

**EAST AYRSHIRE COUNCIL**

**COMMUNITY SERVICES COMMITTEE – 7<sup>TH</sup> FEBRUARY 2001**

**CIVIL REGISTRATION IN THE 21<sup>ST</sup> CENTURY – RESPONSE PAPER**

**Report by Director of Community Services**

**1. PURPOSE OF REPORT**

- 1.1 To ask Committee to approve a response to the consultation paper from the Registrar General of Births, Deaths and Marriages for Scotland “Civil Registration in the 21<sup>st</sup> Century”.

**2. BACKGROUND**

- 2.1 The framework for the registration of births, deaths and marriages in Scotland is set by the Registration of Births, Deaths and Marriages (Scotland) Act 1965. Arrangements for marriage preliminaries and the solemnisation of civil marriages are governed by the Marriage (Scotland) Act 1977. The procedures set out in both pieces of legislation have generally worked well but with the advent of the Scottish Parliament and the new millennium it was thought that a review of civil registration should now take place. A review of the registration service in England and Wales is currently underway.
- 2.2 The General Register Office for Scotland (GROS) holds an annual seminar for Local Council senior managers involved with registration. The seminar this year was held on the 28<sup>th</sup> November 2000 and was attended by the Libraries and Information Services Manager and the Local Offices and Registration Manager. The main theme of the seminar was the consultation paper, affording managers the opportunity to discuss the paper in detail with colleagues in other Councils.

**3. CONSULTATION PROCESS**

- 3.1 The consultation paper, referred to in the background papers, is comprised of around 22 questions relating to a range of registration issues for the future. The questions and suggested response are outlined in the Appendix.
- 3.2 Responses to the paper should be lodged with the GRO by Wednesday 28<sup>th</sup> February 2001.

#### **4. FINANCIAL IMPLICATIONS**

- 4.1 The financial implications cannot be quantified at this stage. This exercise can only be undertaken when detailed proposals are available.

#### **5. LEGAL IMPLICATIONS**

- 5.1 Questions 8 to 22 would require Primary or Secondary Legislation.

#### **6. POLICY IMPLICATIONS**

- 6.1 Nil.

#### **7. RECOMMENDATION**

- 7.1 The committee is asked to agree the proposed response outlined in the Appendix to this report.

William Stafford  
Director of Community Services

10 January 2001

WS/DM

#### **LIST OF BACKGROUND PAPERS**

1. Civil Registration In The 21<sup>st</sup> Century – A consultation paper from the Registrar General of Births, Deaths and Marriages for Scotland.

Any person wishing to inspect the background papers listed above should contact John Griffiths, Head of Leisure, telephone (01563) 576264

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**APPENDIX  
EAST AYRSHIRE COUNCIL**

**RESPONSE TO GRO CONSULTATION PAPER:  
“CIVIL REGISTRATION IN THE 21<sup>ST</sup> CENTURY”**

**Question 1 :- Should local councils now be positively encouraged to phase out “parlour registrar” posts when the present postholders retire or resign, except where a special case can be made for retention, such as on a remote island? (paragraph 3.6)**

**RECOMMENDATION: AGREED**

In East Ayrshire Council's area there is only one “parlour registrar” in the village of Catrine. Provision could be made for registration within the existing Catrine Local Office. It is not necessary for a parlour registrar in East Ayrshire, but it is accepted that the Highland and Island communities may require this type of service.

**Question 2 :- Should local councils be encouraged to send registrars to maternity hospitals to take birth registrations? (paragraph 3.9)**

**RECOMMENDATION: NOT AGREED**

Additional staff would be required for this function in order to support the existing duties already required at the Registration Office. There would also be problems within the hospitals themselves, including accommodation and cash collection facilities, as well as undue pressure put on parents e.g. mothers who were not married to the baby's father may register the baby on their own and at a later date want to add the father's name, doubling the work.

**Question 3:- Should local councils be encouraged to send registrars to hospitals and hospices to take death registrations? (paragraph 3.10)**

**RECOMMENDATION: NOT AGREED**

People need time to reflect and may not be stable at this point. Most people would not have any necessary documentation with them and the Registrar would not have the necessary records to track down any information required.

