



Civil Registration Bill

Research and Library Services

Following consultation on the modernisation of the service for registering births and deaths, the Civil Registration Bill was introduced to the Northern Ireland Assembly on 17 June 2008. The Bill proposes to introduce provisions for:

- Removal of geographic restrictions to provide greater choice and more flexibility in registering vital events and where these may be registered;
- Changes to procedures for making alterations to registration records;
- Introduction of an abbreviated form of death certificate omitting cause of death as an alternative to the full version (for the purpose of closing bank accounts etc.);
- Provision of commemorative certificates for memorable life events;
- Electronic sharing of registration information in relation to births, deaths, marriages and civil partnerships with all relevant government departments and nominated organisations;
- Greater public access to civil registration records.

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Summary of Key Points

The current framework for the registration of births and deaths in Northern Ireland is set out in the Births and Deaths Registration (Northern Ireland) Order 1976. Following consultation on the modernisation of the registration service, the Civil Registration Bill was introduced to the Northern Ireland Assembly on 17 June 2008 to make the necessary amendments to the Births and Deaths Registration (Northern Ireland) Order 1976.

The Bill proposes to introduce provisions for:

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- Electronic sharing of registration information in relation to births, deaths, marriages and civil partnerships with all relevant government departments and nominated organisations;
- Greater public access to civil registration records.

In relation to the notification of and access to registration information, the Bill also contains proposed amendments to the Marriage (Northern Ireland) Order 2003, the Civil Partnership Act 2004, the Adoption (Northern Ireland) Order 1987 and the Gender Recognition Act 2004.

While most of the Bill appears to have general public support (based on the results of two consultations), there are two key issues which require particular consideration - the threat to data security arising from increased public access, and the increased risk of fraud arising from the removal of the requirement on the informant to sign a register in the presence of a registrar.

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Introduction

The current framework for the registration of births and deaths in Northern Ireland is set out in the Births and Deaths Registration (Northern Ireland) Order 1976. Following consultation on the modernisation of the registration service, the Civil Registration Bill was introduced to the Northern Ireland Assembly on 17 June 2008 to make the necessary amendments to the Births and Deaths Registration (Northern Ireland) Order 1976.

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Background

In recent years the General Register Office (GRO) has recognised that the system for birth and death registration requires reform to respond more appropriately to the changing needs of society.

The Registrar General for Northern Ireland previously published two consultation documents¹, entitled 'Civil Registration in the 21st Century, Modernising a Vital Service', seeking views from the public on the system for registering births and deaths in Northern Ireland. These documents also explained why change is necessary and included proposals for a more flexible and efficient service underpinned by modern technology.²

The first consultation process indicated that there was general support for a more responsive service with more choices in how to register, the provision of additional registration type services and the use of electronic means of operation. Following that consultation, proposals were drafted and the second consultation paper was issued in April 2006, setting out the changes that were proposed to achieve the modernisation of the Registration Service.

The main proposals were as follows: -

- Choice of service delivery for the individual i.e. births and deaths may be registered in any Registration Office in Northern Ireland regardless of where the event took place.
- Provisions will also be made in legislation to allow, in time, for electronic registration of vital events e.g. via the Internet, but these provisions will not be implemented until it is certain no risk of fraud exists. In any event the option of calling in person at the registration office would continue to be available.
- Greater use of technology to record, store and provide access to registration, with certificates gradually becoming redundant as information is available electronically.

¹ <http://www.groni.gov.uk/1872003931372.pdf> ; <http://www.groni.gov.uk/1342006154747.pdf>

² See Explanatory Memorandum.

- Older records to be open to the public and in time available on the Internet.
- Recent records to be open in the General Register Office (GRO) and the local District Registration Offices (DRO).
- Greater flexibility in order to respond to the changing makeup of family units and to meet the changing demands of society generally e.g. provision of celebratory services such as the reaffirmation of civil marriage vows.

