STATUTORY INSTRUMENTS

2017 No. 947

REGISTRATION OF BIRTHS, DEATHS & MARRIAGES, ETC., ENGLAND AND WALES CIVIL PARTNERSHIP, ENGLAND AND WALES

The Registration of Births, Deaths, Marriages and Civil Partnerships (Fees) (Amendment) Regulations 2017

Made - - - -	*27th September 2017*
Laid before Parliament	*28th September 2017*
Coming into force - -	*1st November 2017*

The Secretary of State makes the following Regulations in exercise of the powers conferred by sections 31(5ED) and 71A of the Marriage Act 1949(**1**), sections 38A and 39A(1) of the Births and Deaths Registration Act 1953(**2**) and sections 34 and 258(3) of the Civil Partnership Act 2004(**3**).

In accordance with section 31(5EE) of the Marriage Act 1949(**4**), in so far as these Regulations make provision under section 31(5ED) of that Act, before making these Regulations, the Secretary of State has consulted the Registrar General.

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Registration of Births, Deaths, Marriages and Civil Partnerships (Fees) (Amendment) Regulations 2017 and come into force on 1st November 2017.

(2) In these Regulations, "the Fees Regulations" means the Registration of Births, Deaths, Marriages and Civil Partnerships (Fees) Regulations 2016(**5**).

(**1**) 1949 c. 76. Section 31(5ED) was inserted by section 52 of, and paragraphs 1, 10(1) and (3) of Part 1 of Schedule 4 to, the Immigration Act 2014 (c. 22). Section 71A was inserted by section 89(1) and (2)(a) of, and paragraph 1 of Part 1 of Schedule 15 to, the Immigration Act 2016 (c. 19).

(**2**) 1953 c. 20. Section 38A was inserted by section 89(1) and (2)(a) of, and paragraph 2 of Part 1 of Schedule 15 to, the Immigration Act 2016; section 41(1) of the Births and Deaths Registration Act 1953 provides that in that Act, "the Minister" means the Secretary of State. Section 39A was inserted by section 56 of, and paragraphs 1 and 17 of Schedule 6 to, the Welfare Reform Act 2009 (c. 24), and amended by section 89(1) and (2)(b) of, and paragraphs 21 and 30 of Part 2 of Schedule 15 to, the Immigration Act 2016; sub-section (5) was also amended by section 98(1) and (4) of the Deregulation Act 2015 (c. 20).

(**3**) 2004 c. 33. Section 34 was amended by section 89(1) and (2)(a) of, and paragraph 4 of Part 1 of Schedule 15 to, the Immigration Act 2016 and by S.I. 2005/2000 and 2008/678.

(**4**) Section 31(5EE) was inserted by section 52 of, and paragraphs 1, 10(1) and (3) of Part 1 of Schedule 4 to, the Immigration Act 2014.

(**5**) S.I. 2016/911.

Amendment of the Fees Regulations

2.—(1) The Fees Regulations are amended as follows.

(2) For regulation 3(2) substitute—

"(2) Subject to paragraph (3), the person specified in column 4 of the table in Schedule 1 in respect of any particular fee payable to that person may reduce, waive or refund part or all of that fee on the grounds—

(a) that requiring payment of the fee would cause hardship to the person required to make payment;

(b) of compassion; or

(c) of error otherwise than on the part of the person required to make payment.

(3) No reduction, waiver or refund may be made in respect of a fee to which regulation 3A applies without the consent of the Registrar General.".

(3) After regulation 3 insert—

"**Transmission of part of fees to Registrar General**

3A.—(1) This regulation applies to a category A fee, a category B fee or a category C fee (and referred to in this regulation as "a relevant fee").

(2) Subject to paragraph (3), on each occasion where the superintendent registrar, registrar or registration authority (as the case may be) is paid a relevant fee, that person must pay to the Registrar General on demand, in respect of each—

(a) category A fee, a part in the amount of £58.00;

(b) category B fee, a part in the amount of £47.00;

(c) category C fee, a part in the amount of £40.00.

(3) Where a relevant fee has been reduced or partially refunded pursuant to regulation 3(2), the amount payable to the Registrar General under paragraph (2) is reduced by the same proportion by which the relevant fee was reduced.

(4) Amounts payable to the Registrar General under this regulation which remain unpaid after the expiry of a period of 28 days commencing with the date of demand are recoverable as debts due to the Crown.(5) In this regulation—

"category A fee" means—

(a) the fee specified in column 3 of row 12A;

(b) the second fee specified in column 3 of row 17A;

(c) the fee specified in column 3 of row 37A,

of the table in Schedule 1;

"category B fee" means—

(a) the fee specified in column 3 of row 22C;

(b) the fee specified in column 3 of row 22D,

of the table in Schedule 1;

"category C fee" means—

(a) the fee specified in column 3 of row 4;

(b) the fee specified in column 3 of row 34,

of the table in Schedule 1.(**6**).”(**6**).

(4) The Schedule (amendments to the table in Schedule 1 to the Fees Regulations) has effect.

Amendment of the Civil Partnership (Registration Provisions) Regulations 2005

3. In the Civil Partnership (Registration Provisions) Regulations 2005(**7**), in regulation 7(4) (applications to the Registrar General to shorten the waiting period), omit “and fee prescribed under section 34(1) of the 2004 Act”.

Amendment of the Proposed Marriages and Civil Partnerships (Waiting Period) Regulations 2015

4. In the Proposed Marriages and Civil Partnerships (Waiting Period) Regulations 2015(**8**), in regulation 2(3), for “an order made under section 31(5F) of the 1949 Act”, substitute “regulations made under section 71A of the 1949 Act”.

Amendment of the Registration of Marriages Regulations 2015

5. In the Registration of Marriages Regulations 2015(**9**), in regulation 9(2) (application to reduce the 28 day waiting period), omit “and the fee paid”.

Nick Hurd
Minister of State
Home Office

27th September 2017

(**6**) Rows 12A, 17A, 22C, 22D and 37A of the table in Schedule 1 to the Fees Regulations are inserted by the Schedule to these Regulations.
(**6**) Rows 12A, 17A, 22C, 22D and 37A of the table in Schedule 1 to the Fees Regulations are inserted by the Schedule to these Regulations.
(**7**) S.I. 2005/3176, to which there are amendments not relevant to these Regulations.
(**8**) S.I. 2015/159.
(**9**) S.I. 2015/207, to which there are amendments not relevant to these Regulations.