Draft Order laid before the House of Commons under section 102(5) of the Finance (No.2) Act 1987, for approval by resolution of that House.

DRAFT STATUTORY INSTRUMENTS

2005 No.

FEES AND CHARGES

The Consular Fees Act 1980 (Fees) (No.2) Order 2005

Made - - - -

Coming into force in accordance with article 1

Whereas a draft of this Order has been approved by resolution of the House of Commons in pursuance of section 102(5) of the Finance (No.2) Act 1987(**1**):

Now, therefore, the Secretary of State for Foreign and Commonwealth Affairs, being the Minister of the Crown determined by the Treasury to be the appropriate authority in relation to the powers to fix fees under section 1 of the Consular Fees Act 1980(**2**), in exercise of the powers conferred by section 102 of the Finance (No.2) Act 1987, hereby makes the following Order:

1.—(1) This Order may be cited as the Consular Fees Act 1980 (Fees) (No.2) Order 2005 and shall come into force on the day after it is made.

(2) In this Order—

"biometric passport" means a passport which contains unique biological data specific to the holder;

"the 1980 Act" means the Consular Fees Act 1980;

"the 1987 Act" means the Finance (No. 2) Act 1987.

2. In relation to the power under section 1(1) of the 1980 Act to fix a fee for the exercise of the functions in the United Kingdom which correspond with consular functions, the following are specified for the purposes of section 102(3) of the 1987 Act as functions, the costs of which are to be taken into account in determining the amount of the fees—

(a) in relation to fees for the functions listed in Schedule 1 to this Order, conducting an interview of all adult applicants for a first passport for the purpose of authenticating the identity of the applicant;

(b) in relation to the fees for the functions listed in Schedule 2 to this Order, producing and issuing biometric passports in the United Kingdom.

(**1**) 1987 c.51.
(**2**) 1980 c.23.

3.—(1) In relation to any functions, the costs of which fall to be taken into account in the exercise of the power to fix fees under section 1(1) of the 1980 Act for the functions listed in the Schedules to this Order, the matter referred to in paragraph (2) is hereby specified for the purposes of section 102(4) of the 1987 Act as one to be taken into account in determining the amount of those costs.

(2) The matter referred to in this paragraph is the costs which the Secretary of State for Foreign and Commonwealth Affairs estimates will be incurred in the exercise of those functions in each of the financial years ending on 31st March 2006 and 31st March 2007.

Signed with the authority of the Secretary of State

Lord Triesman
Parliamentary Under Secretary of State
Foreign and Commonwealth Office

2005