

29 May 2020

Waiver of Fees Notices of Marriage and Civil Partnership



Report of Corporate Management Team

Helen Lynch, Head of Legal and Democratic Services

Electoral division(s) affected:

All Electoral Areas

Purpose of the Report

- 1 To approve the waiver of the statutory fee for notice of marriage/civil partnership paid to the Registration Service for the giving of a notice of marriage or civil partnership affected by COVID19.

Executive summary

- 2 Couples have a legal requirement to give notice for a marriage or civil partnership to take place, notices are displayed for 28 days and the authorities issued on the 29th day are then valid for 1 year from the date the notice was given.
- 3 In March 2020 the government announced that wedding ceremonies would be cancelled indefinitely as a result of the COVID 19 outbreak.
- 4 The couples have already complied with the statutory requirement to give notice, however, have been forced to rearrange ceremonies, the rearranged date may mean the authorities are no longer valid.
- 5 When the lockdown measures ease and ceremonies can start to be rearranged and notices of marriage/civil partnership can again be given, the Council needs to consider whether to charge a further statutory fee.

Recommendation

- 6 That the Head of Legal & Democratic Services, as the Proper Officer for Registration, waives the additional statutory fee of £35.00 for giving notice of marriage/civil partnership for ceremonies which have been rearranged as a result of the COVID-19 pandemic

Background

- 7 As a result of the COVID19 pandemic all marriages and civil partnership ceremonies were suspended in March for an indefinite period. This has affected all ceremonies booked at the Council's register offices, religious venues and premises licensed for civil ceremonies across County Durham. Some couples have already made the decision to rearrange their ceremonies and as a result the statutory notices that they have already given are no longer valid. Other couples who have ceremonies planned for later in the year are waiting for the outcome of how the hospitality industry will operate if restrictions are still imposed by central government.
- 8 A notice is valid for 12 months from the date given. If the rearranged date is not within that timeframe, couples would ordinarily be required to give a new notice and pay a statutory fee set by General Register Office of £35.00 each.
- 9 Many couples have already incurred financial losses as wedding insurance policies are not compensating couples for ceremonies cancelled as a result of the COVID19 legislation. There is uncertainty for couples as to whether venues will re-open, the number of guests permitted and their financial situation which is influencing their decision to rearrange into 2021.
- 10 As a result of the couples having no choice in moving ceremony dates, the Service has already waived the usual £40.00 administration fee for moving a ceremony. To date, 650 ceremonies have already been re-arranged and this number may increase whilst lockdown measures remain in place.
- 11 The worst-case scenario is that up to 1770 notices have to be given again, which equates to revenue income up to £61,985.00. However, it is proposed that the statutory notice fee is waived in view of the extenuating circumstances. The local authority retains the statutory fees received. Whilst waiving the fees may represent a loss of income, it has already received a notice fee from each couple affected. General Register Office have prepared legislation to allow for an extension to the authorities affected by COVID 19, so that affected notices are valid for 2 years. However, it is unlikely as this will become law as it would require Parliamentary time. If this legislation were to come into effect, the impact on the authority would be the same as if the fees are waived.
- 12 Most of the neighbouring local authorities have already taken the decision to waive these fees. Failure to waive the fees may result in a damaging perception that the Council is seeking to profit from the pandemic.

- 13 The requirement for couples to give notice again may have an impact on staffing as there may need to be an increase in the number of appointments available to cope with additional demands to give the statutory notices.

Conclusion

- 14 In view of the extenuating circumstances, it is considered appropriate that the statutory notice fee is waived for couples who have to give notice again as a result of the Covid-19 pandemic. This approach is consistent with that taken by other authorities in the North East.

Background papers

) None

Other useful documents

) None

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Appendix 1: Implications

Legal Implications

It is a legal requirement that there is a valid notice in place on the date of the ceremony. The Head of Legal and Democratic Services, as Proper Officer for Registration, has delegated authority to waive the statutory notice fee under Part 3 Table 7 paragraph 55 of the constitution.

Finance

As set out in the report, there is a potential loss of revenue. Worst case scenario potentially 1771 notices may need to be retaken, loss of up to £61,985 in revenue. There may be additional staffing costs incurred by having to offer additional appointments in order to deal with the backlog of issues arising out of the suspension of weddings.

Consultation

N/A

Equality and Diversity / Public Sector Equality Duty

N/A

Climate Change

N/A

Human Rights

N/A

Crime and Disorder

N/A

Staffing

Additional hours required.

Accommodation

N/A

Risk

Reputational damage for both County of Durham Registration Service and the Local Authority.

Procurement

N/A