

Draft Regulations laid before Parliament under section 93(2)(j) of the Immigration Act 2016 for approval by resolution of each House of Parliament.

DRAFT STATUTORY INSTRUMENTS

2022 No. 000

PASSPORTS

The Passport (Fees) Regulations 2022

Made - - - - 2022
Coming into force - - ***

The Secretary of State makes the following Regulations in exercise of the powers conferred by sections 86, 87(2) and 93(6)(a) and (d) of the Immigration Act 2016⁽¹⁾.

A draft of these Regulations has been laid before Parliament and has been approved by each House of Parliament in accordance with section 93(2)(j) of that Act.

In accordance with section 87(1) of that Act, these Regulations are made with the consent of the Treasury.

Citation, commencement and extent

- 1.—(1) These Regulations may be cited as the Passport (Fees) Regulations 2022.
- (2) These Regulations come into force 22 days after the day on which they are made.
- (3) These Regulations extend to England and Wales, Scotland and Northern Ireland.

Interpretation

- 2.—(1) In these Regulations—

“appointment” means the appointment referred to in paragraph (3)(a);

“collective passport” means a collective travel document issued to parties of young persons pursuant to the “European agreement on travel by young persons on collective passports between the member countries of the Council of Europe” done at Paris, on 16th December 1961⁽²⁾;

“dependant” in relation to another person (“P”), means a person who is P’s husband, wife, civil partner, son, daughter, stepson, stepdaughter, father, mother, grandson, granddaughter, grandfather or grandmother and who is financially dependent on P on the date on which the application is made by or in respect of P;

(1) 2016 c. 19.

(2) <https://rm.coe.int/CoERMPublicCommonSearchServices/DisplayDCTMContent?documentId=090000168006b644>.

“fast track collect service” means the service under which—

- (a) an application for a passport is administered under the fast track service; and
- (b) the prospective passport holder or another person acting on their behalf collects the passport in person;

“fast track service” means a service under which the administration of an application for a passport is to be completed within eight working days of that application having been made;

“frequent traveller passport application” means an application for a passport which, if successful, would result in the issue of a passport of 50 pages;

“over-16 prospective passport holder” means a prospective passport holder who is aged 16 years or over;

“premium service” means a service under which—

- (a) the administration of an application for a passport is to be completed at the time the application is made or within 24 hours of that time; and
- (b) the prospective passport holder or another person acting on their behalf collects the passport in person;

“priority services” means the fast track service, the fast track collect service and the premium service;

“prospective passport holder” means a person who makes an application to be issued with a passport, or in respect of whom such an application is made;

“standard fee”, in respect of a passport application, means the fee, specified in the table in paragraph 2 of the Schedule, which—

- (a) corresponds with the category (specified in the first column of the table) into which the prospective passport holder falls; and
- (b) applies where the application is made online and the prospective passport holder lives in the United Kingdom;

“standard passport application” means any application for a passport which is not—

- (a) administered under the priority services;
- (b) a frequent traveller passport application; or
- (c) an application for a collective passport;

“under-16 prospective passport holder” means a prospective passport holder who is aged under 16 years;

“working day” means a day which is not a Saturday or Sunday, Christmas Day, Good Friday or a bank holiday under the Banking and Financial Dealings Act 1971(3) in the part of the United Kingdom in which the application is administered.

(2) For the purposes of these Regulations, references to the administration of an application for a passport include—

- (a) where necessary, arranging an appointment;
- (b) receiving and processing all necessary evidence supporting the application;
- (c) processing the application; and
- (d) arriving at a decision on whether or not to issue the passport.

(3) An application for a passport is deemed to have been made—

- (a) in the case of an application to be administered under the priority services, when the prospective passport holder or a person acting on their behalf attends an appointment at Her Majesty's Passport Office with the necessary documentation enabling the administration of the application to be completed;
 - (b) for the purposes of any other application, when Her Majesty's Passport Office has all the necessary information enabling the administration of the application to be completed.
- (4) Subject to regulation 3(6), in these Regulations, any reference to the age of a prospective passport holder is a reference to their age on the day on which the application for a passport is made by or in respect of them.

