

EXPLANATORY MEMORANDUM TO
THE REGISTRATION OF CIVIL PARTNERSHIP (FEES) (No 2) ORDER 2005

2005 No. 3167

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

This memorandum contains information for the Joint Committee on Statutory Instruments.

2. **Description**

- 2.1 The Registration of Civil Partnership (Fees) (No 2) Order 2005 sets the fees for the issue of civil partnership certificates and extracts in England and Wales. The fees are payable to either a registration authority or the Registrar General, depending on who issues the certificate.

- 2.2 It also sets the fee for the attestation of a notice by a registration authority, where the civil partnership is to be formed abroad, and a certificate of no impediment is needed for production to the authorities overseas.

- 2.3 These fees have been set at the same level as those currently in place for marriage.

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

- 3.1 None.

4. **Legislative Background**

- 4.1 The Civil Partnership Act 2004 (the 2004 Act) will be implemented on 5 December 2005. Section 34 of the 2004 Act provides for an order to be made setting the fees payable in respect of civil partnership services and activities.

- 4.2 A first fees order (the Registration of Civil Partnership (Fees) Order 2005 (SI2005/1996)) setting fees for the preliminaries to and registration of a civil partnership was made in July. A second fees order is needed to set the fees for certificates, extracts and attesting a notice in certain circumstances.

5. **Extent**

- 5.1 This instrument applies to England and Wales.

6. **European Convention on Human Rights**

6.1 No statement is required.

7. Policy background

7.1 The powers to charge fees for certificates of births, deaths and marriages are prescribed in the Registration Acts. The registration fees fall into two categories – those collected by the registration officer locally and paid over to the local authority to contribute to the cost of running the local service and those collected by the Registrar General.

7.2 Each year the Registrar General reviews the civil registration fees in order to advise Ministers whether there is a need to make an order amending these fees. Local and central fee income from the previous financial year and the forecast for the current and future financial years are key inputs into the review. For the central fees, the cost of the service provided must be wholly met by the fees levied – there should be neither a surplus nor deficit.

7.3 The fees for civil partnership certificates and extracts will also fall into the same two categories – those collected locally by local government employees on behalf of a registration authority and those collected by the Registrar General. In future, the fees for civil partnerships will form part of the review of registration fees carried out annually by the Registrar General.

7.4 This order sets these fees for civil partnership certificates and extracts, and for attesting a notice in certain circumstances, at the same level as those currently in place for marriage.

7.5 We do not expect the civil partnership fee levels to be politically sensitive.

8. Impact

8.1 A Regulatory Impact Assessment has not been prepared for this instrument as it has no impact on business, charities or voluntary bodies.

8.2 The impact on the public sector is to provide the Registrar General and local authorities with a power to collect fees for services provided under the Civil Partnership Act 2004. There is no impact on the wider public sector.

9. Contact

9.1 Susan Henstock at the Office for National Statistics Tel: 0151 471 4749 or e-mail: susan.henstock@ons.gsi.gov.uk can answer any queries regarding the instrument.