

PREM 19/3011

CONFIDENTIAL FILING

Management and Financing of the
Registration Service

GOVERNMENT

MACHINERY

Future of the Office of Population,
Censuses and Surveys

SEPTEMBER 1983

Referred to	Date	Referred to	Date	Referred to	Date	Referred to	Date
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From The Secretary of State for Wales

The Rt Hon Peter Walker MBE MP

15 January 1990

John Butler

REGISTRATION WHITE PAPER

I have seen Kenneth Clarke's letter to you of 21 December seeking H Committee's agreement to the publication of a White Paper setting out changes envisaged in the system for registering births, marriages and deaths in England and Wales.

I am content that the White Paper should be published. I was pleased to see that a compromise has been reached on the issue of bilingual registration of births and deaths that take place outside Wales. I note however that the White Paper leaves open the question of whether this would be a facility for which a charge would be raised. You will appreciate that were this to be the case we would be seen as having made a much less generous concession. While I see no need to alter the terms of the White Paper it needs to be understood between us that there is no intention to charge for the new bilingual registration facility.

/ I am copying this to the Prime Minister, members of Committee and Sir Robin Butler.

See via CAS

John Butler

The Rt Hon Sir Geoffrey Howe
The Lord President
Privy Council Office
Whitehall
LONDON SW1

GOVT MICH: Registrar's Office, Sep 83





cc/p

PRIVY COUNCIL OFFICE
WHITEHALL, LONDON SW1A 2AT

12 January 1990

MBM
RACG
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Don Kenneth

REGISTRATION WHITE PAPER

Star

Thank you for your letter of 21 December seeking H Committee's agreement to the publication of a White Paper setting out the changes envisaged in the system for registering births, marriages and deaths in England and Wales.

Peter Brooke wrote confirming that he was content with the draft White Paper and the proposed timing of its publication. I understand that the Prime Minister and the Chief Secretary are also content. No other colleague has commented. You may take it therefore that you have H Committee's agreement to the publication of the White Paper later this month.

I am copying this letter to the Prime Minister, members of H Committee, Sir Robin Butler and Sir Angus Fraser.

GEOFFREY HOWE

The Rt Hon Kenneth Clarke QC MP

GOVT NACH: Leavistonia Service Sep 83





Rt Hon Kenneth Clarke QC MP
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cc 20
Northern Ireland Office
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NBPM



Dear Ken

REGISTRATION: WHITE PAPER

Thank you for copying to me your letter of ^{Aap} 21 December to Geoffrey Howe, in which you suggest publication of a White Paper on the Government's proposals for reform of the Registration Service in England and Wales.

I have looked at the Paper with interest. It is reassuring to see that many of the proposals already apply in Northern Ireland. It appears that some of the remaining proposals are worthy of further consideration in Northern Ireland; for example, it has been agreed to follow your lead in any statutory changes in the procedures relating to the registration of still-born children. The Registrar General here is considering what should be pursued further and will be keeping in touch with his opposite number on progress.

Now that I have seen the draft, you may take it that from the Northern Ireland standpoint I am satisfied both with the content and with the proposed publication date of the end of January.

I am copying this letter to the recipients of yours.

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Pm

PB

JB/SOFS/1579

GOUT MACH : Kreativitas Seni 1 Sep 13





The Rt Hon Sir Geoffrey Howe
The Lord President
Privy Council Office
Whitehall

NB PM
at this
stage

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22/12

Richmond House
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Telephone 01 210 3000
From the Secretary of
State for Health

21 DEC 1989

D. S.

REGISTRATION WHITE PAPER

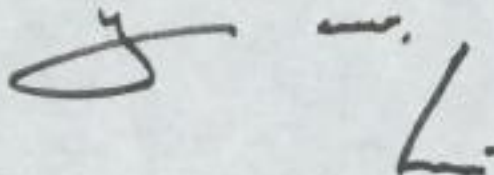
- will require of need.

I wrote to you on 6 September seeking the agreement of H Committee to my publishing a White Paper setting out changes envisaged in the system for registering births, marriages and deaths in England and Wales. The aim would be to confirm the proposals which were agreed with colleagues at the end of last year and went forward for consultation in the Green Paper "Registration: a modern service" (Cm 531); in general they received a very favourable response. You replied giving me such clearance on 10 October.

I now enclose the document as drafted. It spells out the technical and structural changes which will make the service more efficient (Chapter 2), and also the proposals for greater public choice in various aspects of civil marriage (Chapter 3), closer alignment between still-birth and death procedures (Chapter 4), and access to registration records once they are 75 years old (Chapter 6). These were the features most welcomed in the Green Paper. It indicates where, as my earlier letter explained, it has been thought right to modify the Green Paper proposals, in particular by establishing a link between the definition of a still-birth and the provisions of the Infant Life (Preservation) Act (paragraph 4.24) and in the new requirement that applicants for certified copies of recent certificates should have to furnish evidence of identity (paragraph 6.11). There are also a few new departures such as the acceptance of the case for a short death certificate (paragraph 4.14) and the introduction for Welsh speakers of a procedure for the bilingual registration of events which have taken place in England (paragraph 5.13). Overall, however, as the summary of recommendations in the Annex makes clear, there has been little need to move away from the Green Paper proposals, most of which proved entirely acceptable in the consultation process and can be carried forward as they stand.

The policies underlying the White Paper have been agreed between Departments and its text has been cleared by officials: I hope that colleagues will feel able to give it their endorsement. I have in mind a publication date towards the end of January, and it would be most helpful to have any comments upon it by 5 January.

I am copying this to the Prime Minister, members of H Committee, Robin Butler and Angus Fraser.

A handwritten signature in black ink, appearing to be 'K. Clarke', written in a cursive style.

KENNETH CLARKE

WHITE PAPER - "Registration : Proposals for change"

Foreword

The proposals in this White Paper are put forward as a sound basis for reforming and modernising the registration service in England and Wales and for establishing a new framework within which those who are responsible for the service will have some flexibility to provide it according to local needs and in response to the wishes of the public. They follow the publication last year of a Green Paper "Registration: a modern service" (Cm 531) which was the subject of consultation and showed that a significant public consensus exists for reform.

The present system of registering births, deaths and marriages and the procedures connected with civil marriage and religious marriage other than in the Established Church date from 1837. In some respects they have changed very little since then. Thus although the registration service functions well within its nineteenth-century limitations it is basically out of tune with modern requirements and cannot respond as flexibly and sympathetically as it would wish to the present expectations of the public.

In order to make necessary changes to the organisation of the service and its procedures new legislation is needed. The Government intends to bring this forward at an early opportunity. The main aims of that legislation will be to:

- place responsibility for the provision, organisation and management of the registration service with local authorities;
- retain the Registrar General's responsibility for the overall policy for the service, for maintaining standards and consistency of practice, and for providing statistics derived from registration;
- remove some of the present restrictions contained in marriage procedures and introduce more flexible arrangements which will allow the public greater freedom of choice;
- rationalise the procedures for registering births, deaths and still-births;
- allow the public access to older registration records and enable them to purchase photocopies of recent records if they do not need a certificate; and
- introduce modern technology where this is appropriate.

The Government is confident that these measures will allow the registration service to make better use of its skills and resources and to improve its efficiency and effectiveness, to the benefit of all who use the service and all those who work in it.

Chapter 1 Introduction

1.1 A Green Paper "Registration: a modern service" was published in December 1988 and put forward 73 proposals designed to reform and re-organise the system for registering births, deaths and marriages in England and Wales and, also, some of the procedures connected with civil marriage and religious marriages, other than those taking place in the Established Church. The Green Paper was the product of the findings of a Government Efficiency Scrutiny of the registration service and a joint Working Group of Government officials and local authority representatives.

1.2 The Green Paper outlined the history of the registration service in England and Wales since the earliest attempts were made to record births, marriages and deaths, during the reign of Henry VIII, to the present day. It described how a system of registration which was introduced in 1837 forms the basis of the service today. The present main legislation governing the service, the Marriage Act 1949, the Registration Service Act 1953, and the Births and Deaths Registration Act 1953, consolidates the provisions of previous Acts, mainly of the last century and, in some cases, going back to the statutes of 1836. Such legislation imposes severe limitations on the service to respond to the needs of people in the late 20th century and also prevents those responsible for providing the service from administering it in the most efficient and cost effective way.

1.3 There are four main areas in which the present legislation seriously needs revision. First it incorporates a division of responsibility for the service between the Registrar General and the local authorities which owes more to historical accident than to conscious design. The Registrar General has overall responsibility for maintaining standards within the service throughout England and Wales and for providing statistics of births, deaths, marriages and related matters derived from the registration of these events. Local authorities are responsible for providing, and paying for, staff and accommodation to operate the service in their area; but they have only limited control over how the work is carried out. This prevents them from organising the service in a cost effective way. Further, although local authorities appoint and pay registration officers it is only the Registrar General who can dismiss them from office. Registration officers are statutory officers and, therefore, not employees. Accordingly in some respects they have different conditions of service from the local government colleagues alongside whom they work.

1.4 Secondly, registration procedures have largely been designed on the basis that people will generally expect to marry in their usual district of residence and that registrations of birth and death would similarly be local matters. This was the natural expectation for a system set up in the earliest days of the railways, and sixty years before the coming of the motor car. It accords less well with modern conditions, where people may

commonly want to travel some distance from their current home - perhaps returning to the town where their family lives - in order to marry, where births may take place in hospitals outside the parents' district of residence, and where those who find themselves required to register a death may often be next-of-kin living some way from the location where the death occurred.

1.5 Thirdly, some features of the present arrangements for death registration do not assign appropriate roles to lay registrars, medical practitioners and coroners. This was an issue on which the Green Paper's proposals for change echoed those of the Brodrick Committee of nearly twenty years ago.

1.6 Fourthly, the rules whereby the public are not allowed to browse through registration records but have an unlimited right to buy a certified copy of the record of anyone's birth, marriage or death has produced a situation in which access to historic registration records is unnecessarily restrictive, while the information in more recent records can be put to fraudulent use. A fundamental change is needed, which recognises that different regimes are appropriate for nineteenth-century archives and for current certificates which can be presented as evidence of identity, and allows for this distinction in the law.

1.7 The proposals in the Green Paper were designed to tackle these issues and also to modernise and make more flexible a range of other registration procedures. It received 600 responses, many of which came from public bodies or other organisations representing many thousands of people throughout England and Wales. The great majority of those who responded registered broad agreement with the Green Paper proposals, many of which proved to be wholly non-controversial. The breakdown of those responding is as follows:

Registration officers	40 %
Organisations and individuals with an interest in genealogy	30 %
Local authorities	10 %
Organisations and individuals with medical interests	10 %
Other public bodies	3 %
Religious bodies and organisations	2 %
Others	5 %

1.8 The Secretary of State wishes to record his gratitude to all those who responded to the Green Paper and to thank them for the points they have made, which have been carefully considered in reaching decisions. Those decisions are now set out in this White Paper as proposals for legislation at an early opportunity.

Chapter 2 The structure and organisation of the registration service

Responsibility for the service

2.1 The Green Paper argued (Chapter 2 and proposals 1 to 20) that changes are essential to the present structure and organisation of the registration service so as to eliminate the problems and ambiguities that result from the present division of responsibility between the Registrar General and the local authorities. It recommended that clear lines of accountability be established for the benefit of all those connected with the service - those who provide it, those who work in it and those who use it. Respondents to the Green Paper were largely agreed on the need for reforms of this kind.

2.2 The Government accordingly proposes that statutory responsibility for providing the registration service should be placed unequivocally on the counties, metropolitan districts and London boroughs who already house, staff and fund it locally; and that all registration staff should become Local Government Officers, employed on terms similar to other local government employees and with the same conditions of service.