**Question 4 :- Would it be more convenient for the bereaved if local councils were allowed, or indeed encouraged, to nominate funeral undertakers to act as registrars of deaths? (paragraph 3.12)**

**RECOMMENDATION: NOT AGREED**

This very serious process should be kept within the Local Authority and not subject to what could possibly be a competitive market. The undertaker does

not have the resources to check information and may charge higher fees. All undertakers may not have the resources to carry out this function or indeed wish to.

**Question 5:- Should Scottish Certificates Of No Impediment be issued only by the GROS in Edinburgh, and perhaps also by those registration offices who have local on-line access to search the appropriate GROS indexes? (paragraph 4.7)**

RECOMMENDATION: AGREE (If Local Office do not have full on-line access to the necessary information)

The GRO is best place to issue Coni's, although, if a Registration Office has full online access to this type of information, it would be possible for a Local Office to offer this service.

**Question 6:- Should local councils be encouraged to provide revenue-earning local and family-history search-centres? (paragraph 7.6)**

RECOMMENDATION: AGREE

Such centres would be beneficial to the registration service as a whole and would enable more searches to be undertaken. This would incur additional income for the Council. This service would also benefit tourism, e.g. American citizens visiting this country to trace their ancestors. Such a service would need to be marketed. Limited work in this area is already carried out.

**Question 7:- Should the line between "historical" and "recent" records, drawn for the purpose of making the earlier indexes and register entries visible on the Internet, be redrawn at say 75 years for marriages and 50 years for deaths? (paragraph 7.10)**

RECOMMENDATION: AGREE

Entries visible on the internet should be redrawn to 75 years for Marriages and 50 years for deaths as not many people are still living after 75 years of Marriage and few people, except immediate families, are interested in deaths that occurred 50 years ago.

**Question 8:- Is there any additional useful item of information about a birth, death or marriage that it would be reasonable for the Parliament to make it compulsory for every informant to provide for the register? (paragraph 3.15)**

RECOMMENDATION: AGREE

On birth certificates the town would be preferable to the country. Where a couple were married abroad, the town and country would be preferable. For genealogy services the number of siblings and the date of birth of both parents would be useful.

Other types of information that may assist the process are on a death entry, the deceased national insurance service number. The extension of this information requirement may be affected by the Data Protection Act.

**Question 9:- Should statute make all registration-district boundaries contiguous with those of the local councils? (paragraph 3.3)**

RECOMMENDATION: AGREE

It may be beneficial if the registration-district boundaries were contiguous with local council boundaries as it may be less confusing for the public. The only community affected by this process is Drongan, which lies within the Ayr registration boundaries. Equally the Kilmarnock office provides registration services for Dundonald and Craigie.

**Question 10:- Should statute allow for different premises forming part of the one registration office to have different opening hours? (paragraph 3.4)**

RECOMMENDATION: AGREED

The present set-up in East Ayrshire would not be affected either way because all registration offices have their own registration districts and there is no requirement for the Kilmarnock Office to be a central office with the others being multiple sites of this office. If this set-up was to be put in place, it would, indeed not be possible for all other offices to be open at the same time as some do not require to be full-time.

**Question 11:- Should the birth of a child occurring anywhere in Scotland be able to be registered at any registration office in Scotland? (paragraph 3.7)**

RECOMMENDATION: AGREED

This would be more convenient for the customer but appropriate procedures would have to be put in place to ensure that no birth goes unregistered. There would also be a requirement for everyone to be computerised with an indexed system. This would also have an effect on parlour registrars, if they were unwilling or unable to be computerised at home.

**Question 12:- Should the death of a person occurring anywhere in Scotland be able to be registered at any registration office in Scotland? (paragraph 3.8)**

RECOMMENDATION: AGREED

Again, this would be more convenient for customers but appropriate procedures would have to be put in place to ensure that no death goes unregistered and there is a safeguard against fraud.

**Question 13:- Should it be possible to register a birth or death without an informant being physically present at a local registration office? If so, how should the system verify an informant's *bona fides* to avoid spurious, mischievous or fraudulent birth or death registrations? (paragraph 3.14)**

RECOMMENDATION: NOT AGREED

In most cases it is better to ensure the process is personal as this type of interaction assists in both the customer and the registration service being satisfied about the outcome.

It is, however, accepted that this could change with new technology systems such as video conferencing, which could offer some type of personal interaction. Also, solicitors who might register a death on behalf of a client may prefer to do this remotely.