Results of Consultation

The majority of responses to the second consultation confirmed support for enhancing registration services provided to the public and government including the removal of geographical restrictions on the registration of life events, allowing registration staff to amend minor errors in registrations, the issue of abbreviated death certificates, the computerisation of existing GRONI records, the release of electronic information of events to government departments and outside bodies and the provision of a facility for people with NI connections to have life events that have taken place in other countries recorded in the registers of the Registrar General.³

A total of 38 individuals and groups responded to the second consultation (see Annex A). The numbers of responses for and against each proposal were recorded as follows:

No.	Proposal	For	Against	Total
1	Allow the birth of a child occurring anywhere in Northern Ireland to be registered in any registration office in NI.	11	0	11
2	Further consideration to be given to the provision of a facility to register a birth by means of electronic communication without an informant being present.	7	3	10
3	Unmarried parents will have the choice of giving information separately at registration as well as jointly, for the inclusion of the father's details.	4	3	7
4	Registration office opening hours to be reviewed on an individual basis.	7	2	9
5	Allow a stillbirth, which occurred anywhere in Northern Ireland to be registered in any registration office in NI.	11	0	11
6	Further consideration to be given to the provision of a facility to register a stillbirth by means of electronic communication without an informant being present.	8	3	11
7	Period for registering a stillbirth to be extended to 12 months.	9	2	11

³ <http://www.groni.gov.uk/3010200682102.pdf>

8	An unmarried father will be able to register as father of his stillborn child without the mother being present.	8	1	9
9	Registration staff to amend minor errors such as spelling or typographical errors or omissions to records.	10	0	10
10	Introduction of a new procedure for adding/changing a child's forename under the age of two to allow the parties who have parental responsibility for the child to make the application. This procedure would also allow for the parents of a stillborn child to add a name to the record at a later date with no time limit.	8	3	11
11	Name change procedures to be extended to all children from birth to 18 years	8	3	11
12	Dispense with the requirement to produce documentary evidence to show that the name/surname has been in use for a period of 2 years.	9	2	11
13	Allow the death of a person occurring anywhere in Northern Ireland to be registered at any registration office in NI.	11	0	11
14	Further consideration to be given to the provision of a facility to register a death by means of electronic communication without an informant being physically present.	8	3	11
15	Allow the issue of an abbreviated certificate of death, excluding cause of death.	11	0	11
16	Extend the information collected at time of registration to include the name & occupation of a deceased husband's wife and occupation of deceased married woman or civil partner.	20	1	21
17	Extend the information collected at time of registration to include the names and occupation of both parents.	20	1	21
18	Facility for local authorities, should they so wish, to introduce new services to mark life events, such as, baby naming and reaffirmation of vows or requirement to sign post to another provider.	7	4	11
19	The introduction of commemorative certificates, of no legal or evidential value, to mark memorable life events.	9	2	11
20	Computerisation of existing registration records will enable all birth, death, marriage, civil partnership records to be held electronically and will allow for updates to be made to these records.	29	0	29
21	Introduction of a new framework for accessing registration records, which will distinguish between recent and older records. Your views are sought on whether the threshold for older records should be 100/75/75/50 years for births, marriages, civil partnerships and deaths respectively.	10	18	28
22	Older records to be open in GRO and in time when digitised made available in local District Registration	24	1	25

	Offices (DRO) and over the Internet. Recent records to be open in GRO and DRO's.			
23	Provision for the automatic and electronic notification of registration information already visible publicly on the registers to all relevant government departments in reaction to specific requests and on payment of a statutory fee.	10	0	10
24	Supply of death registration data to relevant financial institutions to assist in the prevention of identity fraud crimes involving the impersonation of the dead.	10	0	10
25	Medical and other researchers working on formally approved projects may be given access to information subject to the National Statistics codes of practice and protocols and microdata release requirements.	9	1	10
26	The provision of a list cleaning service for certain organisations.	9	1	10
27	Introduction of a service to enable informants to ask for wider notification of events to nominated organisations inside and outside the government sector, for a statutory fee.	8	1	9
28	Provisions to allow people to deposit original marriage records in GRO that are not currently covered by statute, i.e. marriages that take place in a Commonwealth country.	11	1	12
29	Introduction of a facility for people with Northern Ireland connections to have life events that have taken place in other countries recorded in the records held by the Registrar General.	12	0	12
30	Collection of additional information at the time of registration.	6	3	9

A number of those responding felt that proposals 2, 6 & 14 regarding the provision of facilities to register life events by electronic communication without an informant being present could lead to inaccuracies in the registration information with the increased risk of fraudulent registrations. It is accepted by GRO that a very robust system would be required to verify the identity of the informant.

