

EXPLANATORY MEMORANDUM TO
THE BIRTHS, DEATHS AND MARRIAGES (RECORDS AND FEES)
(AMENDMENT) REGULATIONS 2020

2020 No. 1093

1. Introduction

- 1.1 This explanatory memorandum has been prepared by the Home Office and is laid before Parliament by Command of Her Majesty.

2. Purpose of the instrument

- 2.1 This instrument enables the Registrar General for England and Wales to introduce a new service to allow applicants to view civil registration records (birth, death or marriage entries) online and to charge a fee per view. This instrument also enables the Registrar General to provide civil registration records in electronic formats other than (as at present) only portable document format.
- 2.2 The instrument also provides for a fee relating to a priority (expedited) service, for a Superintendent Registrar within the local registration service, for the issuing of a marriage certificate.

3. Matters of special interest to Parliament

Matters of special interest to the Joint Committee on Statutory Instruments

- 3.1 None.

Matters relevant to Standing Orders Nos. 83P and 83T of the Standing Orders of the House of Commons relating to Public Business (English Votes for English Laws)

- 3.2 As the instrument is subject to negative resolution procedure there are no matters relevant to Standing Orders Nos. 83P and 83T of the Standing Orders of the House of Commons relating to Public Business at this stage.

4. Extent and Territorial Application

- 4.1 The territorial extent of this instrument is England and Wales.
- 4.2 The territorial application of this instrument is England and Wales.

5. European Convention on Human Rights

- 5.1 As the instrument is subject to negative resolution procedure and does not amend primary legislation, no statement is required.

6. Legislative Context

- 6.1 The Deregulation Act 2015 inserted provisions into the Births and Deaths Registration Act 1953, the Marriage Act 1949 and the Civil Partnership Act 2004 to allow for regulations to be made which enable birth, death, marriage and civil partnership information to be released in ways other than in the form of a certified paper copy (a certificate). The first use of the powers was to allow registration information relating to births, deaths, marriages and civil partnerships to be provided in portable document

format (PDF) under the Births, Deaths, Marriages and Civil Partnerships Records Regulations 2016 (SI 2016/980) and the Civil Partnership Records Regulations 2016 (S2016/981). This instrument amends the Births, Deaths, Marriages and Civil Partnerships Records Regulations 2016 and is the second use of the powers inserted by the Deregulation Act 2015 into the Births and Deaths Registration Act 1953 and the Marriage Act 1949.

- 6.2 This instrument also amends the Births, Deaths, Marriages and Civil Partnership (Fees) Regulations 2016, which sets out some of the services provided by the Registrar General and other registration officials who also provide civil registration services and the associated fees.

7. Policy background

What is being done and why?

- 7.1 The Registrar General for England and Wales is responsible for the system of civil registration and, through the General Register Office for England and Wales (GRO), maintains a central record of registration events. This instrument enables GRO to provide an online digital image of copies of civil registration records held by the Registrar General. It is intended that applicants will be able to view the record immediately upon payment of the required fee. This service will be an alternative to the current service of providing PDF or paper certificates within a longer time frame. Currently, paper certificates by priority service are provided on the next working day from receipt of application, if received before 4pm, and by standard service on the fourth or fifteenth working day from receipt of application (depending on whether a GRO index reference has been supplied – the number used to find the entry). PDF copies are provided on the fourth working day from receipt of application.
- 7.2 The Online View service (OV) will be the first-time applicants will be able to view a record of a registration event within England and Wales via an automated ‘self-service’ system accessed through GOV.UK or the General Register Office website. The image provided will be an unmanipulated digital extract of the register entry showing only the entry that has been requested. The service will be offered for historic births and death records (historic is defined as 100 years for births and 50 years for deaths) to test demand and to assess the impact on the current business model, with a view to releasing other historic records as and when they are available in a digital format. The fee for this service will be £2.50 per view.
- 7.3 The intention of introducing OV is to offer customers a cheaper alternative, for example, to family historians who simply wish to know the content of a civil registration record for genealogical purposes without requiring a certified paper copy. Any copies of a civil registration record made from an online view will not be acceptable for use as evidence or verification of an event e.g. when applying for a passport or a government benefit, as a copy would not contain the security features which are present on paper certified copies (“certificates”). This will be made clear to those accessing OV.
- 7.4 OV builds on what was successfully achieved through the introduction of the PDF service. The impact of OV on the existing PDF service will be monitored, as the expectation is for OV to cannibalise PDF service applications due to its lower cost, speed and reliance on the same record set. If this occurs to a point that the PDF

