

## **Chapter 9 - Improving choice in the registration system**

### **The Local Electoral Administration and Registration Services (Scotland) Act 2006**

#### **Introduction**

In 2000 and 2005, the Registrar General for Scotland consulted widely about how the civil registration system in Scotland could be improved. The two consultation documents<sup>1</sup> were issued in preparation for an opportunity to amend the legislation on the civil registration system, which dated from 1965. That opportunity came in the form of Part 2 of the Local Electoral Administration and Registration Services (Scotland) Act 2006 - the 'LEARS Act' for short. The text of the Act is at:

[http://www.opsi.gov.uk/legislation/scotland/acts2006/asp\\_20060014\\_en\\_1](http://www.opsi.gov.uk/legislation/scotland/acts2006/asp_20060014_en_1)

Most of the provisions in the LEARS Act came into force on 1 January 2007. So this is an early examination of the impact of the changes on customers of the registration service.

#### **The registration service in Scotland**

The registration service in Scotland is provided by a partnership of the Registrar General for Scotland's department – the General Register Office for Scotland (GROS), which is part of the devolved Scottish Administration – and the 32 local authorities. Local registrars work for the local authorities, which are responsible for recruiting and employing staff, for accommodation and for equipment. But their registration work is governed by instructions and guidelines set by the Registrar General under the Registration of Births, Deaths and Marriages (Scotland) Act 1965 – 'the 1965 Act'. Arrangements for marriage preliminaries and the solemnisation of civil marriages are governed by the Marriage (Scotland) Act 1977. Arrangements for civil partnership preliminaries and the registration of civil partnerships are governed by the Civil Partnership Act 2004. The LEARS Act made a number of amendments to these Acts but has not changed that basic framework.

<sup>1</sup> 'Civil Registration in the 21<sup>st</sup> Century – a consultation paper from the Registrar General of Births, Deaths and Marriages for Scotland', 2000 and 'Registration Services (Scotland Bill) – a consultation paper about proposed legislation from the Registrar General of Births, Deaths and Marriages for Scotland', 2005. Copies available from GROS on request.

## **Changes to allow births and deaths to be registered at any registration office**

### *Background*

Before the LEARS Act, there were 230 Registration Districts (RDs) in Scotland. Some of the RDs matched the area covered by one of the 32 local authorities (a large example was the City of Glasgow; a smaller one Clackmannanshire). More often, a local authority was responsible for more than one RD. In some cases, because of local authority boundary changes, a single RD overlapped a local authority boundary and included part of the territory of an adjacent authority. It was not always obvious to the citizen where the birth of a baby should be registered or in which RD the death of a relative had occurred. The LEARS Act provided that each local authority area would be a single RD. This helped to avoid confusion and also it set the scene for the more radical change of allowing informants to attend any Scottish registration office to tell the registrar about a birth or death in Scotland. No change was needed in the law on marriages and civil partnerships, which already allowed couples to choose a location in any RD in Scotland.

Before the LEARS Act, people had the limited choice of registering a birth in the RD where the birth occurred or - if this was different - in the RD where the child's mother was usually resident. This option was important where a mother was well enough to take her new baby back to her home in another area after only a day or so in hospital, perhaps before the baby's name was chosen. The 2 registrars made cross-indexing arrangements, so that the entry in the birth register could readily be found. Similar restrictions applied to the registration of deaths: a death had to be registered in the RD in which the person had died or in the RD where the deceased person had usually resided.

A change by the LEARS Act (from 1 January 2007), plus a new computerised registration system, allowed a birth or a death to be registered in any Scottish RD, which is more convenient in today's society. The remainder of this part of the Chapter looks at the extent to which, even already, it is possible to measure whether customers of the registration service have been exercising this choice.

### **Measuring the impact of the changes**

The entries in the registers of births and deaths record the RD at which the birth or death was registered. The entries also record the postcode of the place where the event occurred and the child's mother's usual residence (for a birth) or the usual residence of the deceased. GROS also holds a list of postcodes that relate (or related in previous years) to each RD. So it is possible to identify birth and death registrations where people were choosing to register a birth or a death in an RD where, before the LEARS Act came into effect, such a registration would not have been permitted (except with special permission which, in 2006, was given only for 9 births and 27 deaths).