Proposal 10 & 11 - to introduce new procedures for adding/changing a child's forename under the age of two and extending the name change procedures to all children from birth to 18 years - attracted a few negative comments where it was felt that this would encourage parents to change children's names 'on a whim' without due consideration.

Proposal 18, to allow local authorities to introduce new services to mark life events, elicited four negative responses from local authorities and an individual respondent as it was felt that it would increase the workload in registration offices and that it had the potential to undermine the moral fabric of society.

Proposal 21, to introduce a new framework for accessing registration records, which would distinguish between recent and older records, generated the highest level of negative responses initially. However, the Department believes that there was some misunderstanding about GRONI's intentions, and these were further clarified in a letter to the relevant respondents. The intention was that the restrictions would only apply to records, which in the future, would be made available on the Internet and not to GRO and DRO records which would be fully open to the public. This is in agreement with the general feeling amongst the majority of the respondents that no restrictions should be placed on accessing registration records in GRONI or the District Registration Offices (DRO). Widespread support was received for access to older GRO records on the Internet but some respondents felt that the Internet framework proposed by GRO was too restrictive and should be set at 70 years for births, 40 years for marriages and 30 years for deaths instead of 100/75/50 as proposed.

Proposal 30, to allow for the collection of additional information at the time of registration, received some negative responses as it was felt informants registering an event may find additional questions intrusive and it would increase the time for registering an event.

Purpose of the Bill

The Department states that Civil Registration reform will provide improved service delivery, better access to services and information and the introduction of new and more responsive services. It will also facilitate much wider use of technology to improve customer service. Much of this Bill is designed to pave the way for electronic registration and greater public access to that information.

Overview of the Bill

The Bill proposes to introduce provisions for:

- Removal of geographic restrictions to provide greater choice and more flexibility in registering vital events and where these may be registered;
- Changes to procedures for making alterations to registration records;
- Introduction of an abbreviated form of death certificate omitting cause of death as an alternative to the full version (for the purpose of closing bank accounts etc.);
- Provision of commemorative certificates for memorable life events;
- Electronic sharing of registration information in relation to births, deaths, marriages and civil partnerships with all relevant government departments and nominated organisations;
- Greater public access to civil registration records.

Content of the Bill

The Bill contains 31 Clauses and two Schedules as follows (the descriptions below are

taken from the *Explanatory and Financial Memorandum*, with references added where appropriate to the results of the consultation exercise):

Clause 1: Registration of births

This Clause amends Article 10 of the 1976 Order in order to remove geographic restrictions in relation to the registration of births (including still-births) to enable a birth occurring in Northern Ireland to be registered at any registration office in Northern Ireland. This Clause also removes the requirement imposed on an informant to sign the register and imposes a requirement for information to be given in a particular manner.

It also amends the definition of “birth” in Article 2 of the 1976 Order to clarify that a birth means a live or still-birth in Northern Ireland.

While the issue of removing geographic restrictions appears uncontroversial (receiving unanimous support in the consultation), the proposal to remove the requirement on an informant to sign the register in the presence of a registrar does not appear to have much support. In fact, 26 out of 34 respondents to the first consultation expressed support for retaining face to face registration to reduce the risk of inaccuracies and fraud (5 had mixed feelings about the idea of allowing registration without the informant attending a local registration office, and only 3 were in favour).