**Question 14:- Can the requirement for advertising marriages on a local registration-office notice-board be dropped? Need it be replaced by advertisement in the Press and/or on the Internet? Or should GROS hold a list of forthcoming marriages, and be the central point to which potential objectors might be required to address objections? (paragraph 4.6)**

RECOMMENDATION: AGREED (to dropping requirement and to GRO holding list)

The only use this function has is that some couples may like to see their name in paper confirming their intentions. Other couples, such as divorced people, who remarry may not wish their former partners to know, or couples who have been living together and decide to get married may not want others to know they were not married.

It is also the opinion that GROs should hold a list of forthcoming marriages and be the point to which objectors are referred because if objections are raised to a particular forthcoming marriage, they have the necessary resources in holding records for the whole of Scotland to investigate the objection thoroughly.

**Question 15:- Should local councils be encouraged to provide through their registrars ceremonies analogous to civil marriage but marking other life events? (paragraph 6.1; might not require legislation)**

RECOMMENDATION: AGREED (not including funerals)

Performing baby-naming ceremonies and renewal of marriage vows would be welcome. Funeral Directors or Humanist Ministers conduct funerals for those who were not religious, it would be better left with those who already have the procedures and experiences for this functions.

**Question 16:- Should birth, death and marriage details already visible publicly on the registers be supplied automatically and electronically to all other relevant government bodies, central and local? Are there circumstances in which this would not be in the public interest? (paragraph 7.1)**

RECOMMENDATION: AGREED

This would be beneficial to the organisations and it would cut down the number of people they would be required to notify about an event. It would also prevent further upset to bereaved families who may receive mail for their deceased relatives from these organisations. Councils may be in the position to charge for this service.

**Question 17:- Should informants be able to ask for wider notification of births, deaths or marriages to nominated bodies outside the government sector, perhaps for a fee? (paragraph 7.2; might not require legislation)**

RECOMMENDATION: NOT AGREED

This could be possible but informants would need to know all private sector bodies involved at the time of registration (it is felt that at this point informants would be too upset to fully advise the registrar of all bodies required to be notified).

It is also felt that this procedure would incur a lot of extra work for the registrar. There would also be a loss of income for certificate requests.

**Question 18:- Should third parties be able for a fee to ask GROS to notify them of the death of a person if and when it occurs in Scotland? (paragraph 7.3)**

**RECOMMENDATION: AGREED**

This procedure would be beneficial to the registration service and would save informants a lot of further upset by having to deal with these people personally.

**Question 19:- Should it be possible to issue an abbreviated certificate of death, excluding cause-of-death information, if requested? (paragraph 7.4)**

**RECOMMENDATION: AGREED**

Not all public sector bodies require cause-of-death information, e.g. some causes of death written on death certificates can be quite graphic and embarrassing to families and an abbreviated certificate would alleviate this.

**Question 20:- Once a no-longer-current register entry is available from GROS as on-line image, should local registrars continue to be empowered to issue an authenticated formal extract on security paper (as distinct from an informal “information” copy of the imaged entry? (paragraph 7.7)**

**RECOMMENDATION: AGREED**

If the public request an authenticated formal extract staff should be able to provide it for them as it is quicker to obtain the document from the local registration office than to request it by post from GROS (staff can have an extract completed within 1-2 hours).

**Question 21:- Should GROS offer a change-of-name service at an earlier stage and include widespread notifications? (paragraph 8.1)**

**RECOMMENDATION: AGREED**

GROS should provide a change of name service and include widespread notifications but 3-6 months is too little time for someone to be sure they want to change their name, e.g. in the case of a teenager or children who go through stages of wanting to change their name regularly, 3-6 months is not long enough to make this important decision.

**Question 22:- Should persons with Scots connections be allowed to record in Scotland's registers births, deaths and marriages already properly registered in other countries including England? (paragraph 8.1; might not require legislation)**

**RECOMMENDATION: AGREED**

For the purposes of continuity this facility should be encouraged and would help family history researchers.

It could also help to alleviate bigamous marriages because at present GROS have no record of Scottish people marrying outside Scotland. It would also mean that a person whose birth, death or marriage was registered in England would be able to obtain an extract of these events in Scotland. People already think that this function is available.

**AGENDA**