## 'Gains' versus 'losses'

Table 9.1 shows the total number of births and deaths registered in each local authority area in 2008. It also shows the number, and percentage, of registrations where the local authority area of registration did not match the local authority area where the event could, before the LEARS Act, have been registered. Around 5 per cent of births and deaths in Scotland in 2008 were registered 'outwith the normal local authority area'. There is wide variation across the local authorities, ranging from less than 1 per cent in the Orkney and Shetland Islands to 31 per cent in East Renfrewshire and East Dunbartonshire.

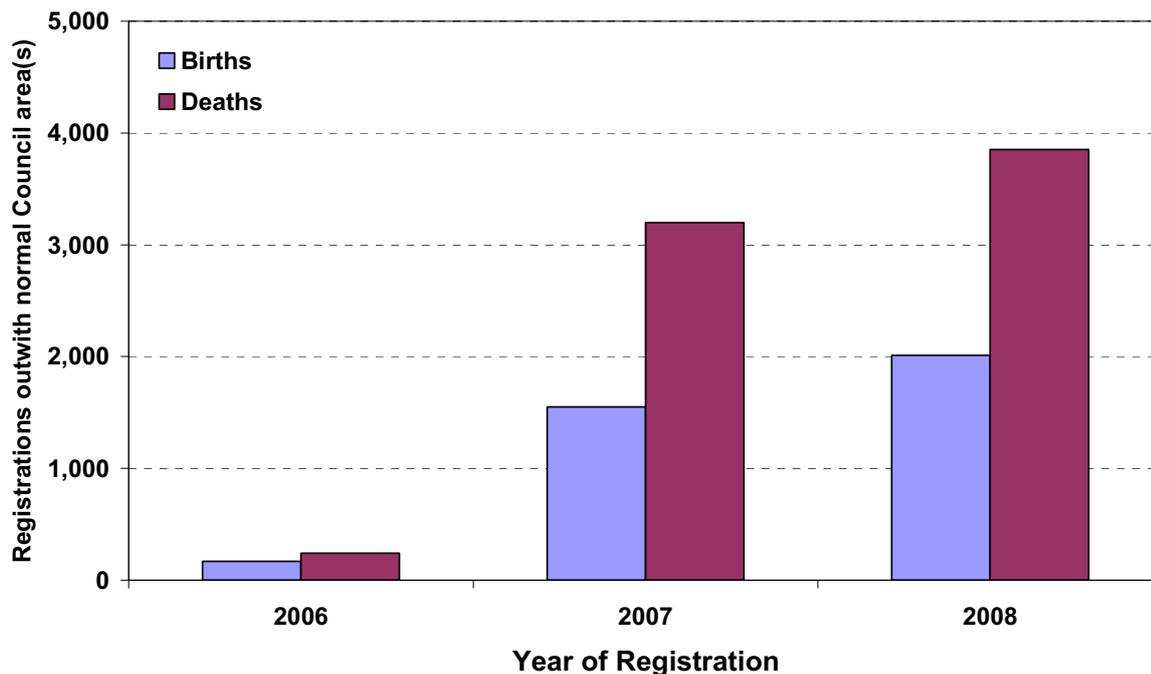
**Table 9.1 Registrations of births and deaths in alternative local authority areas, 2008**

Council area in which birth/death was registered	All birth/death registrations <sup>1</sup>	Cases where local authority of registration did not match that of residence or event occurrence	
		Number	Percentage
Aberdeen City	5,320	165	3%
Aberdeenshire	4,317	114	3%
Angus	2,241	144	6%
Argyll & Bute	1,881	50	3%
Clackmannanshire	1,081	61	6%
Dumfries & Galloway	3,215	42	1%
Dundee City	4,164	78	2%
East Ayrshire	2,732	57	2%
East Dunbartonshire	2,577	794	31%
East Lothian	2,195	149	7%
East Renfrewshire	2,357	739	31%
Edinburgh, City of	9,870	248	3%
Eilean Siar	606	5	1%
Falkirk	3,542	100	3%
Fife	8,077	133	2%
Glasgow City	12,128	167	1%
Highland	4,806	51	1%
Inverclyde	1,853	49	3%
Midlothian	1,537	113	7%
Moray	1,901	42	2%
North Ayrshire	2,977	65	2%
North Lanarkshire	7,675	315	4%
Orkney Islands	432	2	0%
Perth & Kinross	2,806	80	3%
Renfrewshire	4,180	318	8%
Scottish Borders	2,428	163	7%
Shetland Islands	475	0	0%
South Ayrshire	2,511	130	5%
South Lanarkshire	7,253	681	9%
Stirling	1,809	55	3%
West Dunbartonshire	2,902	644	22%
West Lothian	3,893	111	3%
<b>Scotland</b>	<b>115,741</b>	<b>5,865</b>	<b>5%</b>