This proposal was subsequently softened in the second consultation with the words ‘further consideration to be given to...’ (see proposals 2, 6 and 14 in the table above under ‘Results of Consultation’), but respondents still cautioned against the risk of inaccuracies and fraud. The number in favour of ‘further consideration’ is still far short of the number opposed to the idea in the initial consultation.

The increased use of false birth certificates as ‘breeder documents’ (to obtain passports and other valuable documents) by fraudsters⁴ points to a need to tighten security on registrations, as opposed to the potential relaxation that ‘in a prescribed manner’ might imply – particularly as it is clear that the ‘prescribed manner’ in relation to electronic registration has not yet been thought out.

Interestingly, the Civil Registration Act 2004, which recently reformed the registration system in the Republic of Ireland, retains the requirement on informants to sign the register in the presence of the registrar.⁵

Clause 2: Infant children found exposed

This Clause amends Article 11 of the 1976 Order, in relation to the birth of a living child found exposed, to impose a requirement for information to be given in a prescribed manner.

Again, this relates to removing the requirement on the informant to sign the register in the presence of the registrar. The point made above, in relation to that part of Clause 1, therefore also applies here.

⁴ See, for example, a paper by the Office of the Inspector General, Kansas City on this issue - <http://www.oig.hhs.gov/oei/reports/oei-07-99-00570.pdf> or a report on identity theft using birth certificates in Australia - <http://www.theage.com.au/articles/2003/07/06/1057179212905.html>

⁵ <http://www.oireachtas.ie/documents/bills28/acts/2004/a304.pdf> - see Section 19.

Clause 3: Issue of notice for information concerning births

This Clause amends Article 12 of the 1976 Order to remove the requirement for an informant to personally attend to sign the register in the presence of the registrar and imposes a requirement for information to be given in a prescribed manner, where a notice has been issued by the registrar to an informant who has failed to register the birth within 42 days from the date of birth.

Again, this relates to removing the requirement on the informant to sign the register in the presence of the registrar and the point made above applies.

Clause 4: Registration of father where parents not married

This Clause amends Article 14 of the 1976 Order to enable unmarried parents to be able to give information separately at the time of registration as well as together, in order to have the father's details included in the birth entry. It further amends Article 14 to remove the requirement for persons to sign the register and imposes a requirement for information to be given in the prescribed manner.

The proposal to allow unmarried parents to be able to give information separately was not supported unanimously in the consultation – only 4 respondents expressed support, with 3 against (see proposal 3 in table for second consultation). Again, part of this Clause relates to removing the requirement on the informant to sign the register in the presence of the registrar and the point made in relation to the first three Clauses also applies.

Clause 5: Time limit on registration of still-births

This Clause provides for the repeal of Articles 13(3) and 15(1) of the 1976 Order which has the effect of extending the time period within which a still-birth may be registered from 3 months to 12 months, thereby bringing this aspect of registration of still-births into line with the registration of births and deaths.

This proposal was supported by 9 respondents and opposed by 2 (see proposal 7 in table for second consultation).

Clause 6: Registration of still-births where parents not married

This Clause amends Article 14 of the 1976 Order so that it shall no longer apply to the registration of a still-birth. This will enable the unmarried father of a still-born child to have his name included in the entry without the mother being required to be present. This Clause also amends Article 18 of the 1976 Order to allow the Registrar General to authorise the re-registration of the still-birth of a child of unmarried parents where the mother disputes the details of the registration.

The proposal to enable an unmarried father of a still-born child to have his name included in the entry without the mother being present was supported by 8 respondents and opposed by only 1 (see proposal 8 in table for second consultation).

Clause 7: Re-registration of births of legitimated persons

This Clause amends Article 19(6) of the 1976 Order so that the Registrar General may no longer be able to require the informant (who has failed to re-register the birth within the relevant period) to attend personally at a specified place within a specified time and sign the register in the presence of the registrar. As a result of the amendment, the

Registrar General may require the informant to take such steps, within a specified time, for the purposes of re-registration as are specified in the notice issued by him.

This again removes the need to attend and sign the register in the presence of the registrar.