Fees

- 3.—(1) Subject to paragraph (2) a fee is to be charged in respect of—
- (a) the administration by the Secretary of State of applications for passports specified in Parts 1 to 3 of the Schedule; and
 - (b) the exercise of the functions of the Secretary of State specified in Part 4 of the Schedule.
- (2) The fee specified in Parts 1 to 3 of the Schedule in relation to the priority services includes a fee of £30 for arranging the appointment (“the booking fee”).
- (3) No fee is to be charged for administering a standard passport application where it is made by post or online (other than an application made under the priority services) if the prospective passport holder was born on or before 2nd September 1929.
- (4) The fee payable by a prospective passport holder for an application is to be found in a table in Parts 1 and 2 of the Schedule that specifies fees for the type of application made and, within that table, is the amount specified in the entry in the final column that corresponds with the category of prospective passport holder (specified in the first column) into which the prospective passport holder falls and, where specified in the table, the place where they live, the method of application and the type of priority service under which the application is to be administered.
- (5) The fee payable by a prospective passport holder in respect of a function specified in the table in Part 4 of the Schedule is the amount specified in the entry in the final column that corresponds with the function specified in the first column of that table.
- (6) A prospective passport holder who is 15 years of age may, within 3 weeks before their 16th birthday, pay the fee payable by or in respect of a prospective passport holder of 16 years of age or over (but not a fee falling within paragraph (3)).

Waivers

- 4.—(1) Any fee for arranging delivery of a passport in relation to an application made outside the United Kingdom must be waived where the delivery of the passport is to a British Forces Post Office address or a United Kingdom address and the prospective passport holder—
- (a) is a member of, or attached to, Her Majesty's armed forces or a dependant of such a person, and the application is checked and submitted to Her Majesty's Passport Office by armed forces personnel who are nominated for that purpose;
 - (b) is a member of, or attached to, Her Majesty's Diplomatic Service, or a dependant of such a person, and the application has been made in that official capacity;
 - (c) is an officer of Her Majesty's Government⁽⁴⁾, or a dependant of such a person, and the application has been made in that official capacity; or

(4) https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/974146/Diplomatic_and_Official_service_passports_and_observations_.pdf.

(d) was born on or before 2nd September 1929.

(2) Any fee that is payable by virtue of these Regulations may be waived where Her Majesty's Government has activated Exceptional Assistance Measures overseas and the person required to pay the fee has been directly affected by the incident in relation to which the Exceptional Assistance Measures have been activated.

(3) Any fee that is payable by virtue of these Regulations may be waived where there is a crisis in the United Kingdom or overseas and the person paying the fee has been directly affected by the crisis.

(4) In this regulation—

“crisis” means an incident in which at least five British citizens have been killed or injured, or are in danger of being killed;

“Exceptional Assistance Measures” means measures activated in accordance with the Foreign, Commonwealth and Development Office policy set out in the House of Commons written statement made on 10th December 2015: Exceptional Assistance Measures for Victims of Terrorist Incidents Overseas⁽⁵⁾.

Refund of fees

5.—(1) Subject to paragraphs (2) and (3), the Secretary of State may refund any fee, or any part of a fee, paid under these Regulations.

(2) A fee charged under regulation 3(1) in relation to an application to be administered under the priority services may not be refunded if the prospective passport holder or another person acting on their behalf—

(a) has made an appointment; and

(b) fails to attend the appointment without informing Her Majesty's Passport Office prior to the appointment that they were unable to attend the appointment,

unless the Secretary of State determines, in any particular case, that it may be refunded.

(3) The booking fee referred to in regulation 3(2) may not be refunded if an appointment is cancelled by the prospective passport holder or another person acting on their behalf less than 48 hours before the time when it is due to take place unless the Secretary of State determines, in any particular case, that it may be refunded.

Revocation

6. The Passport (Fees) Regulations 2018⁽⁶⁾ are revoked.

⁽⁵⁾ <https://questions-statements.parliament.uk/written-statements/detail/2015-12-10/HLWS376>. See also “Crisis situations: supporting our customers” on www.gov.uk.

⁽⁶⁾ [S.I. 2018/414](http://www.legislation.gov.uk/uksi/2018/414).

We consent to the making of these Regulations

Date

Name
Name
Two of the Lords Commissioners of Her
Majesty's Treasury

Date

Name
Parliamentary Under Secretary of State
Home Office