

EXPLANATORY MEMORANDUM TO
CIVIL REGISTRATION REGULATIONS (NORTHERN IRELAND) 2012
SR 2012/408

1. Introduction

- 1.1. This Explanatory Memorandum has been prepared by the Department of Finance and Personnel to accompany the Statutory Rule (details above) which is laid before the Northern Ireland Assembly.
- 1.2. The Statutory Rule is made under Articles 10(1) & (4), 11(1), 12(1), 14(3), 14ZA(3), 15(3), (6), (7) & (9), 16(1) & (2), 18(2), 19(2), 19A(2), 21(1) & (5), 23(1), 25(2), 29(1) & (2), 30(1), 31(2), 32, 34A(1), 35(2) & (3), 36(3), 37(3), (4) & (4B), 39, 40, 40A and 40B(2) of the Births and Deaths Registration (Northern Ireland) Order 1976, Article 50(4) of the Adoption (Northern Ireland) Order 1987, Article 35(5) and 35A(2) of the Marriage (Northern Ireland) Order 2003, Section 155A(2) and 159 of the Civil Partnership Act 2004, paragraph 3A(1) of Schedule 1 to the Presumption of Death Act (Northern Ireland) 2009 and section 31(2) of the Civil Registration Act (Northern Ireland) 2011 and is subject to the negative resolution procedure.

2. Purpose

- 2.1. The regulations are secondary legislation as a result of the Civil Registration Act (Northern Ireland) 2011. The Act amended and introduced new provisions to a range of Northern Ireland registration legislation. The purpose of the new Regulations is to modernise the civil registration service in order to provide a registration service that meets the needs of today's society. The opportunity is also being taken to provide a consolidated set of Regulations in order to include the new provisions and take on board the amendments that have been made over the years to the original regulations the Registration (Births, Still-Births & Deaths) Regulations (Northern Ireland) 1973.

3. Background

- 3.1. Civil registration has a vital role in securing and protecting basic human rights. The records provide an individual with a name and identity in society, a facility for marriage or civil partnership, evidence of parentage and evidence of entitlement to inheritance. The information gathered can be analysed to provide valuable statistical information for medical and social research, for example birth and death rates, causes of deaths, infant mortality and generally information about the health and social well being of people in the community.
- 3.2. The civil registration system required reform to respond more appropriately to the changing needs of society and the first step in this process was the introduction of the Civil Registration Act (Northern Ireland) 2011. The Act enables a more flexible legislative framework for civil registration which will provide for improved service delivery, better access to services and information and the introduction of new and more

responsive services through the use of information technology. The Act was passed by the Assembly on 21 March 2011 and received Royal Assent on 3 May 2011. The initial powers in the Act which did not require subordinate legislation, came into operation on 3 October 2011 and are proving successful with citizens registering births and deaths in Northern Ireland.

4. Consultation

- 4.1. No consultation has been carried out in relation to the Regulations but two previous consultation papers, the latest in 2006 and entitled 'Civil Registration in the 21st Century, Modernising a Vital Service', sought views from the public on the system for registering births and deaths in Northern Ireland and explained why change was necessary to civil registration if the expectations of the citizen, government and society were to be met.
- 4.2. Respondents to the consultation paper supported a more responsive service with more choice in ways to register vital events, the provision of additional services and increased availability of and use of electronic information.

5. Equality Impact

- 5.1. An equality screening of the Regulations has been conducted and it has been concluded that a full EQIA is not necessary.

6. Regulatory Impact

- 6.1. In line with current guidelines a partial regulatory impact assessment has been carried. The assessment in relation to the introduction of the Regulations indicated that there will be no costs to businesses, charities, social economy enterprises or the voluntary sector.

7. Financial Implications

- 7.1. The majority of service changes can be met without placing any additional burden on the public purse or the general public as appropriate fees would cover the changes to the services.

8. Section 24 of the Northern Ireland Act 1998

- 8.1. It is the view of the Department that these regulations are compatible with section 24 of the Northern Ireland Act 1998.

9. EU Implications

- 9.1. There are no EU implications.

10. Parity or Replicatory Measure

- 10.1. The Civil Registration Regulations apply only to Northern Ireland. The provision of the civil registration service is a devolved issue with each jurisdiction operating under its own legislation. There is not parity in registration processes or operational dates in relation to Northern Ireland, England and Wales and Northern Ireland.

11. Additional Information

- 11.1. Not applicable.