

To: GENERAL PURPOSES COMMITTEE		Subject: REGISTRATION SERVICES (SCOTLAND) BILL - CONSULTATION
From: DIRECTOR OF ADMINISTRATION		
Date: 1 March 2005	Ref: JAF/BN	

1. Purpose of Report

1.1 The report advises of a consultation exercise being undertaken by the Registrar General for Scotland (RG) on the Registration Services (Scotland) Bill.

2. Background

2.1 Civil registration of births, deaths and marriages was introduced in Scotland in 1855. The Registration of Births, Deaths and Marriages (Scotland) Act 1965 currently governs the service.

2.2 A consultation by the RG in October 2000 resulted in a number of changes being introduced to improve and modernise the registration service so that it more effectively meets the needs of the people of Scotland.

2.3 Prior to the introduction of further proposals, changes in legislation are required. A copy of the consultation document has been deposited and may be inspected in the Members' Library.

2.4 Responses to the consultation require to be submitted by 31 March 2005.

3. Proposals

3.1 The key proposals are to

- adjust registration boundaries and opening times;
- permit the registration of births and deaths at any registration office in Scotland (currently restricted to the local registration office);
- allow electronic notification of registered events to government departments and local authorities - and, at the specific request of those registering the events, to other bodies;
- open up opportunities for local authorities to provide family history search centres;
- provide the existing change of name procedures at an earlier point in time;
- set up a new arrangement for the solemnisation of marriages in the territorial waters adjacent to Scotland;
- allow people with a Scottish connection to have events occurring abroad recorded in a book in Scotland held by the Registrar General; and
- set up an all-Scotland website list of forthcoming marriages, to supplement existing local arrangements.

3.2 The consultation document states that the key principles guiding the proposals are

- providing a high quality, modern and efficient service
- putting first the needs of citizens rather than service providers
- using information technology to make improvements in meeting the needs of citizens
- linking closely the formulation of policy and the delivery of services.

3.3 The consultation document indicates that the proposals build on the core values of the registration service, which have developed over the years, namely

- **Integrity:** The information recorded in the registers must be accurate and consistent since it is the basis of a permanent public record used for legal and other purposes;
- **Dignity:** The process of recording life events in the registers, and the preliminaries to and conduct of marriages, must be carried out in a dignified manner which respects the fundamental importance of these events; and
- **Human interaction:** Personal contact with registrars can be very helpful to citizens who are often registering events at times of stress. Face to face contact also has an important role to play in combating fraud.

4. Considerations/Proposed Responses

4.1 Reorganisation of local registration services

The proposal that registration district boundaries are realigned with Council boundaries would mean in effect that the number of registration districts in North Lanarkshire would be reduced from eight to one. The Council would be able to continue to provide registration services from the eight local offices. However, the realignment of the boundaries in North Lanarkshire will result in a loss of registration income - as all of the Bothwell District and part of Uddingston would be transferred to South Lanarkshire Council - and the proposals would have the effect of limiting the Council's organisational discretion. Given that the sole justification for the proposal is the avoidance of public confusion - and no evidence of this is suggested - and given the proposal that births and deaths be registerable in any District in Scotland, it is considered that there is no significant advantage in this proposal.

4.2 Opening hours

The Bill proposes to remove the necessity for all registration offices in a Registration District to have the same hours of business, regardless of demand for service. The proposed change is welcomed as it would enable local authorities to determine the opening hours for each office, taking account of customer demand and staffing levels.

4.3 Registration of Births in any District

Registration of Births in any District in Scotland is now technically possible with computer access and it is proposed to change the law to provide for this. This proposal is viewed as an improvement in service.

4.4 Re-Registration of births

Re-registration of births eg when a child's parents marry after the birth registration is currently done by the RG. The proposal is that this service could be better provided by local registrars by means of an authorisation from the RG. This proposal is fully supported.

4.5 Registration in any district: deaths

The proposal that deaths occurring in Scotland can be registered in any Registration District in Scotland is welcomed.

4.6 Abbreviated extract from death register

The proposal providing for the provision of an abbreviated certificate of death which can be used for purposes such as closing a bank account without detailing the cause or causes of death is supported in principle. However, a charge requires to be introduced for this service otherwise there would be a significant loss of income to local authorities.

4.7 Notification of births, deaths and marriages - automatic notification of vital events to public bodies

The proposed changes will improve the current unsatisfactory position whereby the Law prevents registrars from notifying other relevant government agencies and other departments of the Council. On this basis the proposal whereby this service would be provided on payment of a fee is supported.

