regulations 2016 that only provide the now redundant services. These services offered PDF copies of records from the civil partnership register. These services also received little demand during the pilot phase. The regulations are expected to come into force at the same time as this instrument and are made by the Registrar General. This instrument is not laid in Parliament.

*Why was this approach taken to change the law?*

- 6.7 Powers conferred by primary legislation allow for fees to be set by secondary legislation. This is the only possible approach to make the necessary changes.

## **7. Consultation**

*Summary of consultation outcome and methodology*

- 7.1 There was no public consultation on the fees set out in this instrument because there are no significant impacts on the policy or structure of the fees.
- 7.2 The General Register Office engages regularly with the National Panel for Registration, a representative body for the local registration service across England and Wales, Regional Registration Groups. A sub-group of the National Panel, the Fees and Funding Working Group, have undertaken an exercise to identify average salaries and time taken for each service across England and Wales. Continuous engagement with these groups has informed the development of fees.

## **8. Applicable guidance**

- 8.1 The Home Office guidance to staff and to the local registration service will be updated to reflect these changes. It will be available at the time of laying. Guidance to general members of the public will be amended to reflect the fee changes on GOV.UK. A table of fees will be made publicly available within each register office at the time of implementation on 28 May 2024.

## **Part Two: Impact and the Better Regulation Framework**

### **9. Impact Assessment**

- 9.1 A full Impact Assessment has not been prepared for this instrument as there are no new duties or charges placed upon business, charities or voluntary bodies. Expected additional revenue for the General Register Office is estimated at £2.1 million per year. For the LRS, it is estimated as £11.1 million per year.

#### *Impact on businesses, charities and voluntary bodies*

- 9.2 There is no, or no significant, impact on business, charities or voluntary bodies because the fees are set to recover full costs which aligns them with HM Treasury MPM principles.
- 9.3 The legislation does impact small or micro businesses (employing up to 50 people) who purchase a certificate. The fee will increase from £11.00 to £12.50, or from £35.00 to £38.50 for the priority service. To minimise the impact, the approach taken is to ensure the fee only recovers the full cost of providing any service. This aligns with HM Treasury MPM principles.
- 9.4 There is no, or no significant, impact on the public sector because only those accessing the service will be required to pay a fee. The fee is set to only recover the full cost of the service provided and adheres to HM Treasury MPM principles. There is no requirement applicants identify themselves. Neither do we retain details of certificate applications once they are complete, under data protection legislation. This information is therefore not identifiable.

### **10. Monitoring and review**

#### *What is the approach to monitoring and reviewing this legislation?*

- 10.1 The Home Office will monitor the impacts of the amendments in these regulations annually.

## **Part Three: Statements and Matters of Particular Interest to Parliament**

### **11. Matters of special interest to Parliament**

- 11.1 None.

### **12. European Convention on Human Rights**

- 12.1 The Minister for Legal Migration and the Border has made the following statement regarding Human Rights:

“In my view the provisions of The Registration of Births, Deaths, Marriages and Civil Partnerships (Fees and Records) (Amendment) Regulations 2024 are compatible with the Convention rights.”

### **13. The Relevant European Union Acts**

- 13.1 This instrument is not made under the European Union (Withdrawal) Act 2018, the European Union (Future Relationship) Act 2020 or the Retained EU Law (Revocation and Reform) Act 2023 (“relevant European Union Acts”).