<sup>1</sup> 'all registrations' includes very small fraction where Council area of residence or occurrence was not known

The number of registrations 'outwith the normal local authority area' in 2007 was 4,748 and was 5,865 in 2008. This is shown in Figure 9.1 and Table 9.2. It is clear from the jump between 2006 and 2007 that, since the LEARS Act came into force, the number of registrations 'outwith the normal local authority area' has increased markedly for births and deaths. The 2006 figures represent the small numbers of cases where special permission was given or where there was a data error which could not be identified at the time (for example, the post-code had been entered incorrectly).

**Figure 9.1 Registrations of births and deaths outwith normal local authority area in Scotland, 2006-2008**

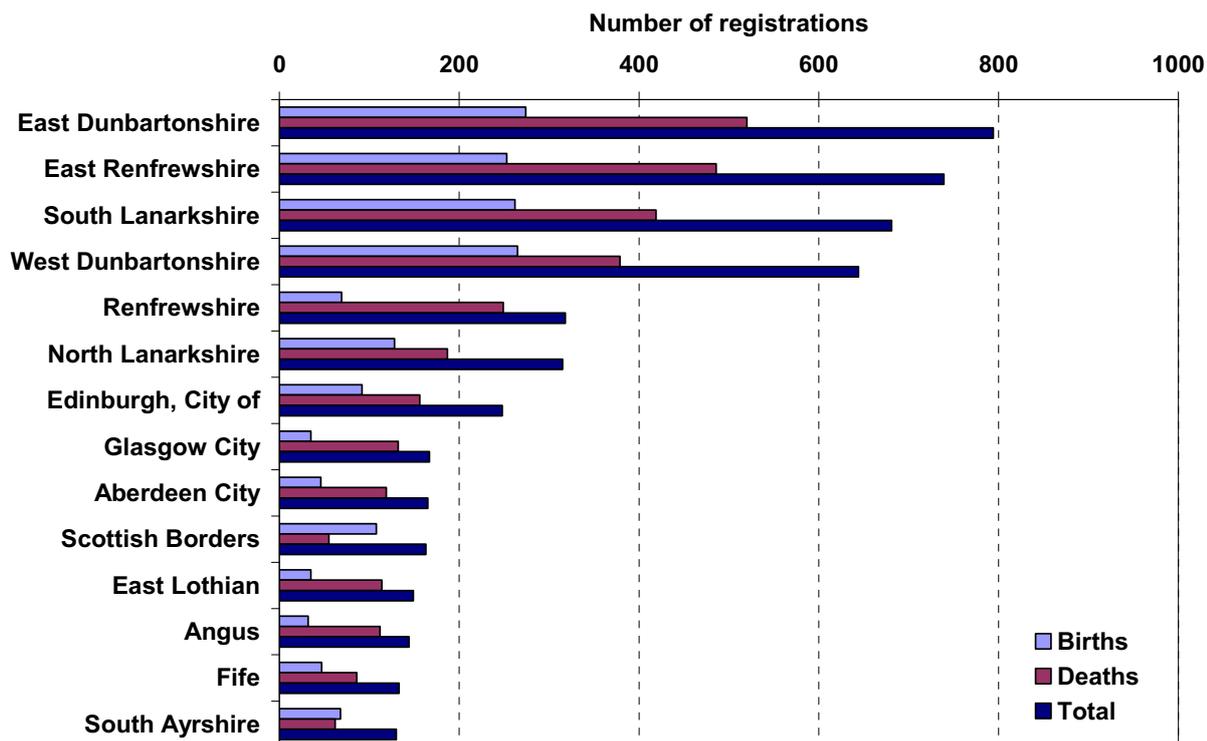


**Table 9.2 Registrations of births and deaths outwith normal local authority area in Scotland, 2007-2008**

	Registered in different local authority area from residence of occurrence		All registrations	
	2007	2008	2007	2008
<b>Births</b>	1,550	2,012	57,781	60,041
<b>Deaths</b>	3,198	3,853	55,986	55,700
<b>Both</b>	4,748	5,865	113,767	115,741