4.8 Notification of vital events to the private sector on request

The proposal that citizens could, at the time of registration, request official notification of births, deaths or marriage to be sent to nominated private sector bodies such as insurance firms, banks, solicitors, mail order companies etc is supported, subject to the service being provided locally and for an agreed fee. There is a real danger of a significant loss of income to the registration service if the RG is able to provide and charge for this service.

4.9 Register, Searches etc

Since 1855 extracts have been available centrally and locally on payment of a statutory fee. The proposal to give all registrars access to the whole public genealogical database of Scotland's people allowing family history centres to be established is supported. Evaluation of the establishment of a genealogy centre within North Lanarkshire is a priority item within the Administration Service Improvement Plan for 2005/06. Access to this information should be restricted to district Registrars.

4.10 Change of Name and correction of errors

At present in Scotland a change of name can be registered only if supported by documentary evidence of two years use of the new name. The proposal to remove the two year requirement simplifies the procedure, but the implications of this proposal require full consideration – both as regards the possibility of fraud and as regards the need to ensure that registration reflects a fully considered decision.

At present Registrars may correct clerical errors in entries of the registers only in the presence of the informant. The proposal is that District Registrar can correct errors of transcription or other prescribed errors in the registers of births, still births, deaths without the need for the informant to be present and this is supported.

4.11 Registration of events occurring outwith Scotland

The proposal to create a "Book of Scottish Connections" is welcomed as an extension to the genealogy service already available. For an appropriate fee, the facility could be made available for Scots abroad to apply to add, to the records held in Edinburgh, a copy of any suitably authenticated entry in a register of births, deaths, marriages and divorces outwith Scotland where the subject of entry has or had a connection with Scotland. The proposal is that this service is offered solely by GROS. Consideration should be given to on-line access to this Book by Registrars with a view to provision of this service locally.

4.12 Advertisement of proposed marriages

Retention of the duty of registrars to keep a marriage notice book and display locally a list of intended marriages is welcomed. The creation of an all-Scotland list of intended marriages, published on the GROS website would enable anyone with internet access, potentially anywhere in the world, to learn of a proposed marriage in Scotland. It is accepted that this is an improvement on current means of publication.

4.13 Scottish Certificates of No Impediment (CONI)

The proposal to oblige Registrars to search the all Scotland indices prior to the issue of a Certificate of No Impediment to Marriage is welcomed as this is a much more reliable search of existing information.

4.14 Certificates of No Impediment from Other Countries

The removal of the requirement for CONIs from other countries is supported, as not all countries provide them and their value is questionable.

4.15 Marriage in Scottish Waters

The establishment of a new registration district comprising "all Scottish internal waters and territorial sea" with a boundary of 12 nautical miles is supported as this would, in effect, extend the choice of locations at which couples can be married.

4.16 E-registration

The core values of registration are Integrity, Dignity and Human interaction – and these may well conflict with e-registration of births, deaths and marriages. The loss of face to face interaction with professionally trained, sympathetic registrars and the value of their experience in maintaining impressive accuracy levels and preventing fraud should not be underestimated. That being said, Birth or Death registration on line 24 hours a day 7 days by telephone, fax or internet, home computer, interactive television or local service point may be attractive to many citizens and increase customer choice. It is considered imperative that the introduction of such a service should take place only if and when effective and reliable security mechanisms to prevent fraud are in place and there is local control. If e-registration is to be progressed it should be introduced locally and the choice of registration in local offices should remain. The development of a central database and on-line help facility would encourage use of on-line registration - that may be attractive to RG – but the downside could be the adverse effect on the workload and income of local registration offices and their long term viability.

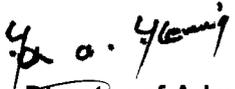
It appears that some of these considerations have been recognised: it is stated in the consultation document that, notwithstanding the proposal to include in the Act provisions for E-registration, that portion of the Act will be brought into force only when advances in NHS computing proceed to the extent of providing independent corroboration of the event being registered.

4.17 Other provisions

There is a proposal in Section 11 of the Bill to extend the offence of giving false information to a district registrar to cover information given to the Registrar General is supported with a view to fraud prevention.

5. Recommendation

It is recommended that the Committee note the GROS consultation on the Registration Services (Scotland) Bill being undertaken by the General Register Office for Scotland and authorise a response in terms of this report.


Director of Administration

(Members seeking further information on the contents of this report should contact John Fleming, Head of Central Services on Extension 2228).