



Northern Ireland
Assembly

**COMMITTEE FOR
FINANCE AND PERSONNEL**

**OFFICIAL REPORT
(Hansard)**

**Civil Registration Bill:
Proposed Amendments**

16 February 2011

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Members present for all or part of the proceedings:

Mr Daithí McKay (Chairperson)
Dr Stephen Farry
Mr Simon Hamilton
Mr Mitchel McLaughlin
Mr Declan O’Loan
Ms Dawn Purvis

Witnesses:

Dr Norman Caven) Northern Ireland Statistics and Research Agency
Mrs Annette Gilkeson)

The Chairperson (Mr McKay):

We will now have an evidence session on the proposed amendments to the Civil Registration Bill. I advise Committee members and those in the Public Gallery that the session is being recorded by Hansard. All electronic devices must be switched off.

I refer members to the Department’s background paper that sets out the proposed amendments and to the key conclusions and recommendations of the Committee’s previous report on the Civil Registration Bill. I welcome Mr Norman Caven, the chief executive and Registrar General, and Mrs Annette Gilkeson, the Deputy Registrar General. Given the technicality of the proposed amendments, I invite Norman and Annette to talk the Committee through them.

Dr Norman Caven (Northern Ireland Statistics and Research Agency):

Civil registration plays a vital role in modern society. It provides individuals with a name and an identity, evidence of parentage and an entitlement to marriage. When the Civil Registration Bill first came before the Committee, it contained a number of different types of clauses. That was to do with the fact that the Victorians bequeathed us an excellent system, but it needed to be updated to deal with the demands of modern society. Essentially, that is what we have tried to do with the Bill.

The paper that we provided to the Committee contains a list of proposed amendments. I will group those and will speak to proposed amendments 1 to 4 and 12 to 15 together. Leaving proposed amendment 1 aside for the moment, I will concentrate on proposed amendments 2, 3, 4, 13 and 14, which all relate to the requirement to register an event at a prescribed place. We are trying to relax that requirement through the Bill. People will have to register in the prescribed way, but if we leave in a reference to a prescribed place, we will not have the flexibility that we want in respect of where vital events can be registered. We want people to be able to register those events at any registration office in Northern Ireland.

In two places in the Bill as it currently stands, we need to excise the reference to a prescribed place, and that is what proposed amendments 2 and 4 are about. Proposed amendment 2 refers to a prescribed place still being referenced in the Bill after a declaration of parentage has been achieved, and proposed amendment 4 refers to a prescribed place following an inquest. If those two elements are removed, the Bill will be consistent in all parts in relation to geographical location. Proposed amendments 13 and 14 are technical in that they refer to the last section of the Bill and list those two elements as repeals. So, proposed amendments 13 and 14 follow from proposed amendments 2 and 4. Proposed amendment 3 is just a change in wording inserted by counsel.

There are three other technical amendments. Proposed amendment 1 follows on from a change in the Bill that was necessitated by the Human Fertilisation and Embryology Act 2008, which came into operation after our Bill had passed its First Stage. Proposed amendment 1 is a technical amendment that will change the phrasing in the Bill to be consistent with the Births and Deaths Registration (Northern Ireland) Order 1976, as amended by the Human Fertilisation and Embryology Act 2008.

Proposed amendment 12 is another technical amendment that deals with the use of the word “prescribed” and ensures that the Bill refers back to the original 1976 Order. It will mean that, when a fee is charged for commemorative certificates and that fee is prescribed, the meaning of prescribed is that which is referred to in the 1976 Order. Thus, all fees are referenced to the same piece of legislation.

The last technical amendment is proposed amendment 15, which refers to the Presumption of Death Act (Northern Ireland) 2009 in the long title of the Bill. As I will explain in a moment, that also has to be included in the long title because we are making amendments in foot of that particular piece of legislation.

Perhaps I should pause there.

The Chairperson:

Do members have any questions?

Dr Farry:

I have two questions; one may be quite simple, but the other may be extremely complicated. I apologise for not giving advance notice of that. First, will you explain the reasons for the delays around the Bill? I am conscious that it has been in the system for quite some time, and we are coming to it in the dying days of this Assembly.

Dr Caven:

We knew that legislation would be coming in. The Presumption of Death Act jumped over us as a priority and was taken before we could get to the next stage. We had to wait for that Act to go through its legislative process before picking this up. The 1976 legislation is quite complex, so we have spent quite a bit of time going through it to ensure that, when we come to the amendment stage, we have got everything in place that we need to have in place.