2.3 Such a change, which is in line with the Green Paper's approach, will give local authorities responsibility for the day-to-day running of the service and permit them to organise it in a way that best fits local circumstances. They will be able to decide the site and specifications for their register office accommodation. They will also determine the number of staff needed to carry out registration functions and their grading. With greater control than at present over the service they are required to provide, they will be better placed to judge the financial and other resources which need to be allocated to it. The Government expects that this will provide an incentive for local authorities to improve the effectiveness of their service, make savings and introduce new ideas. These proposals are supported by the local authority Associations: the Association of County Councils (ACC) and the Association of Metropolitan Authorities (AMA).

2.4 In their responses to the Green Paper the Society of Registration Officers (SRO) and a number of individual registrars advocated instead a different kind of restructuring for the service, namely management by an independent board or agency with the Registrar General as its head. This, they argued, would avoid the service having to compete for resources against other local priorities and would ensure a uniformity of standards that could not otherwise be guaranteed with 117 separate local authorities taking responsibility for their part of the service.

2.5 However, the Government is not persuaded that such a radical change is justified. It would be extremely disruptive for all concerned and would involve dismantling much of the structure which has developed since the early days of

registration and introducing central funding and control for an essentially local service. More seriously it would break up an existing partnership between the Registrar General and the local authorities which, notwithstanding the anomalies it has to contend with, has achieved considerable success over the years. The Government believes it is more sensible to build on this and consolidate local experience and organisation, rather than let such assets go to waste and devote scarce resources to the creation of a new body.

2.6 The Government also maintains the view expressed in the Green Paper that registrars will benefit from becoming employees of the local authorities. This will give them the benefits of a contract of employment, the protection of employment legislation and the added training and career opportunities which local government can offer.

Registrars: new terms and conditions of service

2.7 The Green Paper explained the limitations imposed upon the service by the present legislation which makes each principal officer responsible for his or her own registration work and independent of other officers. Apart from acting as someone's named deputy, a registrar cannot do another officer's work and none has a responsibility to organise or supervise the work of another. These restrictions prevent registrars from working in the most efficient way and from providing the public with the best possible service. The Government intends to follow the Green Paper's proposal to replace the present four grades of registrar with two:

Chief registrar - to be responsible for the management of registration work throughout a district including carrying out registrations and other duties as necessary.

Registrar - to carry out all registration duties.

The legislation will therefore empower anyone appointed as a registrar to carry out the full range of duties. These will no longer be specified in statute but defined, as appropriate, by regulation. It will also be open to local authorities to designate registrars as senior registrars within the new grading structure where they carry out management functions or where other circumstances warrant it.

2.8 Those who responded to the Green Paper were, on the whole, in favour of this proposal. Several registrars thought that not all existing registrars would wish to take on the more prominent public role of conducting marriages but the Government's view is that the deployment of individuals, taking account of their skills and preferences, should be a matter for local management. Overall the Government will expect the salaries and conditions of registration staff to be within the scope of the National Joint Council for the Local Authorities' Administrative, Professional and Technical Services.

2.9 The Government will also remove the present restrictions on registrars working overtime so that they may be paid at the appropriate rate, if they work more than their conditioned hours, in the same way as other local government officers are.

2.10 A further anomaly in the conditions for registrars is that the present legislation prevents an officer's salary from being reduced if the workload decreases, unless the local authority concerned is prepared to compensate the officer, for life, for loss of earnings. This would not be appropriate once registrars become local authority employees and the Government intends that, subject to any transitional provisions which may be appropriate, they should become subject to the same rules for compensation and redundancy as apply to their colleagues.

Clerical support

2.11 A further restriction on the most sensible use of staff is that only limited use can be made of clerical assistance. The Government intends to remove this restriction so that the maximum use may be made of clerical staff to carry out work that does not need to be done by a registrar.

Deputy registrars

2.12 Once the proposed new grading structure comes into force and all registrars are able to carry out a full range of registration duties there will be no need for every officer to have a named deputy to cover his or her absence. However, cover will still be needed in small offices where regular staff are not always available, and the Government intends to require the people who give such cover to receive training in larger offices before they act. This training will be one of the responsibilities of the training officers described in the next paragraph.

Training officers

2.13 The new organisation of the registration service and the status of registrars as local government employees will mean that local authorities will wish to play a more formal and active role in their training. The Green Paper recommended that each local authority should designate a training officer to co-ordinate registration training and run courses in its area. Since the publication of the Green Paper much progress has been made towards the designation and training of these officers. Local authorities were enthusiastic about the proposal and around 100 out of a total of 117 have now nominated training officers. In conjunction with the Local Government Training Board (LGTB) and with the help of consultants, a training manual has been prepared and courses have been held to train the training officers in their new duties. The Government believes this is a positive measure which will help to ease the way from the present organisation to the new one.

Examinations and professional qualifications

2.14 The Green Paper explained that, although it is accepted that personal qualities are of prime importance for the work done by registrars, there is interest amongst many in the service in the development of a formal qualification, and it sought views on this. Most of those who responded on the issue, including SRO, were in favour of it; the subject is accordingly being pursued by a group consisting of representatives from OPCS, the LGTB, the National Council for Vocational Qualifications, The Training Agency, the ACC, the AMA, and SRO. The Government welcomes this development.

Discipline and dismissal

2.15 As proposed in the Green Paper, local authorities will be given power to dismiss or discipline registration officers, subject to a requirement that in cases involving technical matters (namely the observation of registration rules and guidelines) they consult with OPCS prior to instituting disciplinary procedures. In other instances, OPCS may wish to raise with local management the rare cases where an officer's work was so unsatisfactory as to make it desirable to debar him or her from carrying out any further registration duties. Both these proposals attracted little comment during the consultation period: they are seen as logical and sensible consequences of the Government's main proposals for the future structure and organisation of the service.

Registration scheme

2.16 The Government proposes to dispense with much of the formality whereby at present a registration scheme, which sets out the detailed provision made for the registration service within each local authority area, has to receive the approval of the Secretary of State. Instead, a certain amount of basic factual information about each local authority's registration arrangements will be required to be on record and kept up to date for the benefit of the public and of other registrars elsewhere. This information will include the number and boundaries of registration districts and sub-districts, the location of offices within them, and their opening hours. Regulations will prescribe the form in which this information should be provided and certain places, for example the local authority's own offices and OPCS, where it must be lodged.

2.17 A local authority will be free to amend its registration arrangements, subject to the safeguards necessary to ensure that the safety and continuity of its registers is guaranteed and that correct, up-to-date information remains available to the public. Local authorities will therefore be required to consult OPCS prior to any changes to the boundaries of their registration districts and sub-districts and, for the benefit of the public, to give a minimum of one month's notice before implementing these changes or any to the location of

offices, their opening hours and the services they will provide. OPCS and its Inspectorate (see 2.21 below) will also need to have details of the individual registrars employed in each office in order to deal with any queries which may arise from their registrations.

Assessment formula

2.18 The assessment formula is the mechanism whereby the Registrar General determines at present how many staff are needed to carry out registration duties in each district. The Green Paper proposed that the present formula, devised in 1930, should be revised and brought up to date, and this evoked general agreement. However, SRO and a number of individual registrars were concerned by the further proposal that the formula should no longer be mandatory but would be merely a guide to local authorities who wished to use it. They felt that there should be a national formula, used to identify a minimum service requirement and that the Registrar General should be empowered to insist that this minimum is maintained.

2.19 The Government's view is that, once the principle of management by the local authorities is accepted, it is essential that they should have responsibility for deciding the numbers and grading of the officers and their districts. However, a revised, open, national formula arrived at in agreement with the local authority Associations and in consultation with registrars would be helpful: as well as being a guide for local authorities, it would also be a guide to the Registrar General should a question arise over the adequacy of the service in a particular area, with a possible need to invoke reserve powers (see 2.22 below).

The Registrar General's powers and duties

2.20 The Registrar General of England and Wales is appointed by the Crown and carries out statutory duties relating to the registration of births, marriages and deaths and civil marriage. These are carried out independently of Ministers except that the Secretary of State must approve regulations made by her and the form of the annual abstract of statistics derived from registration which she is required, by statute, to produce for Parliament. From time to time she is called upon to exercise certain quasi-judicial functions, for example, in respect of caveats against marriages and dispensing with consent to the marriage of minors. The Registrar General also carries out duties under the Census and Population (Statistics) Acts under the direction of the Secretary of State. The proposals in this White Paper will not fundamentally affect any of the Registrar General's responsibilities as outlined above or encroach upon the areas in which she at present acts independently of Ministers.

2.21 The Registrar General has an obligation to ensure that registration work is carried out to a high standard. The public needs to have confidence in the accuracy of certificates issued from registrations and the validity of marriages which take place. Accurate records also provide the basis for good quality

national population and medical statistics, which are essential as an aid to Government policy and planning. The Registrar General will therefore need a power to require local authorities to ensure that registration duties are carried out to an acceptable standard even though they will have day to day responsibility for providing the service. The principal means of monitoring the service throughout the country will be, as at present and as proposed in the Green Paper, by means of an Inspectorate. Some registrars have commented that they would like the opportunity to become Inspectors and this will be considered within the new structure.

2.22 There was a general acceptance of the Green Paper's view that the Registrar General will also need reserve powers to act quickly to rectify any serious fault in the local registration service. The Government intends to provide for this in the legislation, including a power to recover reasonable costs from a defaulting local authority.

2.23 The Green Paper suggested that many of the problems faced by the registration service result from the fact that the primary legislation is very detailed and specific and imposes a rigid structure that is not easily amenable to change. This is exacerbated by the fact that much of the legislation was framed in the last century and is not relevant to contemporary life. The Green Paper proposed that future primary legislation should not contain procedural detail and that such detail would be dealt with in subordinate legislation instead. This would enable future changes to be made more easily and would enable the service to keep abreast of technological and social change.

2.24 Primary legislation will be confined broadly to the requirement to provide a service to register births, marriages and deaths and to conduct civil marriages. The procedures to be followed, the form in which events should be registered and other administrative details will be matters for regulations made by the Registrar General with the approval of the Secretary of State. However, at present regulations governing the Registration Service are not required to be laid before Parliament. Given that there will be wider powers contained in such regulations in future, the Government proposes that Parliament should have the opportunity to consider registration regulations by making them subject to the negative resolution procedure. (For regulations governing information collected under the present Population (Statistics) Acts see 5.2.)

2.25 The Registrar General will no longer be required to certify the sum due to be paid by each registration officer to their local authority in respect of the fees received in the course of their registration duties. This will be entirely a local authority responsibility.

2.26. The Registrar General will continue to prescribe a list of disqualifications for appointment as a registrar. This will include, as now, those whose occupations bring them into close professional contact with the registration service.

2.27 As proposed in the Green Paper, the registration duties of registrars will continue to be set down in statute and the

present penalties for failure to discharge them will be retained. This proposal was endorsed by SRO.

2.28 The Registrar General will continue to produce a handbook for registrars covering the technical aspect of their work, issue other instructions in circulars, and provide a guide to registration work for local authorities.
Computer support for the registration system

2.29 The Green Paper described the system which had been developed for registering births and deaths by use of microcomputer. The system captures both the information which is entered in the registers, and subsequently on certificates, and the information collected for statistical purposes. It then produces all the necessary certificates and other associated registration documents, and it creates and searches an index to the local records. At present it outputs hard copy of the returns of both records and statistical information required by OPCS, including the National Health Service Central Register. It has, however, the potential to make the returns in machine readable form.

2.30 The system was piloted successfully at the Southampton register office, producing benefits there for the local authority estimated at £20,000 over seven years. It also offered a speedier service to the public, whose comments on it were almost uniformly favourable. The computerised system is now in operation in around 20 registration offices in England and Wales with a number of others committed to taking it over the next few months.

2.31 There are benefits from this development both for the local authority and ultimately, when the information can be received at the centre in machine readable form, to OPCS. Development costs and software copying costs have been borne by OPCS but, if local authorities wish to introduce the system, the Government considers that they should meet the expense of providing and maintaining the necessary hardware. In responding to the Green Paper some local authorities and registration officers have urged that central government should underwrite the whole cost of computerisation of the local registration service. However, given the benefits to both sides, the Government's view is that the present arrangement is fair.