Clause 8: Registration of deaths

This Clause amends Article 21 of the 1976 Order in order to remove geographic restrictions in relation to the registration of deaths to enable the death of a person occurring in Northern Ireland to be registered at any registration office in Northern Ireland. This Clause removes the requirement imposed on the informant to sign the register and imposes a requirement for information to be given in a particular manner.

This Clause also inserts a definition of “death” in Article 2 of the 1976 Order to clarify that a death means a death in Northern Ireland.

This is similar to Clause 1, except that it relates to deaths instead of births. Again, the proposal to remove geographic restrictions received unanimous support (see proposal 13 in table for second consultation), while the proposal to remove the requirement on an informant to sign the register in the presence of a registrar had more opposition than support.

Clause 9: Issue of notice for information concerning deaths

This Clause amends Article 23 of the 1976 Order so that the registrar may no longer be able to require the informant (who has failed to register the death within the relevant period) to personally attend at a specified place within a specified time and sign the register in the presence of the registrar. As a result of the amendment, the registrar may require the informant to give information in a particular manner within a specified time.

This again removes the need to attend and sign the register in the presence of the registrar.

Clause 10: Short death certificate

This Clause inserts a new Article 40A into the 1976 Order which enables regulations to be made which will make provision for the issue of short death certificates, excluding the cause of death information, for a prescribed fee.

This proposal received unanimous support (see proposal 15 in table for second consultation).

This Clause also amends Article 34(5) of the 1976 Order to require the Registrar General to cause any certificate issued under the new Article 40A to be stamped and sealed with the seal of the General Register Office, of which judicial notice shall be taken.

Clause 11: Discharge of functions of the Registrar General

This Clause amends Article 4 of the 1976 Order which has the effect of extending the Registrar General's powers in relation to the discharge of his functions to enable additional officers to be authorised to carry out functions on behalf of the Registrar General.

Clause 12: Reproduction of registers and replacement of lost registers etc.

This Clause amends Article 33 of the 1976 Order in order to remove the need for reproduction or replacement registers to be authenticated by the signature of the Registrar General.

This only relates to the reproduction of registers that have been lost, destroyed or mutilated, or have become illegible. The removal of the need for a signature paves the way for electronic registers, but from a security point of view the authentication process will need to be considered carefully.

Clause 13: Access to information relating to births and deaths

This Clause inserts a new Article 34A into the 1976 Order. Article 34A enables regulations to be made which may: 1) make provision for persons to access birth (not still-birth) and death registration records; 2) make provision for the Registrar General to enter into arrangements with 3rd parties for the purpose of providing access to information contained in birth and death registration records; and 3) make provision for the Registrar General to transfer registration information to 3rd parties, subject to conditions, for the purpose of providing access to such information.

While increased access and exchange of information between government departments and other responsible bodies can help to improve security and guard against fraud, it can also increase the risk of fraud. A report by the Center for Immigration Studies in Washington notes how 'improving access' to birth and death records can go wrong⁶:

'In the name of public disclosure, the Office of Health Information and Research of the California Department of Health Services sold the birth and death records of more than 24 million people who were born or died in the state between 1905 and 1995 to a private company for the sum of \$1,500. The data included names, birth dates, birth locations, and mothers' maiden names, the latter of which is often used as a password verification by credit card companies, health insurers, and other providers of personal services. Following a blizzard of complaints from frantic state residents, the company voluntarily pulled the database.'

Clause 14: Correction of errors in registers

This Clause amends Article 35(2)(a) of the 1976 Order to extend the type of errors which any person authorised by the Registrar General may correct.

This Clause also amends paragraphs (1) – (5) of Article 36 of the 1976 Order. Paragraphs (1) and (2) are amended to require a registrar to notify the Registrar General if he considers that any register (not just a register in his custody) contains an error of fact or substance and to allow the Registrar General to require any registrar (not only the registrar who has custody of the register) to correct the error.

Paragraph (3) is amended to allow any registrar (when required by the Registrar General to do so) to issue notices requiring any informant to take such steps as are specified in the notice.