It is timely that we are bringing in the legislation now, because the computerisation of the registration records will allow us to do certain things in the Bill. We have spent the past year and a half getting those records into a state such that we can share the information with other Departments. As with any major government contract on computerisation, we were a bit nervous

at the start, but I am glad to say that it is going to come in on budget and on time in the next number of months.

Dr Farry:

Good. That was the easy question. This is the much more complex one; if you want to duck it and to reply in writing, you may. I am conscious that there is a potential small issue in relation to birth certificates arising from surrogacy. I stress that this is not based on the Elton John case of the past few weeks. I confess that I do not fully understand the issue, but I am aware that there is some interest in the potential difference in how a birth certificate is handled in the case of adoption compared with a situation in which there are surrogate parents, whether that is a man/woman, woman/woman or man/man situation. The issue has to do with how documents are modified and the parental rights in that situation. It has come to my attention only recently, and I wonder whether you are aware of that particular issue. It may affect only a small number of cases in Northern Ireland, but I am conscious that we get the chance to update the law perhaps once every 25 years, and it may be worth checking out.

Dr Caven:

We have not had any correspondence about that issue.

Mrs Annette Gilkeson (Northern Ireland Statistics and Research Agency):

No; we have not.

Dr Caven:

If it would be helpful, I will write to you about trying to establish whether there is a difference in how those things operate.

Dr Farry:

Yes. I think that the comparison relates to how things happen if a birth certificate is modified in the case of adoption and the various rights that exist around a surrogacy arrangement.

Dr Caven:

There are particular requirements and rules that attach to an entry in the adopted children's register and how those are cross-referenced. I think that what happens in same-sex male relationships, if there is a declaration of parentage —

Dr Farry:

It may not be a same-sex male couple; it could be two females or a husband and wife, depending on the context.

Dr Caven:

Right; we will do that.

The second set of amendments — proposed amendments 5, 6, 7 and 8 — relates to something that came up in Committee discussion. It was not contained in the Committee’s report, but we thought that it was worth including. It relates to requiring some further conditions, as the Registrar General may see fit, in respect of information sharing that is undertaken as a result of the Bill.

We anticipate that, in the fullness of time, other bodies such as the Identity and Passport Service will give us information from an application form that someone sends to a passport office and we will verify that against our systems. That will cut out the requirement for the individual to come to us for a copy of their birth certificate before applying for a passport and then to take it along to the passport office as part of the passport application process. The whole process will be streamlined. However, we may place additional requirements when we give information out. The proposed amendments will insert text at four places in the Bill to state that conditions may be attached before any information sharing takes places in relation to name changes, births and deaths, marriages and civil partnerships.

The Chairperson:

During the Committee Stage of the Bill, members heard representations from two groups, namely the Council of Irish Genealogical Organisations and the Association of Professional Genealogists in Ireland. Both organisations expressed some concern that access to information would be restricted, although the Department subsequently clarified the position when it advised the Committee that viewing of the full registration record would now be possible. Do those proposed amendments affect that position in any way? Have you consulted any of those key stakeholders?

Dr Caven:

No; they will not do that. The proposed amendments relate to the sharing of bulk data. It will

still be possible for individuals, in the full course of time, to see the historic records over the Internet — that is our next project — and to see any record at any registration office.

I move to the final set of amendments, which relates to the access to information in the register of presumed deaths. The Presumption of Death Act (Northern Ireland) 2009 came into operation at the end of that year and established a comprehensive court procedure for declaring that a missing person may be presumed dead. It provided the legal authority for the Registrar General to register the presumed death of a missing person in a register of presumed deaths. So, a new register was created for us by virtue of the legislation, and these amendments will apply the same provisos that relate to the register of births and deaths to the register of presumed deaths. It makes the Bill consistent in all its clauses.

The Chairperson:

Are there any cost or equality implications of those amendments?

Dr Caven:

No.

The Chairperson:

OK. I thank you both for answering questions. Is it possible for the Committee to get the information that Stephen requested by next week?

Dr Caven:

I will try to get that to you in the next day or two.

Dr Farry:

I will ask some of the groups to write to you to outline the issues, so that you know what I am talking about.

Dr Caven:

We will try to send you something on what we think it is about and can clarify it thereafter.

The Chairperson:

Thank you.