Figure 9.2 illustrates the 14 local authorities that had at least 130 registrations ‘outwith the normal local authority area’. Four local authorities stand out: East Dunbartonshire, East Renfrewshire, West Dunbartonshire and South Lanarkshire. All registered more than 600 such events. In the first three local authorities, the average ‘gain’ in 2008 was 28 per cent of all registrations of births and deaths. The registrations ‘outwith the normal local authority area’ in both East Dunbartonshire and East Renfrewshire amounted to 31 per cent of the total births and deaths registered there. The top six local authorities listed in Figure 9.2 are the local authorities bordering Glasgow City.

**Figure 9.2 Local authorities which gained a significant number of registrations from other local authority areas 2008**



While some local authorities ‘gained’ registrations as a result of the change, others ‘lost’. It is possible to plot births and deaths registered ‘outwith the normal local authority area’ against the local authorities where it would previously have been expected that the events would have been registered. In most cases, the local authority area of occurrence is the same as the local authority area of residence, so patterns of registrations ‘outwith the normal local authority area’ are similar whether data based on local authority area of occurrence or residence are examined.

Table 9.3 looks at data based on local authority area of occurrence, and summarises the larger flows of registrations to alternative local authorities. There appear to be three forms of flow of registrations between local authorities. The first is where there is a large flow away from one local authority to one or more other local authorities, with relatively little in the way of a return flow. The clearest example of this is where Glasgow City has lost 2,710 events to 6 other local authorities (East Dunbartonshire, East Renfrewshire, North Lanarkshire, Renfrewshire, South Lanarkshire and West Dunbartonshire), and gained, in total, only 107 events from them. The second form is where a local authority has lost registrations to another but has also gained a broadly similar number of registrations from that other authority. For example, there is a two-way flow of registrations between North Lanarkshire and South Lanarkshire, with North Lanarkshire receiving 148 events from South Lanarkshire and with South Lanarkshire receiving 62 events from North Lanarkshire. Aberdeen City and Aberdeenshire have a similar pattern. Lastly, there are more complicated mixtures of flows, such as the City of Edinburgh, which lost some registrations to East Lothian, Midlothian and West Lothian but also received some registrations from Midlothian (which in turn also lost some registrations to Scottish Borders).

**Table 9.3 Flow of registrations between selected local authorities, 2008**

		Local authority area in which the birth/death was registered													
		Aberdeen City	Aberdeenshire	East Dunbartonshire	East Lothian	East Renfrewshire	Edinburgh, City of	Glasgow City	Midlothian	North Lanarkshire	Renfrewshire	Scottish Borders	South Lanarkshire	West Dunbartonshire	West Lothian
Local authority area in which the birth/death occurred	Aberdeen City		82	1	1	2	1	3	.	.	.	.	.	.	.
	Aberdeenshire	145		.	1	.	2	2	.	.	.	1	1	.	.
	East Dunbartonshire	.	.		.	5	.	20	.	14	2	.	3	15	1
	East Lothian	.	.	.		.	40	3	10	2	1	4	.	2	.
	East Renfrewshire	.	.	2	.		1	16	.	1	10	.	11	1	1
	Edinburgh, City of	2	2	1	105	.		4	88	4	2	8	2	2	76
	Glasgow City	1	2	680	1	639	10		1	75	206	.	568	542	2
	Midlothian	.	.	.	16	.	53	.		.	1	52	1	.	3
	North Lanarkshire	1	1	37	.	4	5	25	.		2	1	62	3	6
	Renfrewshire	.	.	10	.	32	1	15	1	3		.	2	14	.
	Scottish Borders	.	1	.	13	.	11	1	7	.	.		2	1	1
	South Lanarkshire	.	2	4	.	31	4	35	3	148	6	6		3	2
	West Dunbartonshire	.	.	25	.	2	.	6	.	.	2	.	.		.
	West Lothian	.	.	.	3	.	47	2	1	9	1	4	3	1	

## Observations

So people who are registering a birth or death are taking advantage of the new flexibility given by the LEARS Act. It may be that the family has links with a particular area of Scotland and wishes to have the event registered there. Or it may simply be more convenient to call at a particular registration office.

