

EXPLANATORY MEMORANDUM TO
THE BIRTHS, DEATHS, MARRIAGES AND CIVIL PARTNERSHIPS RECORDS
REGULATIONS 2016

2016 No. 980

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 provide applicants with records of information from birth, death and marriage records in a Portable Document Format (PDF) and to charge a fee for provision of that record and for the provision of a record from the civil partnership register (which may be provided under the Civil Partnership Records Regulations 2016). It also enables the Registrar General to provide information from a birth record to a government department, upon application, in electronic format.

3. Matters of special interest to Parliament

Matters of special interest to the Joint Committee on Statutory Instruments

- 3.1 None

Other matters of interest to the House of Commons

- 3.2 As this instrument is subject to negative resolution procedure and has not been prayed against, consideration as to whether there are other matters of interest to the House of Commons does not arise at this stage.

4. Legislative Context

- 4.1 The Deregulation Act 2015 inserted provisions into the main legislation governing civil registration to allow for regulations to be made which allow for birth, death and marriage information to be released in ways other than in the form of a certified paper copy. This is the first use of those powers. The Civil Partnership Records Regulations 2016 make similar provisions for civil partnerships.

5. Extent and Territorial Application

- 5.1 The extent of this instrument is England and Wales.
5.2 The territorial application of this instrument is England and Wales.

6. European Convention on Human Rights

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

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. Until now, the only way to access information from civil registration records was by the purchase of a certified paper copy. This instrument enables GRO to provide information from civil registration records in a portable document format (PDF), as an alternative to certified paper copies, which will still be able to be purchased.
- 7.2 In piloting the use of PDF copies, the intention is to support recipients, for example family historians, who simply wish to know the content of a civil registration records without requiring a certified paper copy. The PDF copy of a civil registration record will not be acceptable for use as evidence of an event e.g. when applying for a passport or a government benefit. As a copy does not contain the security features which are present on paper certified copies (“certificates”). This will be made clear to those ordering the PDFs, and to potential recipients such as Government Departments and other bodies.
- 7.3 In order to test the level of customer demand and the operational practicalities in providing PDFs as well as certificates, the intention is to hold a controlled three phase pilot which will start in early November. There will be no limitations in terms of the type or location of the applicant – the service will be available to access to all customers for the duration of the pilot phase – but there will be thresholds in place in terms of the number of transactions and a set time window.
- 7.4 Phase 1 will test demand for PDF copies of those civil registration entries that are held by GRO in a digital format. The application must be submitted online and contain a GRO index reference number (which identifies the record). These PDFs will cost £6. Phase 2 will test demand for PDF copies offered within 3 hours for those who order before 1pm. This service will cost £45 and will apply to all birth, death, marriage and civil partnership records, regardless of whether they have been digitised, and no GRO reference will be required. All applications must be made online. Phase 3 will test demand for PDF copies of those civil registration entries that are not held by GRO in a digital format. The application must be submitted online and contain a GRO index reference number. These PDFs will cost £8.
- 7.5 A review will be undertaken once the phased pilot has concluded, which will inform longer-term implementation.

8. Consultation outcome

- 8.1 Limited, focussed consultation for the PDF products and an expedited service has taken place with representatives from the genealogical community and some commercial organisations which access GRO services regularly. They indicated that there is both an interest in a product that is cheaper than the current standard service and in one that can be delivered quickly and this is reflected in the new regulations.
- 8.2 Consultation has taken place with government departments with an interest in the electronic provision of birth record information for verification purposes. This consultation has contributed to the development of the service.

9. Guidance

- 9.1 Guidance on how to access the PDF and expedited services will be published on www.gov.uk website as each product becomes available.
- 9.2 Guidance will be provided, on request, to government departments wishing to apply for the electronic verification of birth records.

10. Impact

- 10.1 The impact on business, charities or voluntary bodies is expected to be minimal albeit there is insufficient data available to inform a Regulatory Impact Assessment. The pilot will be used to assess the impact on business, charities or voluntary bodies and, given that the use of the new service will be optional, the likely uptake. Consultation with stakeholders indicates a likely positive impact on business and society. Those potential impacts will be tested further in a controlled environment during the pilot and the findings shall inform a Regulatory Impact Assessment; to be prepared before the provisions are implemented more widely.
- 10.2 The (anticipated) impact on the public sector for the facility to provide information contained in a birth record in electronic format for verification purposes is an improved customer experience when using Government services, reduced costs and fewer risks of handling paper certificates for both customers and government departments, bringing an opportunity to reduce fraud.
- 10.3 An impact assessment has not been prepared for this instrument.

11. Regulating small business

- 11.1 The legislation applies to activities that are undertaken by small businesses.
- 11.2 No specific action is proposed to minimise regulatory burdens on businesses.
- 11.3 Limited consultation with small businesses on the PDF services indicates a desire to obtain registration records more quickly. The standard PDF service fee is set at a lower rate than the current certificate fee. Where the expedited service is set above the current priority fee, this will allow business to be concluded in a timelier manner, which may offset the cost of the service. No mitigating action is being undertaken as: the new PDF service is voluntary; existing routes to obtain the information remain; and it is anticipated that the new service will be beneficial to small business. Fees for the PDF service have been set at cost recovery levels in line with HM Treasury guidance on managing public money to minimise impact on small businesses.

12. Monitoring & review

- 12.1 The regulations will be reviewed internally following the conclusion of the PDF pilot and after 12 months for the provision of information to a Government department in electronic format.

13. Contact

- 13.1 Shirley Padden at the General Register Office, part of Her Majesty's Passport Office Telephone: 0151 471 4510 or email: Shirley.Padden@gro.gsi.gov.uk can answer any queries regarding the instrument.