⁶ 'America's Identity Crisis' - <http://www.cis.org/articles/2002/back302.html>

Paragraph (4) is amended to allow the Registrar General to issue a direction to any registrar requiring him to correct an entry.

Paragraph (5) is amended to allow the Registrar General to issue a direction to any person requiring that person to cancel entries in a register.

The proposal that registration staff should be allowed to amend minor errors or omissions to records was supported unanimously (see proposal 9 in table for second consultation).

Clause 15: Registration or alteration of child's name

This Clause repeals Article 37(2) of the 1976 Order so that the name change procedure contained in Article 37(3) is the only mechanism by which a change of name/surname in respect of a child under 18 years of age may be registered.

This removes the special procedure for children under the age of two. The proposal to extend name change procedures to all children from birth to 18 years (proposal 11 in the second consultation) was supported by 8 respondents and opposed by 3.

This Clause also amends paragraphs (3) and (4) of Article 37 to dispense with the requirement to produce, in respect of all name change procedures, documentary evidence to show that the new name/surname has been in use for a period of 2 years.

The proposal to dispense with the requirement to produce documentary evidence to show that the name change has been in use for a period of 2 years (proposal 12 in the second consultation) was supported by 9 respondents and opposed by 2.

This Clause also inserts new paragraphs into Article 37 which: 1) enable the Registrar General to notify such persons as he deems appropriate that a change of name or surname has been recorded in the register; 2) enable any person who has made an application to have a change of name/surname recorded to apply to the Registrar General to have that change notified to other persons; 3) require any person making an application under Article 37(4B) to pay a fee; and 4) provide that the power conferred on the Registrar General by Article 37(4A) may be exercised whether or not an application has been made to the Registrar General.

Clause 16: Certified copies

This Clause replaces Article 39 of the 1976 Order to provide for the means by which a certified copy may be issued under the 1976 Order. It also allows a document containing information extracted from any entry in the registers to be issued as a certified copy.

A question relating to this issue was asked in the first consultation as follows: 'Should paper certificates other than for personal commemorative use be replaced by electronic transfer of information to approved users on request?' Out of 60 respondents, 40 favoured the replacement of paper certificates with electronic transfer of information while 20 were opposed to the idea as they felt that it could give rise to an abuse of confidentiality. They also questioned the legal standing of an electronic record.

Clause 17: Issue of short birth certificate

This Clause amends Article 40(a) of the 1976 Order to enable regulations to be made providing for the issue of a short birth certificate by the Registrar General or any registrar (rather than the person having custody of the register).

Clause 18: Notification of births and deaths

This Clause inserts a new Article 40B into the 1976 Order which: 1) enables the Registrar General to notify such persons as he deems appropriate of registration information contained in birth (but not still-birth) and death registers; 2) enables an informant in relation to a birth or death registration to apply to the Registrar General to have the registration notified to such persons as required; 3) requires any person making an application under this Article to pay a fee; and 4) provides that the power conferred on the Registrar General by this Article may be exercised whether or not an application has been made.

A question relating to notification was asked in the first consultation as follows: 'Should informants be able to ask for wider notification of births and deaths to nominated bodies outside the Government sector perhaps for a fee?' While 68% agreed that this should be possible, the remaining 32% were opposed on the grounds that the Registration Service would be getting too involved in 'personal' matters.

Clause 19: Entries in registers as evidence

This Clause amends Article 41(1)(a) of the 1976 Order to remove the requirement for a birth or death registration entry to be signed by the informant in order for that entry to be evidence of the birth or death. Article 41(1)(a) as amended provides that a birth or death registration entry which includes the name of the informant will suffice as evidence of the birth or death.

This relates to removing the requirement on the informant to sign the register and the point made in relation to Clause 1 therefore also applies here.

Clause 20: Refusal to give information

This Clause repeals Article 44(1)(b) of the 1976 Order, because the Bill removes the requirements in the 1976 Order to sign a register in the presence of a registrar.