2.32 It will be essential that new legislation includes a provision which enables OPCS to receive registration records in machine readable form. At present the copy records, though not the statistical returns, are required to be in hard copy form. The Government therefore intends that the primary legislation should confer power to prescribe the medium and the format in which local returns must be made to OPCS. It will similarly leave the form of OPCS's own documentation to be determined by regulation, rather than laid down in primary law. This will ensure that use can be made of new technical developments, as these arise, without recourse to fresh legislation, while maintaining uniformity in registration throughout England and Wales.

Chapter 3 Marriage

3.1 The Green Paper's discussion of marriage procedure (Chapter 3 and proposals 21 to 37) made clear that the Government has no plans to review fundamental marriage law or to make any proposals regarding the procedures of the Established Church. Nor did the Green Paper consider the subject of the introduction of universal civil preliminaries to marriage, because a Working Party established by the Standing Committee of the General Synod of the Church of England had recommended against it in a (1) report published early last year. The Government considered that the view taken by the Synod ruled out the possibility of reopening the subject now. However, 37 responses to the Green Paper, including that of SRO, did not support this view and urged that the matter should be reconsidered. A number referred to the (2) Report in 1973 by the Law Commission which recommended that the law should be made uniform and that everyone should give notice at their local register office. That Report suggested that banns could still be called in the Established Church but as an ecclesiastical rather than a legal preliminary. The Law Commission's proposals have not been enacted in England and Wales although a system of universal civil preliminaries was introduced in Scotland in 1978 and banns then ceased to be a legal preliminary to marriage in the Church of Scotland.

3.2 Those who are in favour of universal civil preliminaries argue that they would be seen to be equitable, would result in a better quality of registration and would allow for greater use of new technology. They also point out that in several European countries, for example, France and West Germany, every couple is required to go through a civil ceremony of marriage to which they may subsequently add a religious ceremony if they wish.

3.3 The Government considers, however, that there are many factors other than administrative advantage to be taken into account in this area and has concluded that, for the reasons stated in the Green Paper, it would not be appropriate to raise it in the context of what is principally legislation concerning the registration service. A wider consensus is needed before such fundamental changes can be contemplated.

Preliminaries to marriage

3.4 The Government proposes to introduce a number of measures designed to streamline and unify the procedures which must take place before a couple may marry. First, it is proposed that both parties to a marriage should be required to give notice of their intention to marry in their district(s) of residence. This will make it easier to confirm that both persons intending to marry are capable in law of doing so, and will ensure the accuracy of the information given and the willingness of each to contract the marriage.

(1) Church House Publishing: An Honourable Estate, 1988.

(2) Law Commission No 53: Report on Solemnisation of Marriage in England and Wales 1973

3.5 This was proposed in the Green Paper and most responses were in favour. Many registrars commented that the accuracy of the particulars recorded would be improved, minimising problems on the wedding day and ensuring an accurate registration record. Further, assurance of people's willingness to marry would be welcomed.

3.6 Those not in favour felt that it would place an additional and unnecessary burden on the parties to the marriage, with a corresponding resource implication for the local authority. Certain practical difficulties were pointed out; in particular making arrangements for the ceremony in a district elsewhere. A number of responses advocated giving notice in the district where the marriage was to take place.

3.7 In the Government's view, the legal and formal requirements must be fulfilled to ensure that people are validly married. This justifies placing on individuals the formal responsibility for giving notice in respect of themselves, and for the personal information they supply. Every notice will have to state clearly the place of the intended marriage.

3.8 In order to retain the opportunity for people who may wish to object to a marriage to learn about it, notice will need to be given where the parties concerned ordinarily reside. But in order to avoid inconvenience or hardship, those away from home will be able to give notice to the local registrar who will send it on to the registrar in the district of their ordinary residence. The notice will be lodged with that registrar who will issue the authority for the marriage. An additional fee will, however, be payable. People coming from overseas, with no ordinary residence, will be required to establish an actual seven day residence in a district and give notice there.

3.9 The Government will introduce a single procedure for giving notice of marriage to a registrar to replace the systems which operate at present. The existing certificate and licence procedure will be abolished and there will be a standard minimum waiting period of 15 days between giving notice and the marriage. Registrars will have discretion to reduce this period in exceptional circumstances.

3.10 Many registrars, while accepting a general 15 day waiting period, expressed concern about how they would be required to exercise discretion and are anxious that the weight which they would be expected to give to different factors should be well defined. The Government accepts the need for this; and the Registrar General will issue guidance on the matter.

3.11 It was proposed in the Green Paper that the statutory retention of a notice book and the posting of notices on a board should be discontinued and replaced with a requirement that a registrar must disclose prescribed details of current notices if requested. Few of those who commented on these proposals argued for the continuing display of notices, but there was some feeling amongst registrars that the notice book serves a useful purpose as a reference document, particularly if queries arise about a marriage at some later date, and that it should be retained. The

Government's view is that the cost of the provision and permanent storage of notice books is considerable and can no longer be justified as a statutory requirement. Registrars will, however, still be required to keep original notices for a minimum period.

3.12 It was proposed in the Green Paper that the life of an authority for a marriage should be extended from three months to six months to enable couples time to plan further ahead associated matters like a reception and a honeymoon. There was almost unanimous agreement with this proposal and the Government will introduce it.

3.13 In its response to the Green Paper the General Synod of the Church of England has asked that the validity of a banns certificate and of a common licence should similarly be extended from three months to six months. This would help to maintain consistency between the procedures for marriages in the Established Church and other marriages in England and Wales by keeping the period of validity in line with that for a civil authority. The Government will include this provision in the new legislation.

3.14 The Government proposes to introduce a measure to make it possible for all members of the Armed Forces who are serving outside England and Wales to give notice to their commanding officer. At present this privilege is limited to officers, seamen or marines serving on one of Her Majesty's ships at sea.

Power to inspect documents

3.15 Registrars responded with enthusiasm to the Green Paper's proposal that they should have a statutory power to call for documentary evidence of the age, identity and marital status of those who are marrying. The General Synod of the Church of England also welcomes this idea and has sought a similar power for clergy of the Established Church. The Government will legislate to give such a power both to registrars and to clergy of the Church of England and the Church in Wales.

Location of marriage

3.16 Members of the public, in particular, registered a positive response to the suggestion that marriage should no longer be tied to the district of residence of one of the parties. They endorsed the view of the Green Paper that this is an outdated and unnecessary restriction and welcomed the Government's proposal to allow people to marry in any district of their choice in England and Wales. The Government is confident that the introduction of this measure is a positive and helpful move to give the public greater freedom of choice in where they may marry.

Choice of building

3.17 The public were also enthusiastic about the prospect of civil marriages being able to take place in buildings other

than the local register office, and it seems certain that the introduction of this will enhance the reputation of a "register office" marriage. Many local authorities also welcomed this proposal because it would allow them scope to be innovative and to provide the public, to a greater extent with the individual service they require. At the same time, local authorities recognised that this would have staff and resource implications so they would need to consider carefully the number and geographical spread of other buildings they might use.

3.18 Registrars were divided in their opinions. Many raised objections, saying that they would prefer resources to be spent on improvements to register offices, rather than establishing new facilities elsewhere. Others who accepted the proposal, nevertheless wanted a strict control over choice of buildings, with the Registrar General's approval being required. This was the view of SRO, who shared a widely held objection to any licensed premises (hotels etc) being approved because of problems that could arise where those present had been consuming alcoholic drinks. Many registrars felt it would be much harder for them to keep control of the proceedings. Another concern was that they would be required to work more unsocial hours.

3.19 The Green Paper asked for views on whether the Registrar General should have a power to veto a building selected by a local authority but, aside from registrars, few commented on this. While recognising the strength of the registrars' feelings, the Government has decided that the choice of buildings should be left to the local authorities who, with the advice of their Chief Registrar and their knowledge of local conditions, are in the best position to judge the suitability of particular locations.

3.20 The Government will, however, introduce safeguards to ensure that buildings selected will conform to an overall standard and will give the Registrar General a power to lay down basic criteria to be used when selecting a building. These will include the requirement that access for all members of the public must be allowed at all times during a marriage ceremony and will place some limitation on the accompanying celebrations which involve the sale or consumption of food and drink, so that these either take place in a room entirely distinct from the ceremony or are separated from it by an interval of time. The Registrar General will have a power to require a local authority to enforce these rules in a particular case or to revoke the licence concerned if it cannot do so.

3.21. Local authorities will be required to notify the Registrar General of each building they select. A statutory waiting period of three months will be required between a building being licensed for marriages and the first ceremony there, to allow for any local objections to be considered. Legislation will include provision for the payment of a non returnable fee, subject to a nationally set maximum, to the local authority by the owners/trustees of a licensed building, to cover administrative costs.

Marriage ceremony

3.22 Many people who do not want to marry in a church, nevertheless find the present civil marriage ceremony rather stark and lacking in character: there is little scope for making the occasion personal or individual. There are others, of course, who choose a civil marriage and appreciate it for its simplicity and lack of fuss. For these people there will remain the choice of a standard marriage, available for a basic fee throughout England and Wales. However, the Government believes that there is scope for going some way to meeting the needs of the former group and proposes that, in addition to offering the standard marriage ceremony, each local authority should be able to offer further facilities for those who want them and to charge appropriately for these, possibly with a differential in favour of local residents. For example, different buildings will command different fees and the fee will also vary with the amount of time for which the marriage party wishes to use the premises. Extra accommodation for larger marriage parties may incur an additional cost. Video or photography facilities may be required, and the local authority may wish to make these available in conjunction with the private sector.

3.23 The present law, the Marriage Act 1949, requires certain specified words of declaration and contract to be spoken by the bride and bridegroom during all marriage ceremonies in England and Wales except those which take place in the Established Church. The words are as follows:

"I do solemnly declare that I know not of any lawful impediment why, I, AB, may not be joined in matrimony to CD"

and

"I call upon these persons here present to witness that I, AB, do take thee, CD, to be my lawful wedded wife (or husband)"

When the marriage is solemnized in a religious building registered for marriages, in the presence of an authorised person but not a registrar, the second part of the contractual words may be replaced with:

"I, AB, do take thee, CD, to be my wedded wife (or husband)"

A version in Welsh is also prescribed.

3.24 A number of respondents to the Green Paper, in particular the Free Church Federal Council and the Churches Main Committee, representing the principal religious denominations, asked if modern alternatives to the words could be made available. Alternative modern words are available for Established Church ceremonies. The Government has considered

this and concluded that new legislation should include a power to prescribe alternative versions to the existing statutory words which are substantially to the like effect. This will give people being married a choice in future.

3.25 A marriage in England and Wales is contracted by means of either a religious or a civil ceremony. There is no provision in law for a marriage to be conducted in accordance with any other creed or life style. A number of responses to the Green Paper, notably from the British Humanist Association, have put forward a case for the law to allow those who do not want a strictly civil ceremony or a religious one to have one which accords with their beliefs. However, in the Government's view this would represent a change in fundamental marriage law. Its conclusion is that marriages should continue to be restricted to either a civil or a religious ceremony and will be registered either as civil marriages or as "according to the rites and ceremonies" of a religious denomination.

3.26 Nevertheless, within this framework, the Government would like to help organisations like the Humanists to have a marriage ceremony which goes some way to meeting their requirements and their particular beliefs. The law will therefore permit additions, such as poetry readings, to be made to the standard civil ceremony, providing they do not detract from the dignity of the occasion. The essence of a civil marriage ceremony is that it is secular and any addition to its wording will have to comply with the provision in the Marriage Act 1949 that "no religious service shall be used" at a register office marriage. The words or passages selected in any individual case will always need to be agreed in advance with the registrar concerned.

