

REPORT

To: GENERAL PURPOSES COMMITTEE		Subject: LOCAL ELECTORAL ADMINISTRATION AND REGISTRATION SERVICES (SCOTLAND) ACT 2006
From: DIRECTOR OF ADMINISTRATION		
Date: 14 August 2006	Ref: JAF/AC/MR	

**1. Purpose of Report**

The purpose of the report is to advise the Committee of the completion of the parliamentary process through the Scottish Parliament of the Local Electoral Administration and Registration Services (Scotland) Bill and its receipt of royal assent on 1 August 2006.

**2. Background**

- 2.1. The Bill was to make provision in relation to:- the administration and conduct of Local Government Elections; reorganisation of local registration services; amendment of the law in relation to the registration of births and deaths and the procedure in relation to marriages and civil partnerships; the recording of certain events occurring outwith Scotland in relation to persons who have a Scottish connection; certain information and records held by the Registrar General, and other connected purposes.
- 2.2. A report by the Director of Administration on the Bill and its implications for the delivery of registration services in North Lanarkshire was submitted to the meeting of the General Purposes Committee on 11 January 2006.

**3. Considerations**

- 3.1. It is now reported that the Bill completed Stage 3 of the Parliamentary process and was passed by the Scottish Parliament on 22 June 2006. Royal assent was received on 1 August 2006.
- 3.2. Part 1 of the Act relates to matters of Local Government Elections and will be subject to a separate report to the Policy and Resources Committee. Part 2 of the Act, to which this report refers, relates to the operation of the registration of births, deaths and marriages service falling to the responsibility of the General Purposes Committee.
- 3.3. The Act makes significant changes in registration legislation and the provision of registration services. Most of the legislation will be brought into effect from 1 January 2007 to coincide with the start of the registration year. At that time, changes will be applied in respect of:-
  - new boundaries of registration districts, aligning them with the boundaries of local authorities;
  - flexible opening times for offices;
  - the ability to register a birth or death anywhere in Scotland;
  - the scope of Registrars to notify third parties of vital events which have been registered;

- new powers of Registrars to re-register births and correct errors, and
- clear powers for marriages and civil partnership registrations to take place in Scottish territorial waters.

3.4. The implications of a North Lanarkshire Registration Service are:–

(1) **New Boundaries of Registration Districts, Aligning Them with the Boundaries of Local Authorities**

Registration District Boundaries will now coincide with the boundaries of the local authority. The eight registration districts serving North Lanarkshire will now be deemed to be one registration district and the service will continue in its present form. However, the realignment of the registration district boundaries to align with local authority boundaries will have an impact on the Bellshill Registration Office with the transfer of registration services in respect of Bothwell and part of Uddingston which lies within the boundaries of South Lanarkshire Council. It will not be clear for some time what the full impact of the boundary change will be in respect of the provision of registration services given, as mentioned in paragraph 3.3 above, the change providing the ability to register a birth or death anywhere in Scotland, but there will be a requirement to monitor the effect and impact of the change on the registration service provision from the Bellshill Registration Office.

(2) **Flexible Opening Times for Offices**

In the past, offices within registration districts were required to have the same hours of business, but provision is now made for different offices within a registration district to have different hours of business, subject to the approval of the Registrar General. This will be an opportunity to review the opening hours of the registration offices to take account of customer demand and the resources required to meet that demand.

(3) **The Scope of Registrars to Notify Third Parties of Vital Events which have been Registered**

Now there is provision, at the request of an informant, to give official notification of a birth, death, marriage or change of name to nominated private sector bodies such as insurance firms, banks, solicitors, public utility companies etc. and for third parties to ask the Registrar General to notify them of the death of a person if and when it occurs in Scotland. This will be to the benefit of informants in that, from one point of contact, various notifications can be given at their request of registered events. In fact, Council has already proceeded in this regard by introducing a mandate for informants to advise Departments of the Council, if appropriate, of particular circumstances.

(4) **New Powers for Registrars to Re-register Births and Correct Errors**

The Registrar General has powers now to prescribe cases or classes of cases in which a birth may be re-registered by a Registrar, thus expanding the capabilities of the Registrar in this regard. Similarly, a Registrar will now be empowered to correct any clerical error in the Register and, in particular, will be permitted to do this without the presence of the informant.

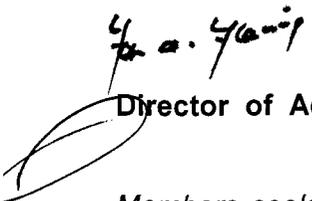
(5) **Clear Powers for Marriages and Civil Partnership Registrations to Take Place in Scottish Territorial Waters**

The Act builds into the existing procedures for approval of places a clear definition of how to register a marriage or civil partnership which takes place in Scottish waters thus bringing it into line with the arrangements which have applied since 2003 in respect of the approval of venues outwith Registration Offices for events.

- 3.5. Other provisions of the Act, which need less preparation and which do not require to be aligned with the start of the registration year will be brought into effect sooner. This is likely to include the power to allow the General Register Office (Scotland) to share information with other Government departments and the ability of the District Examiner to work on the current Register rather than waiting until the end of the registration year.
- 3.6. The Act also paves the way for the registration of births, deaths and marriages to be started off electronically. It is not intended, however, to cease face to face registration, but personal attendance will be no longer compulsory. It anticipated that electronic registration could be commenced in 2008.

4. **Recommendations**

The Committee is asked to note the terms of the 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.*