There appears to be some difference between birth and death registrations. Although there are similar numbers of events, the number of deaths registered in 2007 and 2008 in a local authority which would not have been permitted before the LEARS Act were about double those for birth registrations. This may be because, when a child is born in a maternity hospital, the child's mother is given a card by the maternity unit. The card lists the baby's details but also gives the address of the local registration office. From this, it may not be immediately obvious to the new parents that they have a wider choice. This is an action point that GROS will take up with local authorities, who print the cards. Additionally, there is anecdotal evidence that funeral directors are making it known to the relatives of deceased that there is now increased choice about where to register deaths.

### Changes to change of name procedures

In Scotland, it has always been relatively easy for people to change their forename(s) and/or surname. The Registrar General simply makes a new entry in the birth register, annotating the previous entry to create a link to the new name. Details can be found on the GROS website at:

<http://www.gro-scotland.gov.uk/regscot/change-of-name.html>

Before the LEARS Act, it was necessary for an applicant to provide documentary proof that he or she had used the proposed new name for a period of at least 2 years. The LEARS Act amended the 1965 Act to remove that 2 year time limit, so allowing anyone whose birth has been registered in Scotland to apply to the Registrar General to record an immediate change of forename or surname. A new birth certificate issued after the change shows the new name, together with the former name, for purposes of continuity.

This change of procedure came into effect on 1 January 2007. There has been a considerable increase in demand for changes of name, most likely because of this change. Table 9.4 shows the number of applications for change of name before and after this part of the LEARS Act came into force.

**Table 9.4 Applications for change of name, 2005-2008**

<b>Year</b>	<b>2005</b>	<b>2006</b>	<b>2007</b>	<b>2008</b>
<b>Number</b>	3,537	3,353	4,962	4,630

Between 2006 and 2007 there was a 48 per cent increase in applications. While demand reduced slightly in 2008, it was still at a much higher level than before the change enabled by the Act.

## **Marriage at sea**

Marriage in Scotland is governed by the 1977 Act. It created two categories of marriage – religious and civil. It allowed religious marriages to be celebrated at any location that meets the requirements of the religious minister. Civil marriages had to be solemnised at registration offices until June 2002, when the Marriage (Scotland) Act 2002 allowed them to be solemnised by registrars in a wide range of approved places, including on vessels. Marriage on board a vessel at sea between two places sometimes led to difficulty in deciding the exact RD in which the marriage was solemnised. The LEARS Act amended the 1977 and 2002 Acts to allow religious and civil marriages to be solemnised on vessels in Scottish waters. The LEARS Act refers to ‘Scottish waters’ as defined in the Scotland Act 1998 and set the meaning of ‘vessel’.

The new powers came into force on 1 January 2007 and, by 31 May 2009, 3 religious marriages and 3 civil marriages had been carried out in ‘Scottish waters’. The LEARS Act also amended the 2004 Act to provide similar arrangements for civil partnerships, although the new power has not yet been used.

## **Book of Scottish Connections**

The LEARS Act allows the Registrar General to record certain events in a new register known as the ‘Book of Scottish Connections’ (BSC). In some circumstances and in certain countries, people with a Scots connection were previously able to arrange through the local British Embassy or High Commission for a birth, death or marriage abroad to be recorded in the register held by the Registrar General in Edinburgh, who is thereafter able to issue an official copy, in English, of the entry in the foreign register. The event has first to be registered with the civil registration authorities of the country in question. The BSC offers, for a fee of £40, the option for Scots abroad to apply directly to the Registrar General to add to the records held in Edinburgh a copy of any suitably authenticated entry in a statutory register outwith Scotland, where the subject of the entry has or had a connection with Scotland, to be preserved a part of the family history record.

The events which can be recorded on the BSC are a birth, death, marriage or divorce, formation or dissolution of a civil partnership (or an equivalent overseas relationship). A person qualifies to record a birth if a parent or grandparent of the child was born in Scotland or if the BSC already records an event relating to a parent or grandparent. A person qualifies for the other events if born in Scotland or normally resident in Scotland at the time of the event. A copy of an entry made in the BSC can be purchased and the entry will form part of the family history records held and made accessible to the public by the Registrar General. Details can be found on the GROS website at:  
<http://www.gro-scotland.gov.uk/regscot/book-of-scottish-connections.html>

The BSC was opened to applications on 5 January 2009 as part of Homecoming 2009 and was formally launched on 6 February 2009 by Jim Mather MSP, Minister for Enterprise, Energy & Tourism, when the first entry in the BSC was celebrated. By 31 May 2009, 9 events had been recorded in the BSC: 2 deaths, 4 births, 2 marriages and 1 civil partnership.

