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CABINET
DEFENCE AND OVERSEA POLICY COMMITTEE

CONSULAR FEES (AMENDMENT) BILL

Memorandum by the Secretary of State for Foreign and
Commonwealth Affairs

1. I seek policy approval for the introduction of a Bill to extend to all public officers acting under a Secretary of State the authority to levy the fees prescribed for specific services by Order in Council made under the Consular Salaries and Fees Act 1891. The proposed contents of the Bill are set out in the attached annex.
2. On the basis of the 1891 Act and subsequent legislation, Consular Fees may be levied by our consular officers in foreign countries, by officers performing similar functions in Commonwealth countries, and by public officers in Great Britain acting under a Secretary of State. These definitions exclude public officers in Northern Ireland and those officials at our Posts in foreign countries who do not bear consular titles; both these categories of officials have occasion to perform certain fee-bearing services (in particular the issue of passports and visas) and, in the interests of administrative efficiency, will increasingly be called upon to do so.
3. The proposed Bill is intended to regularise this anomaly, and thereby will safeguard public funds by ensuring that fees can properly be collected for services rendered, irrespective of the designation or location of the officer authorised to perform the service. The fees themselves would accordingly be called Foreign and Commonwealth Fees instead of Consular Fees as hitherto, and the title of the Bill would therefore more appropriately be Foreign and Commonwealth Office Fees Bill.
4. If policy approval is granted, Parliamentary Counsel will be consulted about the desirability of replacing existing legislation by a consolidating and extending Bill, rather than by a simple /amendment

ANNEX

amendment to the 1891 Act. Either way, it would be a minor tidying up measure of a non-controversial nature suitable for the Second Reading Committee procedure. It could therefore be disposed of rapidly early in the parliamentary programme.

5. I suggest that there is no need for discussion in Committee and, unless I receive comments indicating to the contrary by close of play on 17 July, I shall assume that the Committee has approved the policy of the Bill, and shall then proceed with drafting arrangements.

D. Consequential amendments will be necessary to certain existing provisions, namely that which requires the table of fees to be displayed in consular offices, and that which authorises the Secretary of State, with the approval of the Treasury, to prescribe by Regulations the manner in which fees are to be levied, apportioned, applied and resisted.

E. The Bill should also contain clauses which provide for the continuance in operation of Statutory Instruments made under Acts of Parliament to be repealed by the Bill, and which indicate the exact title of the Act and the date on which its provisions became operative.

ANNEX

PROPOSED CONTENTS OF THE CONSULAR
FEES (AMENDMENT) BILL

1. The Bill should contain a general provision authorising all public officers acting under the authority of the Secretary of State for Foreign and Commonwealth Affairs to take fees, fixed by Her Majesty the Queen by Order in Council, in respect of any matter or thing done by them in the course of their duties.
2. Consequential amendments will be necessary to certain existing provisions, namely that which requires the table of fees to be displayed in consular offices, and that which authorises the Secretary of State, with the approval of the Treasury, to prescribe by regulations the manner in which fees are to be levied, accounted for, applied and remitted.
3. The Bill should also contain clauses which provide for the continuance in operation of Statutory Instruments made under Acts of Parliament to be repealed by the Bill, and which indicate the short title of the Act and the date on which its provisions become operative.