service is deemed no longer viable, a review will take place to establish whether to continue to offer the PDF service.

- 7.5 These Regulations will also make amendments to the Births, Deaths, Marriages and Civil Partnership (Fees) Regulations 2016 (the Fees Regulations) to enable a Superintendent Registrar to provide a priority (expedited) service for the issuing of a marriage certificate on or before the next working day for a fee of £35. This aligns with other similar powers to charge for priority certificate services offered by a Superintendent Registrar for births, deaths and civil partnerships, which were inserted into the Fees Regulations in 2018.

8. European Union (Withdrawal) Act/Withdrawal of the United Kingdom from the European Union

- 8.1 This instrument does not relate to withdrawal from the European Union / trigger the statement requirements under the European Union (Withdrawal) Act.

9. Consolidation

- 9.1 The regulations being amended by this instrument have already been amended to consolidate fees for the PDF service into the Fees Regulations. There are no current plans to further consolidate the regulations.

10. Consultation outcome

- 10.1 No consultation has taken place for the OV service; however, this new service uses the same record sets (birth, deaths and marriages) as the PDF service. The PDF service was the first time that GRO used the powers set out in section 6.1 above to provide registration information in a form other than a certificate, with the PDF being an electronic copy of birth, death, marriage and civil partnership records. During the introduction of the PDF service, GRO consulted with its customers by way of an online questionnaire. Feedback was positive and suggested that a low-cost speedier service would be broadly welcomed, building on the PDF service.

11. Guidance

- 11.1 Guidance on how to access the OV service will be published on www.gov.uk website at launch of the service.

12. Impact

- 12.1 There is no, or no significant, impact on business, charities or voluntary bodies.
- 12.2 There is no, or no significant, impact on the public sector.
- 12.3 A full Impact Assessment is submitted with this memorandum and published alongside the Explanatory Memorandum on the legislation.gov.uk website.

13. Regulating small business

- 13.1 The legislation applies to activities that are undertaken by small businesses and is expected to be positive due to the lower price point and faster turnaround times, compared to the PDF service.
- 13.2 No specific action is proposed to minimise regulatory burdens on small businesses.

13.3 The basis for the final decision on what action to take to assist small businesses is that the OV service offers an alternative to purchasing a certificate or PDF. It doesn't introduce new burdens on small businesses. There has been no specific consultation undertaken for the 'online view' of historic records, however GRO ran several pilots to test the feasibility and demand for the PDF service. Pilot 1 made PDFs available using the same record set (digital historic records) as would be available for online view. The results of the informal consultation for the PDF service summarised that small businesses and customers welcomed a more expedited, cheaper alternative to purchasing a certificate or PDF.

14. Monitoring & review

14.1 The approach to monitoring of this legislation is that it will be reviewed internally after 6 months from the implementation date. The review will include an assessment of application volumes for the OV service to establish its viability; and, a review of the impact of the OV service on the existing PDF service.

15. Contact

15.1 Dave Crompton at the Home Office, Telephone: 03001042008 or email: david.crompton@gro.gov.uk can be contacted with any queries regarding the instrument.

15.2 Sarah Ward, Deputy Director for Civil Registration Reform, at the Home Office can confirm that this Explanatory Memorandum meets the required standard.

15.3 Kevin Foster MP at the Home Office can confirm that this Explanatory Memorandum meets the required standard.