Attendance of a single registrar

3.27 Two registration officers are required at a civil marriage ceremony: one to conduct the marriage and the other to register it. The Green Paper suggested that this was sometimes a waste of resources and proposed that the law should be changed to allow one person to carry out both duties. Many registrars objected to the proposal and some, apparently, thought its aim was to have only one officer at any marriage. In fact, the Green Paper proposal did not preclude more than one officer being present if the circumstances of the marriage warranted it but suggested that this would be a matter for local decision.

3.28 Registrars' comments related mainly to practical arrangements: they argued that the presence of more than one person is needed in the interests of both the solemnity of the occasion and the safety of the officers concerned. SRO claimed that one person acting alone would degrade the public perception of the marriage ceremony. It was also argued that marriage ceremonies would take longer to perform.

3.29 The Government accepts that one person acting alone is likely to be, in practice, the exception rather than the rule,

which local management will only wish to operate either in an emergency or, possibly, if the wedding party concerned is of minimum size. When there is a need for two, or more, people to be present it will commonly be met by deploying - in reception or security roles - members of staff who are not qualified registrars. It does not warrant maintaining a legal requirement for two registrars to attend every ceremony, and legislation will remove that requirement.

Use of interpreters

3.30 The words to be used in the marriage ceremony are laid down, as in 3.23 above, in English and also, as an alternative, for use in Wales and other places in which the Welsh language is commonly used, in Welsh. The Green Paper suggested that the law should allow interpreters to be used in giving notice of marriage and during the ceremony itself where one or both of the parties did not speak or understand English (or Welsh, if appropriate). Most of those who responded to this suggestion welcomed it, but many did not favour the further proposal that in such cases the person(s) concerned would speak only in their own language and would not be required to repeat the statutory English words. SRO and many individual registrars were opposed to this. They pointed out that interpreters are used informally at present in many cases and that such arrangements work well. Registrars were concerned that they could not be satisfied that a valid marriage had taken place if they have not heard the couple say the statutory words and that witnesses to the ceremony, other than the person acting as interpreter, might be similarly unclear as to what had been said by the couple.

3.31 The Government accepts these arguments and agrees that the couple should continue to be required to say the declaratory and contracting words in English or, where Welsh is used, in Welsh. A Registrar will, however, have a statutory right to require an interpreter to be present in cases where there is any risk that, otherwise, either party to the marriage may be unaware of the nature of the contract they are entering into.

Marriage in registered buildings

3.32 A new system for registering buildings for religious marriages was proposed in the Green Paper. Change is necessary because the present system, dating from 1855, is cumbersome, inflexible and out of tune with modern requirements. Response to these proposals was positive and, in particular, the Churches Main Committee and The Free Church Federal Council welcomed them.

3.33 The system the Government proposes will combine the two present procedures which require that a building should first be certified as a place of religious worship and then registered as a place where marriages may take place.

The Marriage Act will be amended so that when the Trustees of a building wish to use it for celebrating marriage they will be required to make one application to the Registrar General. The

application will have to certify that the principal use of the building, or that part of the building where they wish marriages to take place, is for public religious worship. If it is successful the trustees will be required to advertise in specified places that the building, or designated parts of it, is used as a place of public religious worship and has been registered by the Registrar General as a place where marriages may take place. A minimum 14-day period will need to elapse after the publication of such notices before marriages may be conducted in the building.

Authorised persons

3.34 The Green Paper also considered the authorised persons who are appointed under the Marriage Acts to be present at, and to register, marriages in registered buildings in the absence of a registrar. It contained proposals to simplify their appointment and also to allow their removal from office if they do not carry out their duties in a satisfactory way. Both were generally welcomed, and the Government will follow them.

3.35. Religious bodies will nominate those whom they wish to act as authorised persons and once appointed, each will be able to act in any building which the Registrar General has registered for marriage purposes in the district in which they are appointed. They may be appointed for more than one district, but in that case will have a separate register to use in each district. A register will be personal to the authorised person, and buildings registered for religious worship and marriage will cease to have their own. The register kept by an authorised person will be required to be deposited at the local register office when it is full. Authorised persons may register only marriages at which they have been present.

3.36 An authorised person will be appointed for a probationary period of one year and thereafter the appointment will be renewed on a three year basis. The appointment will be made by the chief registrar for the district and renewed, with the agreement of the religious body concerned, if the duties have been carried out satisfactorily. Any termination of an appointment within a three year period will require the consent of the Registrar General. The Registrar General will have a power to terminate the appointment at any time if the person no longer performs the duties adequately or is guilty of serious misconduct of any kind.

Register entries of marriages

3.37 The Green Paper proposal to include more information in the marriage register entry, particularly details of the mothers of the couple being married, was universally welcomed. Indeed, many people asked that much more additional information should be included. However, the Government has weighed the benefits of collecting more information against the resource implications - increased staff time and larger registers and certificates - and concluded that extra information to be included in the marriage entry will be confined to that

suggested in the Green Paper, as follows:

- (i) the date and place of birth of the bride and groom;
- (ii) the names and occupations of the mothers of the bride and groom; and
- (iii) the names and addresses of the witnesses.

Scope of proposals

3.38 Where a party to a marriage is unlikely to recover from a serious illness, the Marriage (Registrar General's Licence) Act 1970 provides for exceptions to be made to several of the usual legal requirements. These exceptions enable the marriage to take place with the minimum of delay at the person's home or in hospital.

3.39 The proposals in this chapter will not affect any of the special provisions of that Act and, further, it will continue to be necessary for only one party to give notice of marriage. However, the more general provisions (for example, the proposed new marriage entry and the options regarding the statutory words) will extend to these marriages as to others.

3.40 The Marriage Act 1983 enables housebound or detained persons to be married at the places where they reside and all the proposals in this chapter concerning the preliminaries to marriage, the ceremony and the register entry will apply equally to marriages which are solemnized under the provisions of that Act.

Chapter 4: Registration of births, deaths and still-births

4.1 The Government will introduce a number of procedural changes to the registration of births, deaths and still-births, outlined in proposals 39-48 in the Green Paper. These are largely designed to deal with anomalies and omissions in the present legislation.

Births

4.2 The Green Paper explained the need for all births to be registered by a "qualified informant", a person who, because of their position, should know the facts of the births and will be able to supply accurate and complete information about it. A birth cannot be registered unless there is a qualified informant and this can cause problems if a person discovers, quite late in life, that their birth has not been registered and by then no qualified informant is available. In order to help the small number of people whom this may affect, it is proposed to include in legislation a power for the Register General to authorise the registration of the birth without a qualified informant. Evidence of the birth will have to be produced, the nature of which will be specified by regulation.

4.3 A change will be made to the list of those qualified to give information concerning a birth in line with a corresponding change in the list of qualified informants for a death (see paragraph 4.10). The present category:

"the occupier of the house in which the child was to the knowledge of that occupier born"

will be extended to include a senior administrator of the premises where the birth occurred. This definition is more in keeping with modern conditions and reflects the fact that those in charge of institutions are now unlikely to be resident there.

4.4 The Green Paper also proposed that the list of qualified informants should be extended to include "a relative of either parent" who would act in the small number of cases where both parents have died, or are otherwise unable to register the birth. However, many registrars opposed this proposal, arguing that the present list of informants is adequate to meet the circumstances. They fear that grandparents or others would not necessarily follow the parents' wishes over the choice of names and, in cases where the parents were unmarried, could act to prevent the inclusion of the father's name in the register. There were also doubts about the quality of information that relatives would be able to provide for the purposes of the Population (Statistics) Acts. The Government accepts the merits of these arguments and will not pursue the proposal further.

Birth register entry

4.5 At present there is no specific space in the birth register entry for the occupation of the child's mother, although it can be included in the space reserved for her name and surname. It was proposed in the Green Paper that a separate space should be provided and this received wide support. The Government will introduce this change.

Deaths

Duty to report a death to the coroner

4.6 There is an anomaly in the present law relating to death registration, in that a registrar has a duty to report a death to a coroner in certain circumstances while a medical practitioner does not. The Government will redress this by placing upon medical practitioners a statutory duty to report unnatural deaths to a coroner. Regulations, on the lines proposed in the Green Paper, will specify in more detail the circumstances where this must be done. Registrars will continue to be empowered to report cases where the rules have not been followed or where they become aware of new evidence.

Changes to death certification system

4.7 The Government considers that the present law relating to death certification needs to be tightened. At present a medical practitioner who has attended the deceased during the last illness is required to give a certificate of cause of death irrespective of whether the body has been seen after death. This may lead to the death being certified wrongly or, more seriously, may allow some deaths caused by criminal action to be overlooked. New legislation will place a duty to issue a certificate of the fact and cause of death on a medical practitioner who has attended the deceased at least once during a prescribed period before death (that period being set by regulation at 14 days) and who has also inspected the body after death. All other cases will be required to be reported to the coroner by a medical practitioner in accordance with the proposal in the previous paragraph.

Registration of deaths by declaration

4.8 The Green Paper referred to requests for the introduction of a system whereby a death could be registered by means of a declaration made in any district in England or Wales, so relieving bereaved people of the difficulty and expense of having to travel to the district where it occurred. Public response to this section of the Green Paper was in favour of such a system, but registrars were almost unanimously against it. Some expressed doubt whether there is a demand for such a procedure, given that the next-of-kin may commonly have to make the journey to complete arrangements of other kinds. All pointed out that a system involving liaison between two registration districts could well be lengthy and cumbersome and

that it would cause public distress if funeral arrangements were affected by resulting delays.

4.9 The Government accepts these points have some force, but is nevertheless satisfied that, even though the number of people who would take advantage of a declaration service may be small, it is not negligible and their demand for it is real. Legislation will therefore include provision for such a scheme, and the Government has asked OPCS to discuss with SRO and other professional bodies involved the detailed design for a procedure. It seems likely that people taking advantage of such an arrangement would need to be advised that it could be time-consuming, and that they would be wise to bear this in mind in making funeral arrangements. The Government also thinks it reasonable that users of the service should pay a fee to cover its additional administrative costs.

Informants for death registration

4.10 The present law makes different people eligible to give information for the registration of a death according to where the death occurs. The Green Paper argued that there was no reason to maintain such distinctions, and proposed instead a single list of informants appropriate to all deaths. This simplified approach was widely welcomed and will be adopted. It will include a new category "the deceased's executor" and, instead of "occupier" in relation to a public institution, will include the description "a senior administrator".

Death register entry

4.11 Information on the marital status of a deceased person is at present collected in confidence under the Population (Statistics) Acts and is therefore not publicly available. However such details are often useful for medical research because they may have a bearing on the cause of death. The information is included in death entries in Scotland and Northern Ireland and the Government considers that there are benefits to be gained from its inclusion in the England and Wales death entry. Legislation will provide for this.

Short form of death certificate

4.12 A number of those who responded to the Green Paper, mainly from the medical profession, suggested that an abbreviated form of death certificate should be available in parallel with that for births. It would give identity details of the deceased person and the date and place of death but would not show the cause of death recorded in the death register. It is argued that a short certificate could save embarrassment to bereaved families by avoiding unnecessary disclosure of sensitive information, for example, where the person died of AIDS, alcoholism, or drug abuse, or committed suicide.

4.13 In the past, interested organisations such as insurance associations, Probate and the National Savings

Department have been consulted to assess the extent to which the public would be able to make use of an abbreviated certificate and whether it would serve most of the purposes for which a death certificate is required. These enquiries indicated that the usefulness of an abbreviated death certificate would necessarily be limited so long as insurance companies, for example, require to have full details before them.

4.14 Nevertheless, the Government recognises that there is a genuine demand for a short form of death certificate and considers that it could serve a number of useful purposes as well as, in some cases, relieving the bereaved of some distress. Provision will therefore be made for its introduction as an alternative to the existing full death certificate, and the particulars to be contained in it will be prescribed by regulation.