## **Abbreviated extract from the death register**

Section 44 of the LEARS Act introduced an abbreviated extract from the death register, in addition to the equivalent extract for births which had been authorised by the 1965 Act. An abbreviated extract is issued free of charge by the local registrar at the time of registration of the birth or death. Subsequently, abbreviated or full extracts, can be purchased for a fee. A full extract from the register of deaths shows the full entry on the page of the public register, omitting nothing. In some circumstances, the deceased's executors may wish to have an official document attesting to the fact and date of the death, but leaving out (possibly embarrassing) details of the cause of death. The new abbreviated extract from the death register can be used for purposes such as closing a bank account where the bank manager has no need to know the cause of death of the account-holder. An abbreviated extract from the death register would have been issued free of charge for each of the 55,986 deaths registered in 2007 and 55,700 deaths registered in 2008.

## **Provision of registration information**

### Provision of registration information to public bodies

Section 56 of the LEARS Act allows the Registrar General to provide registration information to public bodies and office-holders. To some extent that had previously been allowed under the 1965 Act. The Registrar General could exchange data concerning all births or deaths in Scotland with the National Health Service and could notify deaths to the Department for Work and Pensions as well as to local authority tax departments. Otherwise, the basic information involved in birth, death or marriage registration, though publicly available, was not automatically passed on to other parts of government, even at the citizen's request. So, in the interests of convenience for the citizen and of efficiency of public administration, the new provision in section 56 allows for birth, death, marriage and civil partnership details already visible publicly on the registers to be supplied to any relevant government body. Examples could be the departments interested in family tax credit, driving licence and passport records, benefits, income tax and student loans. This service was designed to allow public bodies to make specific requests for information, which would be provided on payment of a fee to cover costs. GROS is in discussion with a number of public bodies such as Disclosure Scotland and HM Revenue and Customs about introducing arrangements on these lines.

### Notification of registration events to private sector bodies

A new section 39A was inserted in the 1965 Act by the LEARS Act. This allows the Registrar General, for a fee, to give official notification of a birth, death, marriage, civil partnership or change of name to nominated private-sector bodies (insurance firms, banks, solicitors, utility firms etc). It must be triggered by a qualified informant (in the case of a birth or death), a party to a marriage or civil partnership, or in the case of a change of name, the person concerned. The request for this service will most likely be made to the local registrar when registering a birth or death or when submitting notice of intention to marry or to enter into a civil partnership. This is a new service, which has not yet been implemented. GROS is exploring with interested parties how to offer this service – probably by sending an electronic copy of the entry in the register, as an alternative, or in addition to, a paper extract from the register.

## Disclosure of Death Registration Information scheme

Section 44 of the LEARS Act allowed the provision of death registration information to third parties. GROS is using this new power to contribute to the Disclosure of Death Registration Information (DDRI) scheme. The scheme was opened to applications on 16 January 2008. Its primary objective is to facilitate the detection and prevention of "impersonation of the deceased" fraud. Making death registration data available to organisations that process financial information makes it harder for fraudsters to take on the identities of people who have died. The service is provided by the three UK Registrars General (for England & Wales, Northern Ireland and Scotland) and is administered by the General Register Office for England & Wales. GRO England and Wales and GRO Northern Ireland are enabled to provide such information to authorised organisations by section 13 of the Police & Justice Act 2006.

Under the scheme, the General Register Office for Scotland and General Register Office Northern Ireland send death registration data securely to General Register Office England & Wales each week. General Register Office England & Wales collates this into a UK file of data, which is made available to authorised organisations that are able to demonstrate that they will use the information in the prevention, detection, investigation or prosecution of offences. In addition, organisations need to meet certain security standards, details of which can be found on the GROS website at:

<http://www.gro.gov.uk/gro/content/aboutus/ddri/index.asp>

The first data was supplied under the scheme on 26 September 2008, since when files containing information on 442,017 death registrations have been made available to the following authorised bodies (from the dates indicated):-

- Tracesmart Ltd - Sept 2008
- Experian Ltd - Sept 2008
- Synectics Solutions Ltd - Sept 2008
- Faraday Tracing Bureau Ltd - Sept 2008
- Rpmi Ltd - February 2009
- CallCredit Ltd - February 2009
- Mortality Manifest Ltd - April 2009

