

POLICY NOTE

THE REGISTRATION SERVICES (FEES, ETC.) (SCOTLAND) AMENDMENT REGULATIONS 2016

S.S.I. 2016/64

1. The above instrument was made in exercise of the powers conferred by sections 28A(4), 38(2) and (3), 47 and 54(1) of the Registration of Births, Deaths and Marriages (Scotland) Act 1965, section 38 of that Act as applied by section 98 of the Civil Partnership Act 2004 (“the 2004 Act”), section 122(4) of the 2004 Act and sections 55(6) and 58(5) of the Local Electoral Administration and Registration Services (Scotland) Act 2006. The instrument is subject to negative procedure.

Policy Objectives

2. The ScotlandsPeople website, hosted by the National Records of Scotland (“NRS”), allows members of the public to search and view indexes held by NRS where they are made available electronically. These include indexes of the register of births, the register of deaths, the register of marriages, old parish registers and open census records. A new version of this service is scheduled to launch in September 2016. This will introduce a number of planned improvements which include an improved user interface and searching functionalities.

3. As part of these improvements these Regulations make changes to improve access to the material on the ScotlandsPeople website. These Regulations amend the Registration Services (Fees, etc.) (Scotland) Regulations 2006 (the “2006 Regulations”) in relation to the register of births, the register of deaths, the register of marriages, old parish registers and open census records and the Book of Scottish Connections Regulations 2008 (“the 2008 Regulations”) in relation to the Book of Scottish Connections.

4. The purpose of these Regulations is to:

- amend the definition of “internet search session” in the 2006 Regulations and the 2008 Regulations;
- amend the fee payable for an internet search session in the 2006 Regulations and the 2008 Regulations from £7.00 to £7.50. This fee was last changed in the Registration Services (Fees) Amendment (Scotland) Regulations 2010.

5. Regulation 2 amends the definition of “Internet search session” in the 2006 Regulations so that an internet search session ends once the person searching has retrieved 5 electronic images in the index rather than when the person searching has viewed 30 computer screens of index data. Currently a user will use a portion of a 30 computer screen search session in looking at lists in the index without viewing an electronic image of index data such as a birth certificate. The amendment to the definition of internet search session allows the user to search the index without limit of number of computer screens viewed. A charge is triggered only at the point an electronic image of material such as a birth certificate, is viewed. Regulation 2 also amends the fee payable for an internet search session from £7.00 to £7.50.

6. Regulation 3 makes equivalent changes to the 2008 Regulations that regulation 2 makes to the 2006 Regulations.

Consultation

7. In preparing these Regulations, the National Records for Scotland have sought feedback on the ScotlandsPeople service using user engagement activities which include on-line surveys and focus groups in the development of the service. Engagement and consultation activities will continue beyond the service launch and further improvements will be developed in conjunction with users.

Impact Assessment

8. A Privacy Impact Assessment and Equality Impact Assessment for these Regulations have not been carried out. The changes introduced by this instrument are not expected to have any impacts on privacy or equality issues.

Financial Effects

9. The ScotlandsPeople website is operated as a discretionary service and there is no mandatory requirement to use the service. The costs associated will be borne by those who choose to use the ScotlandsPeople website. The fee payable is calculated to support the overall re-structure and development of the service, on-going running costs and the introduction of searching the indexes at no charge.

**National Records of Scotland
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