Deaths at sea

4.15 There is a gap in the present law which does not cater for cases where a death occurs at sea but is not connected with a ship. There is no provision for it to be registered by the Registrar General of Shipping and Seamen and, because it occurred at sea rather than within a sub-district in England or Wales, it is not covered by the Births and Deaths Registration Act 1953. The Government proposes to change the law to make it a requirement that such deaths be registered in the sub-district where the body is found or brought ashore.

Still-births

4.16 The Green Paper described a number of deficiencies in the procedures for the registration of still-born children which are not only anomalous in themselves but which also can cause additional grief and suffering to the parents. For example, it is possible at present for the body of a still-born child to be disposed of without any prior medical involvement, and no provision exists for a coroner to investigate these or other still-birth cases. The Green Paper accordingly proposed changes to the system which would align the registration of a still-birth with the registration of a death, and also recommended measures which would give greater official recognition to the child's existence and, thereby, some measure of comfort to the family. These proposals were almost universally welcomed by those who commented on them and, particularly, by members of the medical profession and other organisations who have contact with the parents of still-born children, for example, the Still-birth and Neonatal Death Society (SANDS).

The registration of still-births

4.17 In view of this response the Government will legislate to secure that still-birth procedures will largely follow those for the certification and registration of deaths. At present the great majority of medical certificates issued in respect of still-births are given by medical practitioners, and the new law

will formalise this by requiring a still-birth to be certified by a medical practitioner who was present at the birth or who has examined the body and is satisfied that the baby could not have been born alive. A statutory duty will be placed on the medical practitioner to report the still-birth to the coroner if no certificate of its cause can be issued or if there is reason to believe that its circumstances were unnatural or suspicious. The coroner will have a duty to investigate all still-births reported and will be responsible for notifying the registrar of the cause of the still-birth and, in such cases, for authorising the disposal of the body. More generally, there will be a duty on anyone effecting the disposal of the body of a still-born child to notify the registrar that this has taken place. This procedure is already followed for deaths and its introduction for still-births will ensure that the place of burial or cremation will be recorded.

4.18 The list of those qualified to give information for a still-birth, which at present is the same as those qualified to give information for a birth, will be replaced with the list of those persons eligible to give information for the registration of a death. As a result the law will permit a still-birth to be registered by the father on his own, if he is not married to the mother, in the same way as such a father may now register the death of an infant.

4.19 The statutory period after the event within which registration should take place will be changed from 42 days, which applies to live births, to 5 days, which applies to deaths. The Government will remove the present statutory prohibition on a still-birth being registered more than three months after it occurred so that it may be registered up to a year after it occurred, if necessary, as a death may be. After that time it may be registered only on the authority of the Registrar General which, again, is the condition which applies to deaths.

4.20 There is one aspect of still-birth registration that will remain the same as for a birth. It concerns the collection of the confidential particulars under the Population (Statistics) Acts. Those collected will be the ones collected when a birth is registered, not those collected at death registration.

The still-birth register entry

4.21 Many parents of still-born children welcome the opportunity of a name being recorded for the child. To formalise this procedure the still-birth register entry will be re-prescribed to include a space for the child's name, if one is given, to be entered. In their response to the Green Paper SANDS expressed concern that if the parents did not give the child a name at registration there was no provision for it to be added to the entry at a later stage. In the case of a live birth there is provision for a name to be added, or for the name given to be changed, up to twelve months after the date of

registration. The Government recognises that the parents of still-born children need a similar facility and the law will permit a name for the still-born child to be added up to twelve months after registration. As with birth and death certificates, a short certificate of still-birth will become available. The still-birth register entry will include a space for the occupation of the child's mother to be recorded, in line with the proposal for the birth register entry (see paragraph 4.5).

Definition of a still-birth

4.22 The Green Paper called for views on whether a still-birth should be redefined in view of the additional distress which can be caused to parents whose child is born dead before the completion of 28 weeks gestation and who are therefore denied access to the formal procedures which still-birth involves. A lower gestation period would bring some of these births within the definition and extend the comfort, which many believe comes from formal recognition. Alternatively the definition of a still-birth might be based on the viability of the fetus, measured by its birthweight, rather than on a specified period of gestation.

4.23 There were 102 responses on this issue, both from individuals and from a wide variety of organisations in the medical field. Virtually all favoured gestational age as a means of defining still-births, with no significant support for a definition based on birthweight. A close correlation appeared between support for retaining 28 weeks as the gestation period for still-births and a wish to see that figure retained as the number of weeks after which a child is presumed capable of being born alive under the Infant Life (Preservation) Act 1929, in practice the upper limit for abortions under the Abortion Act 1967, or, on the other hand, a desire to set a lower limit, commonly 24 weeks, for both purposes. There was no backing for any formula which would leave the two definitions out of line.

4.24 The Government accepts that the same gestation period should, if possible, apply to the still-birth definition and the limit set for abortions. New legislation will accordingly provide for a still-birth to be formally defined by reference to the period of fetal viability as determined by legislation - at present the Infant Life (Preservation) Act 1929.

4.25 This proposal does not, however, help to meet the needs of parents whose child is born dead before the defined period for a still-birth has elapsed, an issue rated as very important by most of those who commented, whether they were for or against change in the current definition. It arises most acutely in cases of multiple births which take place before the 28th week, where one child is born alive but subsequently dies and the other is born dead. In the former case, a birth and death must be registered, and formal burial or cremation procedures applied whereas, in the case of the child born dead, there may be no official recognition of the birth or of the

disposal of the body. An official acknowledgement of the event can be of great importance to the parents and the Government will consider ways in which procedures adopted voluntarily by some hospitals and midwives might be extended more widely. The Government would also welcome more publicity for the existing facilities for burial or cremation of the bodies of such children.

Chapter 5: General proposals

5.1 The Green Paper contained (Chapter 5 and recommendations 50 to 57) a variety of general proposals connected with registration which have proved largely acceptable. This Chapter comments on these and also raises the issue of documenting in Welsh events relating to Welsh speakers which have been registered only in English. This was a matter which the Green Paper did not address but which was the subject of subsequent representations.

The Population (Statistics) Acts

5.2 Under the Population (Statistics) Acts of 1938 and 1960 anyone registering a birth, death or still-birth, is required to provide certain personal and confidential particulars which are not entered in the register. The Registrar General has a duty to collect and collate this information, and statistical analyses about the fertility of the population and related topics are compiled from it. The Government wishes to maintain the statutory basis for the collection of the information, and accordingly the law will still require informants to supply it to a registrar and will provide for registrars to forward it to OPCS. However, the content of the material which is required or which it is appropriate to collect may change from time to time, and at present such adjustments are impeded by the need for primary legislation before any amendment can be made to the Schedule to the 1960 Act. The Government therefore proposes that the information which is required should no longer be specified in statute, but should be the subject of an affirmative Order requiring the approval of both Houses of Parliament. Other matters concerning the form and frequency with which returns are made by registrars to the Registrar General would also be subject to regulation. As the Population (Statistics) Acts apply to Great Britain as a whole, the arrangements envisaged here for England and Wales would be paralleled by similar changes in Scotland.

5.3. In most respects the information which individuals would be required to give under the new arrangements would be the same as is laid down at present but, as the Green Paper has foreshadowed, there would be one significant change. Parents who register a birth are only required to give information about previous births to the mother so long as they are married to each other, and even then the information required is confined to births within marriage. This has led to an increasing shortfall in the information collected about fertility because each year more children are born outside marriage (more than 25 per cent in 1988). With this in mind, the Government intends to revise the list of particulars which should be collected at birth or still-birth registration.

5.4 The confidential particulars required to be given will be as follows:

A. In all cases:

- a. mother's date of birth (day, month, year)
- b. number of mother's previous children (excluding birth or births now being registered)

- (i) number born alive (including any now dead)

- (ii) number still-born

- c. where the answer to (b)(i) is that the mother had previously had one or more live born children:

- date of most recent live birth (excluding all births now being registered) (day, month, year) .

- B. where the father's name is entered on the register:

- father's date of birth (day, month, year)

- C. where the child's parents are married to each other:

- date of marriage (month, year) and whether the mother has been married more than once.

5.5 In response to the Green Paper's proposals a small number of people questioned whether much of this information would be given, or given accurately, if the birth or still-birth was registered by anyone other than the mother of the child. The Government accepts that in some instances the informant may not be able to give full details but nevertheless believes that, in most cases, the extra information will be gathered and will yield valuable statistical data. In other cases, where parents misunderstand the present requirements and give information about children born outside marriage, which strictly should not be recorded, the new arrangements are likely to yield an increase in accuracy.

5.6 As a consequence of the proposal to include marital status in the death entry (see paragraph 4.11 above) the only confidential information collected at the registration of a death will be the date of birth of the surviving spouse, if any, of the deceased. A request for this will continue, alongside the items of voluntary information which are sought at the same time.

Confidentiality of personal information

5.7 The Government is aware that the proposal to pass management of the registration service to local authorities, with registration officers as local government employees (see Chapter 2), has given rise to concern that local authorities will obtain access to register information about identifiable individuals.

With more and more personal registration data being held on local computers in the future this possibility will increase. Misuse of the data in only a few cases could ultimately jeopardise the accuracy of information given at registration. To safeguard registration information the Registrar General will be empowered to make regulations determining the release, form of release and purpose of release of information entered in the registers. Information not entered in a register, for example the confidential particulars described in 5.4 and 5.6 above, will be subject to the same restrictions and safeguards as is information collected at present under the Population (Statistics) Acts.

Annotation of entries to limit issue of certificates

5.8 The Green Paper proposal to restrict the issue of certificates from entries known to be false was generally welcomed. The Government will, therefore, include in legislation a power for the Registrar General to direct the relevant registrars to annotate the entries concerned to the effect that they contain false information and to prevent the issue of certificates from them.

Corrections to entries in registers

5.9 Errors which occur in registers are treated differently at present depending on whether they relate to birth, death or still-birth on the one hand, or marriage on the other. The Government will rationalise and unify these procedures so that errors in different types of entry will be categorised and dealt with in a uniform way. There will be two categories of error: the first covering simple mistakes like spelling, omissions or transcribing errors, and the second covering errors which could affect parentage, status or identity and may be a result of false information being given, deliberately, to the registrar. Those in the first category will be corrected on the production of suitable documentary evidence while those in the second category will require a statutory declaration to be made. The necessary detailed procedures will be prescribed in regulations.

5.10 Proposals to allow registrars to deal locally with a large proportion of the cases of re-registration of a birth upon legitimation or upon joint information of the parents were, on the whole, welcomed by registrars, although a few questioned the need to restrict the cases they could handle. The Government considers that the criteria set out in the Green Paper will establish the correct balance between those cases which are straightforward and those which may require further investigation and intends to legislate accordingly. Detailed conditions for dealing locally with these cases will be prescribed in regulations.

Provision of information from register entries

5.11 The Government will introduce an alternative common format for each type of certificate produced from an entry in a birth, death, marriage or still-birth register. This will

obviate the need to keep blank certificates for all the formats which have been used since 1837. The present requirement in the law to produce a "certified copy" of an entry will be replaced by a requirement to produce 'certified particulars' from an entry. This may be in the form of an exact copy of the original entry or, if produced manually, in a common format.

Certification in Welsh

5.12 Finally, an issue which was not addressed in the Green Paper is the ability of Welsh speaking informants to obtain copies of certificates in Welsh. Where the event concerned took place in Wales and is registered bilingually, which is an option available to Welsh speakers in all register offices in Wales, there is provision for a bilingual certificate, showing the relevant particulars in English and in Welsh. However the law does not provide for bilingual registration outside Wales and when, for example, the birth of a child to Welsh speaking parents takes place in England, the event has to be registered in English only.

