

**EXPLANATORY MEMORANDUM TO  
THE CONSULAR FEES ORDER 2012**

**2012 No. 798**

1. This explanatory memorandum has been prepared by the Foreign and Commonwealth Office.

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

2. **Purpose of the instrument**

This Order is made to enable those exercising consular functions or functions in the United Kingdom corresponding to consular functions to levy consular fees, representing a whole range of services performed at Posts abroad.

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

- 3.1 This Order amends the format of the fee table set out in Part 1 of Schedule 1 of this Order. No fees are increasing in cost. However a number of fees are being amended, either by being removed entirely or by being redrafted. More detail as to these changes is contained in paragraph 7 below. The fees in Part 2 of Schedule 1 are not being increased by this Order either. The fee table set out in Part 2 reflects the consolidated fees relating to passport services following the making of the Consular Fees (Amendment) Order 2011.

4. **Legislative Context**

- 4.1 This Order revokes and replaces the Consular Fees Order 2011 and the Consular Fees (Amendment) Order 2011.

- 4.2 United Kingdom Border Agency has taken responsibility for the fees that formerly formed Part 3 of Schedule 1 of this Order. This occurred on 6 April 2011 following the introduction of the Immigration and Nationality (Fees) Regulations 2011 and the Immigration and Nationality (Cost Recovery Fees) Regulations 2011.

5. **Territorial Extent and Application**

This instrument applies to all of the United Kingdom.

6. **European Convention on Human Rights**

As this Order is not subject to Parliamentary procedure and does not amend primary legislation, no statement is required.

## 7. Policy background

- *What is being done and why*

- 7.1 The Consular Fees Act 1980 provides that Her Majesty may by Order in Council prescribe the fees that can be levied for performance of consular services. Consular fees are levied so that the costs of providing such services can be recovered from the customers that use them. This Order revokes and replaces the Consular Fees Order 2011, as amended, to take into account changes to the services that consular posts will offer in future. Further explanation of the changes introduced by this Order is set out below.
- 7.2 This Order makes no increase to the fees relating to general consular services, passport services or entry clearance (Parts 1, 2 and 3 of Schedule 1 of this Order).
- 7.3 The fees in Part 1 of Schedule I are amended as follows:
- i. the fee for fixing a photograph to a document and, if necessary, certifying it as a true likeness (formerly Fee 8) has been removed;
  - ii. the fee for forwarding an application for registration, naturalisation or renunciation to the Home Office (formerly Fee 10) has been removed;
  - iii. the fee for issuing a certificate that no impediment to an intended marriage or civil partnership has been shown to exist, or issuing any local equivalent document for an intended marriage or overseas relationship in accordance with local law (either in English or in the local language spoken at the place of the consular post or diplomatic mission) (formerly Fee 13), has been redrafted to replace the references to “Nulla Osta” and “certificates de coutume” with the term “any local equivalent document”;
  - iv. the fee for forwarding a request to a local authority for the taking of evidence or the service of a document and returning any evidence received of service or attempted service of a document replaces three separate fees under the Consular Fees Order 2011 (formerly Fees 19, 20 and 21) with a single fee of £130;
  - v. the fee for providing or administering a service not otherwise covered in this Schedule in relation to shipping, seamen and related matters has been amended to include travel time in the calculation of the charge.
- 7.4 The fees in Part 2 of Schedule I reflect the consolidated fees relating to passport services following the making of the Consular Fees (Amendment) Order 2011.

## **8. Consultation outcome**

8.1 No consultation has been carried out in relation to this Order. Treasury rules require that the full cost of fee-bearing services is recovered through the fees charged, but impose no requirement to consult. The Order introduces no changes in policy and the fees are not considered to have a disproportionate impact on any particular stakeholders.

## **9. Guidance**

9.1 Detailed information on consular services and the fees charged is provided on the [www.fco.gov.uk](http://www.fco.gov.uk) website and hard copies of the fees table are on display at consular offices around the world.

## **10. Impact**

10.1 The impact on business, charities or voluntary bodies is minor.

10.2 The impact on the public sector is that the costs to the public sector of providing consular services will continue to be recovered from the fees charged for those services.

10.3 An Impact Assessment has not been prepared for this instrument.

## **11. Regulating small business**

The legislation does not apply to small business.

## **12. Monitoring & review**

The level of consular fees will be reviewed again during the course of 2012.

## **13. Contact**

Jonathan Drakeford in Foreign and Commonwealth Office Legal Advisers can answer any queries regarding the instrument.

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