

**EXPLANATORY MEMORANDUM TO
THE REGISTRATION OF BIRTHS AND DEATHS (ELECTRONIC
COMMUNICATIONS AND ELECTRONIC STORAGE) ORDER 2006**

2006 No. 2809

1. This explanatory memorandum has been prepared by the Office for National Statistics and is laid before Parliament by Command of Her Majesty.

2. Description

2.1 This Order amends the Births and Deaths Registration Act 1953 to allow for the electronic communication and storage of copies of records of births, still-births and deaths. The amendments will enable local registration officers to transmit the copies to the Registrar General electronically and allow the Registrar General to use those copies in the same way as paper copies.

3. Matters of special interest to the Joint Committee on Statutory Instruments

3.1 None.

4. Legislative Background

4.1 This Order is made under sections 8 and 9 of the Electronic Communications Act 2000, which enable Ministers to modify any enactment for the purpose of authorising or facilitating the use of electronic communications.

4.2 Sections 26 and 27 of the Births and Deaths Registration Act 1953 (the 1953 Act) require copies of the entries in the birth and death registers to be prepared and certified quarterly and sent to the General Register Office (GRO). These copies form the central record from which certificates may be issued by the GRO on payment of a statutory fee. This Order amends the 1953 Act to enable registrars to certify electronically the records they have created as true copies of the entries in their registers and to send electronic copies to the GRO instead of paper copies.

4.3 The Order also makes minor consequential amendments to Sections 13, 28 and 30 of the 1953 Act.

5 Extent

5.1 This Order applies to England and Wales.

6 European Convention on Human Rights

6.2 The Chancellor of the Exchequer is satisfied that this Order complies with the Government's obligations under the European Convention on Human Rights.

7 Policy Background

- 7.1 In November 2005 a consultation paper “Registration Modernisation” was published containing proposals for giving local authorities greater responsibility and accountability for the delivery of the local registration service in England and Wales. The consultation paper also included proposals to modernise civil registration. Around 150 responses were received to the consultation paper from local authorities, registration officers, specific interest groups, national and regional groups and representative organisations. On 25 May this year, as a result of the positive response to the proposals contained in the consultation document, the Financial Secretary to the Treasury, the Minister responsible for the Office for National Statistics, of which the General Register Office is a part, announced in the House of Commons that the Government intended to press ahead with the proposed changes.
- 7.2 At present information for birth and death registration is collected electronically using locally run computer programs supplied and supported by the General Register Office (GRO). The information collected by registrars is sent to GRO periodically both on disk and in paper form but only the paper copies of the records may be used by GRO to produce certificates. The current system requires software to be installed and run on a variety of local servers and internal networks. This structure makes changes difficult to deliver and co-ordinate and maintenance cumbersome if problems arise. Other organisations have introduced web based systems for comparable processes and GRO intends to move in the same direction. Once the electronic records have been certified in this way and delivered electronically to the GRO they will be able to be used to produce certificates by GRO. The paper registers containing the original signatures of those who register births and deaths will continue to be available at local register offices.
- 7.3 The local IT application system will therefore be replaced over the next year by a web based system. This will enable registrars to enter details of birth and death registration on-line, and allow local printing of individual register pages and certificates. This will speed up the registration process and deliver improved customer service, whilst maintaining the quality and integrity of the information provided by the parent(s) of a new born child and the bereaved. This Order will enable the web based registration of birth and deaths system to be used efficiently.
- 7.4 The Order does no more than allow for the electronic delivery of records to the GRO and for their electronic storage. The Order does not itself widen the use the GRO can make of the information in the records, which remains subject to the existing statutory access regime. Because of the minor impact of the Order itself the Chancellor of the Exchequer has chosen to use the negative resolution procedure. The way in which some of the information is used is however being altered by proposals in the Police and Justice Bill currently before Parliament.

The proposed extension of the use of that information is therefore being subjected to the longer Parliamentary processes involved in a public bill.

8 Impact

8.2 No Regulatory Impact Assessment has been prepared for these amendments as they have no impact on the private or voluntary sector.

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