5.13 Cases have arisen in which Welsh people have wanted, in these circumstances, an official Welsh record of the event concerned. The Government is sympathetic to this although it does not feel that it would be reasonable to require local authorities to offer bilingual registration outside Wales. It will introduce new arrangements whereby Welsh speakers may make a declaration of the event at a registration office in Wales, giving particulars both in English and in Welsh. The bilingual declaration will be forwarded to the district where the event occurred, to be recorded in English in the register there; it will then go on to OPCS who will maintain a new bilingual register for cases of this kind, and will be responsible for issuing bilingual certificates as required.

Chapter 6: Access to registration records

6.1 In the part of the Green Paper dealing with access to registration records (Chapter 6 and proposals 58 to 65) some of the problems which are inherent in the present system of access were explained: particularly, increasing pressure on the staff and physical resources at St Catherine's House and the frustration of genealogists who can only be given information by means of certified copies of entries, which they must buy without knowing what information they contain and cannot return for a refund if they are of no use to them.

6.2 Since the Green Paper was published it has been announced that the first of these problems, to the extent that it stems from the difficulty of recruiting and retaining staff in London, will be tackled by moving the registration work of OPCS, other than the Public Search Room, to its office at Southport. This should provide greater permanence and stability among the staff who carry out specialised registration duties, with a consequent improvement in the overall quality of service. However, one effect of the move, which is scheduled for 1991, will be to distance the production of certificates (in Southport) from the Public Search Room (in London) and thereby make it impossible to maintain the present 48-hour collection service for people who order certificates there. The standard time for certificates ordered in London to be printed in Southport and returned for London collection is expected to be four working days. The possibility will nevertheless be explored of improving on this by posting certificates to applicants direct from Southport. A new facility will be the provision of a 24-hour "emergency" collection service in London, for which staff and machinery will be retained there but which will require the payment of an additional fee.

6.3 The need for genealogists and others to conduct their research through the speculative purchase of certificates, rather than by examining the records in order to select the information of interest to them, will be tackled directly, so far as the older registration records are concerned. The Green Paper proposed that records over a certain age should be classified as "historic" and opened up to public view. This recommendation was universally welcomed. The remainder of this Chapter deals first with the definition of historic records, then with new arrangements proposed for records too recent to be designated historic and, finally, with the means of providing access to the older records which enter the public domain.

Definition of recent and historic records

6.4 The Green Paper sought views on what age registration records should reach before they were designated 'historic'. It offered four possibilities: (a) 100 years, (b) 30 years, (c) varying ages, illustratively 100 years for births, 60 for marriages, 30 for deaths or (d) 75 years - the Government's preferred option.

6.5 There were more than 200 responses to this question. Option (b) - 30 years - found little favour. A minority favoured (c) - varying limits for birth, marriage and death. Many of those who preferred varying limits, and they included the AMA and a number of local authorities, made the point that it seemed unduly restrictive to prevent access to death registers for as long as 75 or 100 years. On (a) and (d) - 100 years or 75 - there was a major divergence between the views of registrars, including those of SRO and those of other commentators, mainly genealogists or family historians. The key arguments were, on the one hand, that nothing less than 100 years protects the records of the living and, on the other, that 75 years is "a reasonable compromise".

6.6 In the outcome the greatest measure of support, from nearly half of those responding, was in favour of the Government's preferred option of 75 years. This, therefore, is the Government's proposal. It is further proposed that new legislation be framed in such a way as to allow the age when death and marriage records are made available to the public to be lowered if, at some future date, this seems to be justified. However no such flexibility is proposed for records of birth.

Access to recent records

6.7 For recent records - namely, all those less than 75 years old - the existing system will remain whereby the public may obtain access to the information in them through the purchase of copies of specified items. In discussing this arrangement the Green Paper expressed concern that the right of anyone to look up events - especially births - in public indexes, and then to buy certified copies of the records of them, offers scope for these certificates to be used too readily for the creation of false identities, for purposes of personation and fraud.

6.8 Responses to the Green Paper indicated a wide measure of agreement with the view that tighter rules were needed to reduce the potential for abuse of this kind. There was however much less support for the detailed proposals which the Green Paper put forward to combat it. These would have involved a requirement on every purchaser of the certified copy of a recent event either to demonstrate a knowledge of the information it contained, or, to explain why he or she needed the document concerned. The only exception would be in favour of researchers whom the Registrar General had accredited, on the basis that they, or their employer, were engaged in professional or academic work of a relevant kind.

6.9 There were many objections to this approach. Problems and delays were foreseen in vetting applications for accreditation, while extra staff would be required to cope with unaccredited applicants. The administration of the system, in the context of a Public Search Room already under pressure, would be cumbersome and expensive. Further, there was a groundswell of opinion in favour of treating all applicants equally and against preferential treatment for established researchers or

commercial firms. Finally, many correspondents suggested that prescribed information could be gleaned elsewhere, for example, from wills lodged at the probate registry, so that a requirement to provide it would not be a deterrent to the unscrupulous. These views were expressed by many organisations, including the Royal Commission on Historical Manuscripts.

6.10 The Government accepts these arguments and proposes to introduce alternative arrangements for the purchase of certificates of recent events and a different approach to preventing personation and fraud. In essence, the right to buy certified copies of events will be more tightly controlled, while the present degree of access to the information in the records will be maintained through the introduction and sale of unofficial "information" copies of them.

6.11 Statutory provision will be made for the issue of non-certified copies of entries in the recent records and, instead of the present entitlement to a certified copy, all applicants will be entitled to non-certified copies of any entries identified from the indexes. As now, it will be possible to obtain these either from OPCS or from the local register office concerned, with OPCS offering a choice of collection from the Public Search Room or ordering by post. However, those requiring certified copies will have to complete a more comprehensive application form resembling that for a passport. Applicants will be required to identify themselves, state their relationship to the subject of the required certificate and the purpose, official or otherwise, for which it is required. They will also be asked to give their address and this may be confirmed before the certificate is issued. A statutory power will be introduced enabling the Registrar General and local registrars to refuse to issue certified copies unless reasonably satisfied of the identity and entitlement of the applicant.

6.12 This system will not deny anyone their present degree of access to the registration records. It will allow information appearing in them to be used as now by genealogists and researchers, and OPCS to continue to supply abstracts from them to medical researchers and others for research and administrative purposes. However, it will restrict access to, and the availability of, official certificates. In this way the Government hopes to meet the needs of law enforcement while maintaining OPCS's service to the public and to its specialised customers i.e. family historians, researchers, professional and amateur genealogists and legal searchers. Indeed, one half of the respondents to a recent survey of users of the Public Search Room said that they did not need to purchase certificates but that access to the information would be sufficient. This was also stated by many who responded to the Green Paper. The Government accordingly trusts that this will prove a popular arrangement which will also be effective in curtailing abuse.

Access to historic records

6.13 The Public Search Room at present contains indexes of

events over 75 years old and certified copies of them may be purchased there or obtained from OPCS by post. This will continue, and the purchase of these certificates will not be subject to the new rules outlined in 6.11 above. As an alternative, non-certified copies will be available, as is proposed for the records of recent events. However the principal change will be the opening of these records to public examination, without the need to identify or purchase any documentary record.

6.14 The fragility and uniqueness of the paper copies of registration records renders it undesirable to allow public access directly to them, and the Green Paper indicated that some other means of access would be made available. OPCS already has all these records on microfilm and, therefore, they could be made available quite quickly through that medium. However, those who responded to this part of the Paper expressed an overwhelming preference for microfiche. They said that microfilm was very slow to use and that further time could be taken up waiting for a reader to become free, connecting up the film etc. A number of those who responded advocated the use of computer based technology to which the public could have access via terminals in their homes, or in libraries or county record offices.

6.15 Since the publication of the Green Paper OPCS has begun to convert the indexes to the registration records, which are already publicly available, from microfilm to microfiche. Copies of these indexes will shortly be available in both formats. A decision on whether the microfilm of the records should similarly be converted to microfiche will await the outcome of the issues discussed in 6.17-6.20 below.

A central library

6.16 The Green Paper acknowledged that many people will not want to acquire personal copies of the film (or fiche) of historic registration records but will wish to browse through them and to buy non-certified copies of entries of particular interest. It accordingly invited views about a "record library" which offered these services.

6.17 The responses received were in favour of such a library, and strongly took the view that it should be in central London with, if possible, the material also available in one or more provincial centres as well. The Green Paper raised the question of private sector involvement in the running of the library but there was no great public support for this, although some organisations indicated that they might be interested in participating in a non-profit making scheme, possibly in partnership with the Government. Respondents were, in the main, opposed to charges for access to this material, although the Green Paper made clear that the facility would need to be self-financing.

6.18 Notwithstanding the strength of the representations that the development of the record library should be a central

government initiative, in the hands of OPCS, the Government is not convinced that this is the best approach. It is unlikely that accommodation could be found in central London in which the library could be collocated with the Public Search Room and this would mean that two separate London businesses would have to be run. Also, OPCS has no presence in the major provincial cities where further libraries might be situated.

6.19 The Government therefore proposes that the provision of a central library should be offered as a contract to those who might wish to run it outside government, either as a non-profit-making trust or a commercial concern. Those who took the contract would be required to have regard to the needs of genealogists, historians and researchers. It would be overseen by OPCS who would supply the contractor with a copy of every record which was to be publicly open, and of new records as these became available each year, in a medium to be determined. The contractor would pay an annual royalty to OPCS.

6.20 The Government believes that this will be the most effective way of ensuring that the valuable historical information which exists in the 19th century and early 20th century records of the registration service is brought easily within the reach of those who can make best use of it, and, that this is achieved without an increase in public investment or continuing higher running costs for OPCS.

Local access

6.21 The Green Paper suggested a number of ways in which local authorities might open up their own historic records to the public. Very few local authorities responded on the issue so there is little indication of which course - display in a County archive or public library, purchase of OPCS film or fiche, or some other approach - the majority of them may choose to adopt. Some members of the public who responded would prefer that local authorities should be given guidance centrally so that conditions would be uniform throughout England and Wales. However, the Government considers it is a matter to be determined locally in accordance with local opinion and demand. New legislation will allow the costs of providing whatever service is decided in each case to be recovered from those who use it.

Records in the custody of the Established Church

6.22 At present searches may be made in registers held by incumbents or in those held in diocesan record offices. This imposes a heavy burden in terms of wear and tear on original registers. The Government accordingly proposes to legislate to permit the Church authorities to make available authenticated copies of their registers for research purposes instead of the original ones.

Summary of access provision

6.23 The following table gives a diagrammatic indication of how it is foreseen, under these proposals, the public will have access to information of different ages and kinds:

	OPCS	Local authorities	Non-governmental agency
Recent records (under 75 years)			
Indexes	Yes	Yes	Optional
Certified copies	Yes	Yes	No
Unofficial copies	Yes	Yes	No
Historic records (75 years or more)			
Indexes	Yes	Yes	Yes
Certified copies	Yes	Yes	No
Unofficial copies	Yes	Yes	Yes
Records for sale on film (or fiche)	Yes	Optional	Optional
Browsing facility	No	Optional	Yes

Chapter 7: Financial issues

Estimated savings

7.1 In its coverage of financial matters (Chapter 7 and proposals 66 to 73) the Green Paper outlined the present funding and income of the registration service and also made it clear that, taken as a whole, the changes proposed were expected to produce significant savings in the longer term. Since the publication of the Green Paper the local authority Associations have carried out a study of two counties and two Metropolitan Districts, of differing sizes, to try to estimate the savings that might ultimately be achieved if the proposals in the Green Paper were implemented in full. These studies indicated that the net savings which might be obtainable would be in the range between 3.5% and 10%.

