

EAST AYRSHIRE COUNCIL

COMMUNITY SERVICES COMMITTEE – 23 MARCH 2005

RESPONSE TO REGISTRATION SERVICES (SCOTLAND) BILL

Report by Executive Director of Neighbourhood Services

1. PURPOSE OF REPORT

- 1.1 To respond to the consultation document on the Registration Services (Scotland) Bill issued by the General Register Office for Scotland (GROS)

2. BACKGROUND

- 2.1 The Community Services Committee of the 7th February 2001 agreed a response to the paper on Civil Registration In The 21st Century. The paper proposed 22 changes to the registration service as the basis to inform the Registration Services Bill. The majority of the responses the Committee agreed have been included in the Bill and the majority of the responses not agreed have been excluded from the Bill. The only response in the 21st Century paper which the Council did not agree and is included in the Bill related to registrations taking place without the informant being present at the registration office. Technology has changed since then and point 22 of the Appendix to this report on e-registration outlines a more contemporary view on the matter.

3. CONSIDERATIONS

- 3.1 As outlined in the appendix it is proposed to agree with all the suggested changes in the Bill. The majority of the comments after each proposed agreement are for members' information and as a way of explanation for each agreement. It is not proposed to include these in the response to GROS.
- 3.2 GROS have specifically requested a response for points 17, 21 and 22 of the Appendix. A response then should simply include agreement with all other points and the detail already included in points 17, 21 and 22.

4. FINANCIAL IMPLICATIONS

- 4.1 There are a number of fee related services included in the Bill especially those related to searching the indexes in relation to family history and genealogy. They may generate income and help promote tourism in East Ayrshire.

4.2 By GROS own volition e-registration may take time to be established and used but it could have a detrimental effect on the income generated by registrations in our local offices.

5. LEGAL IMPLICATIONS

5.1 The Bill, if passed, will make the proposals law.

6. POLICY / COMMUNITY PLAN IMPLICATIONS

6.1 Nil.

7. CONCLUSION

7.1 The Bill will assist the registration service to develop in the 21st Century and improve services to customers.

8. RECOMMENDATIONS

8.1 The Committee is asked to agree to the responses outlined and explained in the appendix and forward them to GROS in the format proposed in 3.2 above.

William Stafford
Executive Director of Neighbourhood Services

WS/JAG/GC

7th March 2005

LIST OF BACKGROUND PAPERS

1. Registration Services (Scotland) Bill – General Register office for Scotland

Any person wishing to inspect the background papers above should telephone 01563 576023 and ask to speak to John Griffiths, Head of Leisure Services.

Implementation officer – john.griffiths@east-ayrshire.gov.uk

REGISTRATION SERVICES (SCOTLAND) BILL

CONSULTATION RESPONSE

Note: the numbers in brackets below refer to the sections in the Bill consultation document.

1. (3.1) Amend statute to make all registration-district boundaries the same as those of the local authorities.

Agree – This will result in villages such as Drongan, Rankinston and Dalrymple, who are presently served by South Ayrshire Council, being within East Ayrshire Council's registration boundary. Also the villages of Dundonald and Craigie are presently within East Ayrshire Council's registration boundary and will be served by South Ayrshire Council. There are no Registration offices in these communities.

The proposal to allow registration of a birth or death in any registration office in Scotland, set out in section 3.2 of the consultation document will allow the people of these communities to continue registering in those offices they have previously used, if they so wish.

It will also simplify the Marriages Outwith licensing system as South Ayrshire Council license premises in Dundonald and Craigie but East Ayrshire Council provides the registrars for the ceremonies and vice-versa for Drongan, Dalrymple and Rankinston.

2. (3.1) Amend statute to allow for different premises forming part of the one registration office to have different opening hours.

Agree – This will suit East Ayrshire Council because some offices are part-time and since the Council area will become a single registration district it will not be necessary to close or extend the hours in part-time offices.

3. (3.2) Allow the birth of a child occurring anywhere in Scotland to be registered at any registration office in Scotland.

Agree – On the grounds that it will make registering more convenient for the customer, increase choice but still allow those who wish, to register at their local registration office.

4. (3.2) Allow the death of a person occurring anywhere in Scotland to be registered at any registration office in Scotland.

Agree – For the reason set out in item 3 above.

5. (3.2) In cases where the parents have subsequently married, paternity has been previously acknowledged by statutory

declaration or a court decree and the child's fathers details are already recorded, the Registrar General plans to authorise local registrars to re-register a birth.

Agree – This will save the public from applying to GRO and make the process quicker.

- 6. (3.2) In cases where paternity has been shown in the Register of Corrected Entries, the applicant is the child's mother, she has parental responsibilities and is also the qualified informant, the Registrar General plans to authorise local registrars to re-register a birth.**

Agree - For the reason set out in item 5 above.

- 7. (3.2) In cases where the child has died, details are missing from the child's birth entry and the responsible parent wants to include either the father's details or the parents' marriage, the Registrar General plans to authorise local registrars to re-register a birth.**

Agree - For the reason set out in item 5 above.