## National Health Service Central Register

Section 57 of the LEARS Act empowered the Registrar General to keep a central register of high quality information about people, to help the efficient running of the NHS and local authorities in Scotland. It put on a statutory footing the National Health Service Central Register (NHSCR), which the Registrar General already ran on behalf of the NHS in Scotland. The NHSCR, which dates from the early 1950s, contains basic details of everyone born in Scotland, plus anyone else who is (or has been) on the list of a GP in Scotland. The Register exists mainly to allow the smooth transfer of patients who move between NHS Board areas in Scotland (or across borders within the UK).

As well as putting that existing work of the NHS on a clear statutory footing, Section 57 allowed the information on the NHSCR to be used to assist in the operation of the local authority Citizen's Account programme. That is a voluntary scheme, under which each citizen is able to apply to have his or her own account with the local authority, which can be used by the individual or by the local authority to keep the customer's contact details up to date with, for example, change of address or death notification supplied by GROS. Local authorities can also use it to record services to which the citizen is entitled (for instance free bus travel) and transactions (for instance, local authority tax payments). A national infrastructure for the Citizen Account, holding basic contact details of every account holder, is accessible to all local authorities where a particular citizen has opted to allow that, by giving their informed consent. Under Section 57, the Registrar General checks new applicants against the NHSCR and provides to Scottish local authorities a unique reference number which is used by each local authority to provide an index of its own customers – for example, to reduce the risk of any fraudulent applications and to simplify administration. The Registrar General can also alert local authorities when an existing account holder dies. In that way, the Act has allowed the NHSCR to provide local authorities with a similar service to that which it traditionally provided to the NHS in Scotland.

Section 57 also allowed the Registrar General, with Parliamentary approval, to give access to the NHSCR to other bodies. Regulations made in 2006 allowed him to provide information to equivalent bodies in England, Wales and Northern Ireland (continuing its role in the wider UK health service), to the armed forces (in connection with health care of forces personnel and their dependents), to the police or the Security Service (for the prevention or detection of serious crime) and to practising solicitors and to certain charities (to allow the continuation of the NHSCR's existing role in tracing people).

Since Section 57 came into force in November 2006, the main change in the work of the NHSCR has been to provide information to local authorities for the Citizen Account. By 31 March 2009, 921,308 people held Citizen Accounts, many of them as part of a scheme which offers elderly people access to free public transport. Other statistics on the work of the NHSCR in 2008-09 are:-

- information about 1.1 million patients was used for 79 approved medical research projects;
- information about 602 people who appear on the NHSCR was provided to police forces or the Security Service;
- letters were sent to 63 people at the request of charities (such as the Salvation Army) which specialise in putting people back in touch with lost relatives; and
- adoption charities, bone marrow trusts and Blood Transfusion Services received notifications for 506 people.

An important consequence of the Act is that the operations of the NHSCR are more visible than before. It now operates under clear statutory provisions, and the approval of the Scottish Parliament is needed before the Registrar General can provide information from the Register. The NHSCR has a more explicit website than formerly (<http://www.gro-scotland.gov.uk/national-health-service-central-register/index.html>) and operates under the supervision of a new Governance Board, involving representatives of its main customers and privacy interests. Confidentiality continues to be an important preoccupation. The computerised Register is securely held and access is closely controlled. There have been no breaches in privacy since the Act came into effect.

## **Future Changes**

The LEARS Act also made various amendments to the 1965 Act that will in due course allow a person registering a birth or death to do so electronically, such as from a home computer, rather than attending personally at a registration office to sign the register in the presence of the registrar. Birth or death registration by internet could be more convenient to the family than the present face-to-face interview with the registrar. E-registration would not be compulsory, but would be offered as an alternative. Many people value the help of the registrar and would prefer to attend a registrar's office. In developing e-registration, GROS would take advantage of advances in NHS information services, which would allow details of births and deaths to be independently corroborated before the registration of the event was finalised. GROS is in dialogue with the NHS in Scotland and the registration service about how e-registration might be implemented to ensure security as well as improve convenience.

## **Conclusions**

It is still too soon to assess the full effect of the LEARS Act. Nevertheless, it is already possible to demonstrate its effectiveness – particularly by giving people more choice in where they can register births and deaths and where they can marry or enter into a civil partnership.