7.2 The Government finds these figures encouraging, although they need to be treated with some caution. The different findings which they yield in individual cases arise because, to a considerable extent, the way each local authority organises its service at present will determine the scope it has to make savings. Nevertheless many of the estimated savings will be in staff costs and should be achieved throughout the country as a result of introducing the proposals designed to simplify the present registration grades and to break down the barriers which now prevent flexible working (see 2.7 to 2.11 above). Larger savings are more likely to be possible in rural areas because, at present, they need to employ many part time officers to ensure that the services provided by each kind of registrar are available over a wide geographical area. They will, therefore, benefit to a greater extent when grades are amalgamated and single officers can undertake the full range of duties. The Government considers that administrative savings of this kind, together with the charges which it is proposed that both local authorities and OPCS should make for the services which they provide, will produce a valuable offset to the present net annual cost of £20 million for the service. Initially they should be more than sufficient to cover the transitional costs of the proposed changes (of which the introduction of new registers and the reprinting of stationery is expected, at over £1 million, to be the largest) and thereafter they will represent a reduction in the real cost of the service.

7.3 The Government intends to adhere to two important principles stated in the Green Paper: there will not be a charge for actual registration and there will be a basic fee for a basic civil marriage and for other standard services throughout England and Wales. All common standard fees will be set down in regulations. Beyond these, legislation will permit local authorities to charge for non-standard services, for example, in connection with marriage (see 3.22 above). Respondents to the Green Paper generally welcomed the option of improved facilities made available at an appropriate charge, although it should be noted that charges which an authority makes for services which go beyond its statutory obligations will commonly attract VAT.

Charge for the registration of a birth, death or still-birth by declaration

7.4 The discussion in this paper of the registration of deaths by declaration (see 4.8 to 4.9 above) reaffirmed the Green Paper proposal that a charge should be made for such a service. Public reaction to this proposal in the Green Paper was relatively favourable, but there was significant opposition to the Green Paper's parallel suggestion of reintroducing a charge for the existing arrangements for taking the declaration of a birth. It was argued that this could cause hardship to some parents, particularly those in rural areas who do not have a hospital in the district where they live. Against this, the Government considers that a charge is justified to cover the administrative costs of a service which saves trouble and expense to the people concerned, and will legislate to bring it in.

Charge for a short birth certificate at the time of registration

7.5 The Green Paper proposed ending the free issue of a short certificate of birth at the time of registration. The great majority of responses to this proposal were from registration officers who took the view that these certificates should continue to be issued free because a charge for them would deter parents from registering. However, there is no evidence that birth registration was not comprehensive between 1947, when the short certificate was introduced, and 1968, when the fee was abolished; moreover, the public are not obliged to purchase any certificate at all at registration. Also, as the Green Paper pointed out, today's social climate no longer requires this form of subsidised protection for children whose parents are not married to each other, or who are adopted.

7.6 The Government's view accordingly remains that the introduction of a small fee will not have a detrimental effect on the quality and comprehensiveness of registration. On the other hand a £1 charge would add approximately £700,000 overall to local authority revenue and form a significant part of the savings they will be able to achieve (see 7.1 above). An appropriate charge will also be made for giving notice of marriage away from the district of ordinary residence (see 3.8 above) and for the new short certificates for death and still-birth which it is proposed to introduce (see 4.12 to 4.14 and 4.21).

Admission to the Public Search Room

7.7 As would be expected, the Green Paper proposal to introduce a charge for entry to the Public Search Room at St Catherine's House drew much comment from individuals and organisations with an interest in genealogy. Most were opposed to it. However, the Government believes that there are two main arguments for such a charge. The first is that the Search Room is widely used for study and research purposes, and that those who come there do not necessarily buy certificates on every visit. A recent survey of those who use the Public Search Room indicated almost one-third of them consulted the indexes but did not order or collect certificates on that occasion. It seems appropriate that such people should make some contribution

Towards the cost of the facilities they use, including the services of staff, rather than that the expense should be loaded onto the price of certificates or borne wholly by the general taxpayer.

7.8 Secondly, to the extent that such revenue from fees would increase OPCS resources, it would allow more expenditure in priority areas, including the maintenance of the Public Search Room and the improvement of its facilities. This would cover the possibility of the introduction of new technology. In particular, now that the most recent indexes have been prepared on computer, consideration will be given to making computer terminals available for the conduct of searches through them by the public.

7.9 The Government therefore intends to proceed with legislation to charge for entry to the Public Search Room. It is not envisaged that the charge would be a high one. The survey which has been mentioned asked frequent visitors to the Search Room about their reaction to an entry charge, and learned that almost half of them would expect their pattern of visits to be unaffected by a £1 or £2 fee. A system of season tickets for regular visitors is, anyway, a likely development. Further, the Government considers that both this charge and the others envisaged, including that levied for the proposed new one-day collection service, (see 6.2 above) should be seen in the context of the improvements to the service which are also planned, in particular the right which genealogists and others will exercise to peruse and take notes from historic records, with no need to purchase certified copies of individual entries at all.

Certificates from register offices

7.10 Growing interest in genealogy has resulted in an increase in the number of applications made to register offices for certified copies of register entries. In a significant number of cases, the entry cannot be traced because the applicant gives insufficient or, perhaps, incorrect, information, but considerable staff time can be used in trying to trace it. Nevertheless no charge is at present made to the applicant. The Government considers that it would be appropriate to introduce a non-returnable fee for applications made to register offices to help cover the cost of staff time used in searches which do not result in the sale of a certificate.

Reduced price certificates

7.11 The Green Paper proposed the abolition of reduced price certificates because there is now a very limited need for them. Response to this proposal confirmed that it was not contentious, and it will be implemented. Steps will be taken to implement this in Scotland as well as in England and Wales. The future of the special certificate issued for industrial assurance purposes is under consideration.

Chapter 8 Conclusion

8.1 The Government has been most gratified by the reception accorded to the Green Paper. The great majority of its 73 proposals have been welcomed by those who responded to it, and the Government has decided to adopt 69 of them. These are listed in Part I of the Annex, which indicates whether they have been adopted as they stand or are subject to some extension or further refinement. Examples of the latter are the proposals to extend the validity of a marriage authority to six months and to give registrars a statutory power to require documentary evidence of eligibility to marry, both of which will, at the request of the General Synod, be applied to marriages in the Established Church (see 3.13 and 3.15 above) and the distinction between historic and recent registration records, on which the Government has set the borderline at 75 years (see 6.6).

8.2 The first of the four proposals which the Government has decided not to proceed with is:

Proposal 38. The list of those qualified to give information for a birth should be extended to include a new category "a relative of either parent" who can act if the parents are unable to do so.

The Government has been persuaded that the case for this extension is outweighed by the possibility of its misuse (see 4.4 above) and consequently it will not be pursued.

8.3 Secondly the Government has looked carefully at:

Proposal 49. Consideration should be given to re-defining a still-birth so as to bring more cases within its formal procedures.

It has decided that a preferable approach will be to link the definition of a still-birth with the period at which a child is considered capable of being born alive specified in the Infant Life (Preservation) Act 1929 (see 4.24). This leaves open the possibility that the gestation period for a still-birth may change if the 1929 Act is amended, but the Government does not think it would be right in principle to let the two limits get out of line.

8.4 The Government has noted the volume of criticism directed at:

Proposal 64. Applicants for copies of recent records, i.e. those not designated historic, would be required to furnish prescribed particulars before they could obtain a copy of an entry; and

Proposal 65. Researchers, genealogists and others who purchased certificates frequently would not be required to furnish prescribed particulars if they obtained a form of accreditation from the Registrar General.

It is accepted that these proposals would have made the obtaining of copies of entries subject to a system which was cumbersome and bureaucratic, and that this is not necessary in order to make it harder to obtain certificates for use for identity purposes. Instead it is proposed (6.11 above) that the present right to obtain a copy of any register entry should continue, but the copy would be uncertified and not acceptable as official documentation. Applicants for certified copies will be required to offer proof of identity or to explain for what purpose they are applying for a document on someone else's behalf.

8.5 In addition to these changes to the Green Paper proposals, the Government has accepted the need for four additional initiatives. One is amendment of the law to allow alternative wording for the marriage ceremony to be prescribed and suitable additional material to be introduced (3.24 and 3.26). The second is the introduction (see 4.14) of a short death certificate. The third is to give the Registrar General a power to prescribe the extent and the circumstances in which information collected for registration purposes can be disclosed outside OPCS and the registration service (see 5.7). The fourth offers a procedure whereby Welsh speaking people may obtain bilingual documentation of events which have taken place, and therefore been registered, outside Wales (see 5.13).

8.6 Subject to these changes, the Government looks forward to early legislation to bring the proposals in "Registration: a modern service" into force, so as to equip for the challenges of the 1990s and the next century a service which has grown somewhat dated and rigid, but which for over 150 years has served the nation well.

Summary of Recommendations

Part I of this Annex lists the proposals summarised at the end of Cm 531 with the exception of the four with which, as explained in Chapter 8, the Government has decided not to proceed with. All the rest will be carried forward into the new registration system. Those which are unstarred are Green Paper proposals which have been adopted as they stand. Those with stars have been extended or modified in some way, as a result of subsequent consultation and consideration. All the paragraph references are to paragraphs in this White Paper.

Part II lists a further eight recommendations introduced by this White Paper. Three of them, as explained in 8.3 and 8.4, represent new thinking in areas where there was a critical response to the Green Paper proposals. The remainder, as paragraph 8.5 has indicated, relate to issues that the Green Paper did not cover but which the Government has decided to pursue in the light of subsequent discussion and representations.

Part I

**Structure and
organisation
of the registration
service**

1. The Government's central proposal for reform of the registration service is that responsibility for its day to day operation and organisation should be given to local authorities. (2.2)
2. Registration officers should become local government officers, and their general conditions of service should be the same as those for all other local authority employees. (2.2)
3. The present grades of registrar should be replaced by 'chief registrar' and 'registrar', and all officers should be able to carry out all registration duties. Some registrars should be given management responsibilities. (2.7)
4. Clerical duties should, where possible, be separated from registration duties; and clerical staff should be more widely employed to carry them out. (2.11)
5. Present restrictions on overtime should be lifted. (2.9)
6. The present restriction on reducing a registrar's salary if the workload decreases should cease. (2.10)

7. Officers who are required to cover an absence or a vacancy, particularly those from small rural districts, should be given opportunities to train in larger offices where possible. (2.12)

8. Local authorities should assume some responsibility for training registrars. (2.13)

9. Consideration should be given to the introduction of a formal qualification for registrars. (2.14)

10. Local authorities should have a power both to dismiss and to discipline registrars when they become local government officers. (2.15)

11. Local authorities would no longer be required to make a scheme for submission to the Secretary of State for approval. (2.16)

12. The present assessment formula should be revised in consultation with SRO and local authorities. In future it will not be mandatory, but will serve solely as a guide to local authorities who wish to use it and will also inform the Registrar General's use of reserve powers (2.19).

13. The duties of registrars should continue to be prescribed by statute and the present penalties for failure to discharge them should be retained. The Registrar General should continue to make regulations covering the form in which events should be registered. (2.24 and 2.27)

14. The Registrar General should retain an Inspectorate to monitor the service throughout the country. (2.21)

15. The Registrar General should continue to produce a handbook and issue instructions to registrars on their registration work. (2.28)

16. The Registrar General should continue to provide guidance on registration matters to Local Authorities. (2.28)

17. The Registrar General should have reserve powers to act if local registration service is, for any reason, not being maintained. (2.22)

18. The Registrar General should continue to prescribe a list of disqualifications for appointment as a registrar. (2.26)

*19. New legislation should be couched in general terms to allow procedural detail to be dealt with in subordinate legislation. (2.24 and 2.32). A similar change is proposed for the Population (Statistics) Act under which the information to be collected will be the subject of an Order, approved by both Houses of Parliament, rather than of primary legislation (5.2).

20. Computer support should be developed for the registration service. (2.30)

Marriage procedure
(see also Part II
- recommendations
74 and 75)

21. Both parties to a marriage should give notice in their district(s) of residence. (3.4)

22. Marriage by superintendent registrar's certificate and licence should be abolished. (3.9)

23. There should be a standard minimum period of 15 days between giving notice and the marriage. Registrars would have discretion to reduce this in individual cases. (3.9)

24. The statutory retention of a notice book and the posting of notices on a board should be discontinued. (3.11)

*25. The validity of an authority for a marriage should be extended from three months to six months. (3.12). A similar extension will apply to the validity of banns and common licence in the Established Church (3.13).