- 8. (3.2) In cases where the child is still-born and the parents apply to re-register the child's still-birth to include either the father's details or the parents' subsequent marriage, the Registrar General plans to authorise local registrars to re-register the still-birth.**

Agree – For the reason set out in items 5 above.

- 9. (3.2) Allow for the issue of an abbreviated certificate of death, excluding cause-of-death information, if requested.**

Agree – This will give the informant and family more privacy, as it will not include the causes of death, which can be sensitive. This will be used when, for example, being asked for proof of a death when closing a bank account.

- 10.(3.3) Supply automatically and electronically birth, death and marriage details already visible publicly on the registers to all other relevant government bodies, central and local.**

Agree – Will save the informant and family time and the need to send documents to the appropriate organisations.

- 11.(3.3) Allow informants (for a fee) to be able to ask for wider notification of births, deaths or marriages to nominated bodies outside the government sector.**

Agree – For reasons set out in item 10 above and it will increase income for the Council's registration service.

12.(3.3) Enable third parties to ask GROS to notify them of the death of a person if and when it occurs in Scotland.

Agree – Improved service for customer and will not affect local services.

13.(3.4) GRO to give local registration authorities access to all Scotland's registers to open up opportunities for local Councils to improve efficiency and introduce new fee paying services.

Agree - Convenient for customer and increased income for the Council's registration service. (Including the family history service if a heritage centre is built)

14.(3.5) GROS to supply a change-of-name service at an earlier stage, with widespread notifications.

Agree – Previously, customers applying for a change of name had to be using the new name for a two year period before the change could be made. This was proving difficult as banks were unwilling to change details until the new name was official. This amendment would allow customers to change their name at an earlier stage.

15.(3.5) Amend existing legislation for recording a forename or a change of forenames of a child under the age of 12 months so that only a person holding parental responsibilities and rights in relation to the child would be qualified to apply to do so.

Agree – Will prevent one parent using baptism as a way of changing child's forename without the other parent's permission (where the other parent also has parental responsibilities).

16.(3.5) Enable the registrar to correct an error if discovered after the entry in the register has been signed and prior to the annual examination without the informant being present.

Agree – Save a customer having to travel to a registration office for very minor corrections to the records.

17.(3.6) Allow GROS to create a "Book of Scottish Connections" to allow people with Scots connections to record details of births, deaths, marriages or divorces that occurred outwith Scotland.

Agree – This will prove popular with the Scottish public and their relatives who live and work abroad. It will also be useful for family history research. This Book will be maintained by GROS.

- 18.(3.7) Retain the existing requirement for advertising marriages on a local registration office notice board but, in addition, augment it with a list of all forthcoming marriages in Scotland, to be held centrally by GROS and be available to potential objectors and to the public on the GROS website.**

Agree – This will help prevent bigamist marriages but will not be welcome by those couples who wish anonymity for genuine reasons.

- 19.(3.7) Scottish Certificates Of No Impediment to continue to be issued by district registrars who will complete a search of marriages in the national centrally held computerised indexes.**

Agree – This will require the registrar to check the national indexes from the persons 16th birthday to ensure that they are free to marry, this will be time consuming but will be more accurate than at present

- 20.(3.7) Remove the existing requirement on a person who is not domiciled in the UK to provide a Certificate Of No Impediment when intending to marry in Scotland.**

Agree – As these CONIs cannot be checked for authenticity.

- 21.(3.7) Remove a potential limitation on the choice of couples who would wish to marry in the territorial waters adjacent to Scotland.**

Agree – This will not affect East Ayrshire Council as it does not have a coast.

- 22.(3.8) When sufficient protection against fraud can be given, to enable the registration of births and deaths online as an additional option to face-to-face registration of births and deaths.(which will continue)**

Agree – While it is acceptable to include this in the Bill, as electronic security is improving and the use of computers is increasing, the concept is still a long way from the standard of service that is offered on a face-to-face basis.

Registrars throughout Scotland are concerned about this type of service for a range of reasons, many of which GRO have specified in the consultation document. Registrars understand and accept the sound reasoning behind e-government in general but feel the registration process, at present, is not suited to electronic or remote processing.

In East Ayrshire, an assistant registrar must work for two years in a registration office before being considered ready to sit an exam for the Certificate of Proficiency in the Law and Practice of Registration. In

order to maintain a high service standard, Registrars who pass their exam are awarded a pay increment. This approach was recommended by GRO's District Examiner who requires checking the registers for accuracy on an annual basis. This approach does not seem congruous with a private individual being able to complete a registration on a computer at home.

Registrars would echo GRO's views on problems with accuracy and fraud and the registrar's skills being important when dealing directly with a customer. GRO mention the possibility of a national Call Centre to assist people to register online; it is assumed the cost of this will be offset by the increase in fees GRO will earn from e-registration. The increase in income for GRO will result in a decrease in income for Councils, who are still expected to offer a full registration service.

23.(3.9) Insert in legislation a new offence of giving false information to the Registrar General or any person acting on his behalf. There is an existing offence of giving false information to a district registrar.

Agree – This will not affect East Ayrshire Council but will assist GRO in preventing fraud relating to any direct transactions between them and the public.