Again, this removes the requirement to sign a register in the presence of a registrar and the point made in relation to Clause 1 also applies.

Clause 21: Fees payable for searches, certified copies, etc

This Clause amends Article 47 of the 1976 Order to revise the wording of this provision and also to include additional documents for which fees shall be payable under the 1976 Order e.g. short death certificates.

Clause 22: Access to information relating to marriages and civil partnerships

This Clause amends Article 35 of the Marriage (NI) Order 2003 and Section 155 of the Civil Partnership Act 2004 to enable regulations to be made which may: 1) make provision for persons to access information contained in any marriage and civil partnership registration records; 2) make provision for the Registrar General to enter into arrangements with 3rd parties for the purpose of providing access to information contained in any marriage and civil partnership registration records; and 3) make provision for the Registrar General to transfer registration information to 3rd parties, subject to conditions, for the purpose of providing access to such information.

The point made in relation to Clause 13, i.e. the increased data security risks arising from increased public disclosure, also applies here.

Clause 23: Notification of registration of marriages and civil partnerships

This Clause inserts a new Article 35A into the Marriage (Northern Ireland) Order 2003 and a new Section 155A into the Civil Partnership Act 2004, which: 1) gives the Registrar General power to notify such persons as the Registrar General deems appropriate of the registration of a marriage/civil partnership; 2) enable either party to the marriage/civil partnership to apply to the Registrar General to have the registration of the marriage/civil partnership notified to such persons as required; 3) require the applicant to pay a fee to the Registrar General; and 4) provide that the power conferred on the Registrar General by Article 35A and Section 155A may be exercised whether or not an application has been made.

The argument raised by 32% of respondents to the question in the first consultation, that similar notification of birth and death registrations (see Clause 18 above) would overly involve the Registration Service in ‘personal’ matters, presumably also applies here (although a consultation question on the notification of registration of marriages and civil partnerships was not asked directly).

Clause 24: Access to information in the Adopted Children Register

This Clause amends Article 50 of the Adoption (NI) Order 1987 to enable regulations to be made which may: 1) make provision for persons to access any information contained in the Adopted Children Register; 2) make provision for the Registrar General to enter into arrangements with 3rd parties for the purpose of providing access to information contained in the Adopted Children Register; and 3) make provision for the Registrar General to transfer registration information to 3rd parties, subject to conditions, for the purpose of providing access to such information. These provisions bring access to the Adopted Children Register into line with other registration records.

This Clause also amends the definition of “prescribed” in Article 2(2) of the Adoption (Northern Ireland) Order 1987 to take account of the above.

The point made in relation to Clause 13, i.e. the increased data security risks arising from increased public disclosure, also applies here.

Clause 25: Access to information in the Gender Recognition Register

This Clause amends Paragraph 22 of Schedule 3 to the Gender Recognition Act 2004 to enable regulations to be made which may: 1) make provision for persons to access any information contained in the Gender Recognition Register; 2) make provision for the Registrar General to enter into arrangements with 3rd parties for the purpose of providing access to information contained in the Gender Recognition Register; and 3) make provision for the Registrar General to transfer registration information to 3rd parties, subject to conditions, for the purpose of providing access to such information.

Once again, the point made in relation to Clause 13, i.e. the increased data security risks arising from increased public disclosure, applies here.

Clause 26: Production of commemorative documents

This Clause gives the Registrar General power to issue commemorative documents upon payment of the prescribed fee. It is intended that these documents may be used to mark life events. However, they will be of no legal or evidential value.

This was supported by 9 and opposed by 2 respondents in the second consultation (see proposal 19 in table for second consultation).

Clause 27: Record of Northern Ireland Connections

This Clause requires the Registrar General to maintain a register (and relevant index) called the Record of Northern Ireland Connections. This Clause enables people with Northern Ireland connections to apply to the Registrar General for an event listed in Schedule 1 to be entered in the Record of Northern Ireland Connections in the prescribed form on payment of the prescribed fee. This Clause allows any person, upon payment of a fee to the Registrar General, to search the index of and the entries contained in this register. It also requires the Registrar General to provide them with a copy of any entry in this register. The Registrar General has the power to amend or delete any entry which has been made under this provision.

