

# **LOCAL ELECTORAL ADMINISTRATION AND REGISTRATION SERVICES (SCOTLAND) ACT 2006**

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## **EXPLANATORY NOTES**

### **THE ACT**

#### **Part 2: Registration Services**

##### **Other provisions about information held by Registrar General**

##### ***Section 56 Provision of registration information to public bodies and office-holders***

137. The 1965 Act already allows the Registrar General to exchange data concerning all births or deaths in Scotland with the National Health Service and to notify deaths to the Department for Work and Pensions as well as to local council tax departments. Otherwise, the basic personal details involved in birth, death or marriage registration, though publicly available, are not automatically passed on to other parts of government, even at the citizen's request. In the interests of convenience for the citizen and of efficiency of public administration, section 56 allows for birth, death and marriage details already visible publicly on the registers to be supplied to any relevant government body. Examples are the departments interested in family tax credit, driving licence and passport records, benefits, income tax and student loans. This service will be provided in reaction to specific requests from the public bodies concerned and may be on payment by them of a fee. The consent of the individual citizen would not be required for the provision of this information which is already available on a public register.
138. Subsection (1) allows the Registrar General to provide any registration information to any public body or office holder in Scotland, the rest of the UK or outside the UK. Subsection (2) specifies the registers concerned – births, still births, deaths, marriages, civil partnerships, divorces, civil partnership dissolutions and corrections. Subsection (3) allows the Registrar General to make charges for the provision of the information. Section 56 came into force on 1st October 2006.

##### ***Section 57 Keeping of central register for health and local authority purposes***

139. **Section 57** empowers the Registrar General to keep a central register of information about people, to help the efficient running of the NHS and local authorities in Scotland.
140. The Registrar General already runs the National Health Service Central Register (NHSCR) 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 details are name, sex, date of birth, Health Board of current and past residence, and NHS number. The Register exists mainly to allow the smooth transfer of patients who move between Health Board areas (or across

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borders within the UK). The Act puts the Register on a clear statutory footing (prior to this Act it had operated partly under sections 1(3) and 51 of the 1965 Act as far as the Registrar General is concerned, but is not explicitly mentioned there) and allows its information to be used to assist in the operation of local authority schemes, i.e. the Citizen's Account.

141. The Citizen's Account is a voluntary scheme, under which each citizen will be able to apply to have an account recording all entitlements and transactions with local authorities. A national infrastructure for the Citizen's Account, holding basic details of every account holder (name, sex, date of birth, address and unique identifier) is accessible to all authorities where a particular citizen has opted to allow that by giving their informed consent. The database does not contain information about the transactions relating to account holders which is kept only by the individual authority. So the national infrastructure is in effect an index.
142. The Registrar General's powers did not allow the NHSCR data to be used for that purpose. Section 57 extends his powers in the necessary way, as well as giving a clearer statutory basis for the NHSCR itself. The Registrar General may need to agree certain aspects of the information sharing with the recipient to ensure he is satisfied that it is appropriate to share the information.
143. Subsection (1) empowers the Registrar General to create and maintain a register of people to which Health Boards, the Common Services Agency and local authorities have provided or are providing statutory services. The subsection makes clear that the register is kept to help Health Boards and local authorities perform their functions.
144. Subsection (2) sets out the sources of the information on the register which can include other persons described in regulations (covering for instance medical researchers – see paragraph 147 below). It includes:
  - information about births and deaths in Scotland;
  - information about children who have been adopted;
  - information provided by a Health Board or local authority;
  - equivalent information from the rest of the UK – which is necessary when someone moves across the border to Scotland.
145. Subsection (3) specifies the information which may be held on the register. This is restricted to basic personal data and details of which health authority the patient has been registered with, but may be extended to include other information prescribed by the Registrar General, by subordinate legislation requiring negative resolution procedure.
146. Subsection (4) gives access to the register for Health Boards, the Common Services Agency and local authorities – and other persons, or persons of a certain description, prescribed by the Registrar General (which would cover cases such as medical researchers).
147. Subsection (5) makes clear that the purposes for which information may be provided are not limited to those referred to in subsection (1).
148. Subsection (6) requires that the information which may be, or must not be, provided to those given access under subsection (4) must be prescribed in regulations.
149. Subsection (7) is consequential to subsection (6).
150. Subsection (8) makes clear that this section does not reduce the Registrar General's other powers to provide information.
151. [Section 57](#) came into force on 1st October 2006. The National Health Service Central Register (Scotland) Regulations 2006 ([S.S.I. 2006/484](#)) prescribed the information

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contained in a register entry, and with whom it may be shared, with effect from 11th November 2006.

***Section 58 Issuing of other material kept or held by Registrar General***

152. **Section 58** codifies the arrangements for issuing to the public and to the district registrar other information held by the Registrar General. These include the register of neglected entries (events recorded between 1801 and 1854 not recorded in the old parish records, where not covered by section 39C of the 1965 Act as inserted by section 44(5) of the Act); other registers of births, deaths and marriages in foreign countries; foreign marriages and already publicly available census records. The section specifies arrangements which parallel those for the main statutory registers. The section also lists registers and documents excluded from the power to share residual documents, to ensure that different regimes for sharing different registers are set out separately and clearly, so registrars and those accessing the registers know under which powers they are acting. Section 58 came into force on 1st October 2006.

***Section 59 Part 2: minor and consequential modifications***

153. Subsection (1) repeals a requirement in the 1965 Act for the local registration authority to consult the Registrar General before removing registrars they have appointed from office. It also extends a provision in that Act which requires district registrars to account to their local registration authority for fees charged to the fees provided for in the Act. Section 59 was brought into force on 1st October 2006 and 1st January 2007.
154. Subsections (2) and (3) repeal certain provisions of the statutes that provide for the structure of local authorities in Scotland, as a consequence of the reorganisation of local registration districts in the Act.
155. Subsections (4) and (5) make consequential amendments to the Asylum and Immigration (Treatment of Claimants, etc.) Act 2004 and the Civil Partnership Act 2004 to reflect the changes made by sections 50(2) and 52(2) of the Act which provide that a marriage or civil partnership notice no longer requires to be “accompanied by” a fee and certain documents. Those Acts currently refer to that procedure to identify and prevent sham marriages and civil partnerships for immigration purposes.

***Section 60 Interpretation of Part 2***

156. This section interprets 4 terms used in the registration services Part of the Act, and also imports the interpretation provisions in the 1965 Act. It was brought into force on 1st October 2006.