This was supported unanimously in the second consultation (see proposal 29 in table for second consultation).

Clauses 28-31: Supplementary

These Clauses are of a technical nature.

Schedule 1: Events which may be recorded under Section 27

This Schedule lists events which may be recorded in the Record of Northern Ireland Connections.

Schedule 2: Repeals

This Schedule lists provisions to be repealed as a result of this Bill.

Costs and Options Considered

The following options and the Department's views on them are listed in the Explanatory Memorandum:

- **Do nothing** – Not feasible as changes were required to reform the registration service in order to respond more appropriately to the changing needs of society, improve service delivery, maximise the use of technology and provide greater public access to civil registration records.
- **Overhaul the entire Civil Registration Service** - There was insufficient evidence to suggest that such a radical move was necessary as evidence indicates contentment with the current regime.

- **Amend the existing Order** and introduce new provisions as appropriate –This was seen as the preferred option as it would facilitate changes to existing procedures and enable services to be introduced with minimal resource and timescale implications.

In relation to costs, the Department does not consider that the Bill will place any additional financial burden on the public purse, nor the general public, as appropriate fees would cover any changes or new services offered.

Human Rights and Equality Impact Assessment

The provisions of the Bill are considered by the Department to be compatible with the Human Rights Act 1998.

As the registration of births and deaths applies equally to everyone in Northern Ireland, regardless of where they live or whether or not they fall into any of the Section 75 groups, civil registration has been screened out of the Equality Impact assessment programme.

Regulatory Impact Assessment

The Department considers that the proposed Bill does not impose any provisions that will result in an increased or adverse impact on businesses, charities or the voluntary sector. Nor does it impact on TSN or any other area identified under the Integrated Impact Assessment tool. Therefore no impact assessments were deemed to be required.

Conclusions

While most of the Bill appears to have general public support (based on the results of two consultations), there are two key issues which require particular consideration - the threat to data security arising from increased public access, and the increased risk of fraud arising from the removal of the requirement on the informant to sign a register in the presence of a registrar.

The Bill effectively gives the Registrar General greater say in the manner in which registrations should take place and in providing access to that information. This is a necessary prerequisite for electronic registration and greater public disclosure, should the Registrar General choose to move in that direction. However, if the Bill becomes law, some of the protection afforded by the present more restrictive legislation will be lost and it will be up to the Registrar General to ensure that the implementation of any reform is coupled with necessary measures to protect the public from the risks of data disclosure and fraud.

The Committee may wish to consider whether or not we should abandon the existing legal requirement for informants to sign a register in the presence of a registrar and whether or not further safeguards are required in relation to public access to registration information. These matters should be considered in light of the positive intentions of the Bill.

Annex A: List of Respondents to the Second Consultation

Department of Culture, Arts & Leisure
Dept for Regional Development
Department for Social Development
NI Judicial Appointments Commission
Civil Service Commissioners for NI
Coroners Service
Foreign & Commonwealth Office
Armagh City & District Council
Newtownabbey Borough Council
Castlereagh Borough Council
Ards Borough Council
Fermanagh District Council
Belfast City Council
Registrar, Larne Borough Council
Larne Borough Council
Registrar, Coleraine Borough Council
Cynthia Johnston
David Gilmour
Mrs Edith Tuckey
Council of Irish Genealogical Organisations
Massey & King Solicitors
Ms Lelia Burke
Association of Professional Genealogists in Ireland
Knoll Research - Genealogical Research Services
Mr Robert Davison
Mr John Egan
Irish Genealogical Research Society
Society of Australian Genealogists
Mr Douglas Appleyard
Irish Family History Society
Law Society of Ireland
Ms Linda Clayton
Irish Genealogical Research Society Newsletter
Eneclann Ltd
Mr Justin Homan Martin
Certificate Genealogy Alumni Group
Inwood Garret & Stone
Mr David McElroy