26. All members of Her Majesty's forces serving outside England and Wales should be able to give notice to their commanding officer. (3.14)

27. Marriage should not be restricted to district of usual residence. (3.16)

28. Local authorities should be free to offer marriages in buildings other than the local register office. (3.17)

29. A standard marriage ceremony should be provided throughout England and Wales for a basic fee but local authorities would be free to charge more for anything above this. (3.22)

30. The law should allow one person both to conduct and register a marriage. (3.29)

*31. Registrars should have statutory power to inspect documents to establish age, identity, etc. Similar powers will be conferred on the clergy in the Established Church (3.15).

32. The use of interpreters should be permitted, where necessary, when notice is given and during the ceremony. (3.30)

33. The present system of certifying and registering buildings for marriage should be replaced by a simplified one. The requirement that such buildings should be 'separate' should be removed. (3.32)

34. The appointment of authorised persons should no longer be linked to a particular building. (3.35)

35. The life tenure of authorised persons should be replaced by a probationary year and renewable three year appointments. (3.36)

36. The requirement that an authorised person who registers a marriage should be present when it takes place should be retained. (3.35)

37. The form of the marriage register entry should be revised. (3.37)

**Registration of
births, deaths and
still-births**

(see also Part II
- recommendations
76 and 77)

39. The Registrar General should have the power to authorise the registration of a birth without a qualified informant provided adequate evidence is available. (4.2)

40. The birth register entry should

include a space for the occupation of the child's mother. (4.5)

41. A statutory duty should be placed on medical practitioners to report unnatural deaths to the coroner. (4.6)

*42. A medical certificate of cause of death should be issued only by a medical practitioner who attended the deceased at least once during the prescribed period preceding death (14 days is proposed) and who inspected the body after death. In all other cases the death should be reported to the coroner by a medical practitioner. (4.7)

43. It should be possible to register a death by means of a declaration made in a sub-district other than the one in which the death occurred. (4.9)

44. A single schedule should replace the present lists of informants for a death, which vary according to where it took place. (4.10)

45. The law should allow a death at sea, not connected with a ship, to be registered in the sub-district where the body is washed ashore. (4.15)

46. Procedures for the registration of still-births should be similar to those for the registration of deaths and the coroner should investigate a still-birth if no medical certificate has been produced. (4.17)

47. The place of burial or cremation of a still-born child should be notified to the registrar. (4.17)

48. The law should be changed so as not to prohibit still-births being registered more than three months after they occurred, if necessary. They should normally be registered within 5 days, as for deaths. (4.19) The still-birth register entry should include a space to record any name given to the child.

*It will be possible for the name of a still-born child to be registered immediately or, as with a live-born baby, to be entered during the ensuing

12 months. (4.21)

General proposals
(see also Part II
- recommendations
78 and 79)

50. The confidential particulars collected on the registration of a birth or still-birth under the Population (Statistics) Acts should be extended to cover any previous birth or still-birth. (5.4)

51. In addition, the date of birth of the last previous live born child should be collected in respect of all births. (5.4)

*52. The death entry should be redesigned to include the marital status of the deceased. (4.11)

53. The Registrar General should be able to prevent the issue of certificates containing false information or relating to void marriages. (5.8)

54. Errors in birth, death and still-birth entries should be defined in a way which indicates their effect. (5.9)

55. Errors in marriage registers should be categorised as those in birth, death, or still-birth registers are and the procedure for dealing with them should be the same. (5.9)

56. Straightforward cases of re-registration of births upon legitimation and re-registration upon joint information of both parents should be dealt with by the local registrar. (5.10)

57. The requirement to furnish 'certified copies' of entries should be replaced with a requirement to furnish 'certified particulars' from entries. (5.11)

A c c e s s t o
registration records
(see also Part II
- recommendations
80 and 81)

*58. The Government proposes that older 'historic' registration records, defined as those older than 75 years, should be opened to public scrutiny. (6.6)

59. Historic records would be made available initially by means of microfilmed copies. Other means of access will be investigated for the future. (6.14)

60. Copies of the filmed records would be available for sale as copies of the indexes are at present. Photocopies could be issued from the microfilm. (6.13 and 6.14)

*61. There could be demand for a central library of filmed records, which the Government would wish to see run by a non-governmental organisation. (6.18).

*62. Local authorities could purchase filmed indexes and records from OPCS or, if they wished, could produce their own. (6.21). Legislation will also empower authorities in the established Church to make copies of their records, for the use of researchers. (6.22)

63. Each local authority could decide how to make the records for its area available. (6.21)

**Financial aspects of
registration reform**

66. The Government does not intend to introduce a fee to register a birth or death. (7.3)

67. Standard fees for basic registration services throughout England and Wales will apply. (7.3)

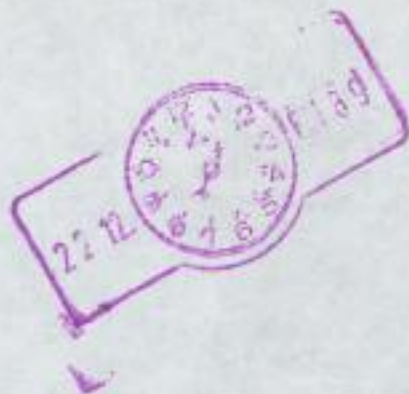
68. Local authorities will have discretion to make charges for the provision of services over and above those normally available. (7.3)

*69. Charges should be introduced to cover the cost of taking a declaration for the registration of a birth or death. (7.4). There will also be a charge for giving a notice of marriage to a registrar away from one's area of ordinary residence (3.8).

70. A short birth certificate should no longer be issued free at the registration of each birth. (7.6)

*71. A charge should be made for admission to the Public Search Room at St Catherine's House. (7.9). A charge to cover unproductive searches will also be introduced for applications to register offices (7.10).

*72 The Government will discontinue



the practice of issuing certificates at reduced prices in certain circumstances. (7.11)

73. Provision should be made to alter fees which are fixed at present - for example, those in the Marriage (Registrar General's Licence) Act 1970.

Part II

Marriage procedure

74. There will be a power to prescribe alternative wording for the civil marriage ceremony, using more modern phraseology but having the same effect. (3.24)

75. Registrars may also allow the addition of poetry readings or other suitable secular words to the standard ceremony. (3.26)

Registration of births, deaths and still-births

76. A short form of death certificate and of still-birth certificate will be introduced (4.14 and 4.21)

77. The definition of a still-birth will be linked to the legal definition of fetal viability in the Infant Life (Preservation) Act 1929. (4.24)

General proposals

78. The Registrar General will make regulations to limit the release of information in the registers and thereby safeguard its confidentiality. (5.7)

79. Welsh-speaking informants who make a declaration in Wales of an event which occurred in England will be able to obtain a bilingual certificate of it. (5.13)

Access to registration records

80. Non-certified copies of entries in the records of recent events will be generally available to members of the public, on the same terms as certified copies are obtainable at present. (6.11)

81. Certified copies of recent entries will be restricted to those with a legitimate need for the document concerned, and there will be a power to refuse applications. (6.11)

D 01224

MR P R GRAY
PS/Prime Minister

c. Mr Hibbert (without attachment)

RA
c. Mr Hibbert
Prime Minister
Just arrived. You will wish to be aware.
We'll check in the morning whether this comes
at before Christmas and, if so, get case
briefing.

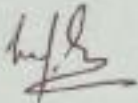
FORTHCOMING OPCS PUBLICATIONS

I receive advance notice from OPCS of their forthcoming publication on a regular basis.

On this occasion, you may like to know that tomorrow (8 December) OPCS are publishing the winter issue of Population Trends. I attach an advance copy of the Press Notice. Fairly routine I think but you may like to note the passages I have marked.

You may also like to be aware that an OPCS Monitor MB 88/4 on infectious diseases is provisionally scheduled for publication on 13 December and contains a reference in the section on food poisoning to notifications of Salmonella enteritidis. (Figures relate to the December quarter of 1987). DH officials will be briefing Ministers on any policy implications.

The other planned publications look to be routine and uncontroversial.


M J ERRITT

CSO

7 December 1988

8 December 1988

POPULATION TRENDS 54

The Winter issue of Population Trends** published today (8 December) contains a review of the size and composition of the population of England and Wales in 1987. It also includes articles on the relationship between winter mortality, temperature and influenza over the last thirty five years; a summary of recent trends in marriage and divorce and of the proportions of marriages ending in divorce for couples who married in past years back to 1951; latest estimates of the size and composition of the ethnic minority populations of Great Britain and key statistics on international and internal migration in the United Kingdom in 1987.

Population Trends is the journal of the Office of Population Censuses and Surveys. Summaries of these articles are as follows:

A review of 1987

The review focuses on the changes between 1986 and 1987 in England and Wales in the population size and composition, mortality, marriage, divorce, fertility and migration. Some of the changes show that:

- * The resident population of England and Wales increased by 167 thousand to reach 50.2 million at mid 1987.
- * In the twelve months to mid 1987, an estimated 221 thousand new residents came from outside the British Isles while 191 thousand residents of England and Wales departed.
- * The perinatal and infant mortality rates in 1987 were the lowest ever recorded.

* The number of divorces fell from 154 thousand in 1986 to 151 thousand in 1987.

* Births outside marriage increased by 12 per cent and account for nearly a quarter of all births. Births within marriage increased slightly.

Winter mortality, temperature and influenza: has the relationship changed in recent years? By Michael Curwen and Tim Devis of Medical Statistics Division, OPCS

Death rates in the winter months in England and Wales are higher than at other times of the year and there are no satisfactory explanations of why this is so. This article examines the relationship between winter deaths, temperature and influenza deaths over the last 35 years in England and Wales and concludes that the relationship has not changed in spite of the absence of major influenza epidemics in recent years.

Among the conclusions of this study were:

- * For each registered influenza death in winter there are 3.6 excess winter deaths from all causes.
- * For each degree celsius by which winter is colder than the average there are about 8,000 excess winter deaths each year.
- * There is an underlying downward trend over the period such that there are about 500 fewer excess winter deaths each year.

Trends in marriage and divorce, and cohort analyses of the proportions of marriages ending in divorce by John Haskey of Demographic Analysis and Vital Statistics Division, OPCS

This article traces the trends in marriage and divorce up to 1987 and presents the results of various cohort analyses of divorce, including the proportions of husbands and wives who had divorced by 1987 according to their age at marriage, marital status before marriage, and year of marriage.

Some of the findings include:

- * One in 10 brides marrying in 1987 were aged under 20 compared with about one in five marrying in 1981.

- * One third of marriages in 1987 involved at least one divorced partner compared with one in six in 1971.
- * For one in twelve couples who divorced in 1987 both partners were divorcing for a subsequent time compared with one in twenty couples who divorced in 1981.
- * Of couples where the husband had married as a teenage bachelor in 1951, almost three in every ten had divorced by 1987; among the corresponding marriages where the wife had married as a teenage spinster, almost one partner had ended in divorce by 1987.
- * Of those who married at young ages and those who had married after a previous divorce in the 1960s and early 1970s, over four in every ten marriages had ended in divorce by 1987.

The ethnic minority populations of Great Britain: their size and characteristics by John Haskey of Demographic Analysis and Vital Statistics Division, OPCS

This article gives the latest estimates for the period 1985 to 1987 of the size and characteristics of the main ethnic minority populations of Great Britain, derived from the Labour Force Survey.

Some key findings are:

- * The ethnic minority populations are estimated to number 2.47 million or 4.5 per cent of the total population of Great Britain.
- * Almost one half, 48 per cent, of the ethnic minority populations were born in the New Commonwealth or Pakistan while a slightly lower proportion, 43 per cent, were born in the United Kingdom.
- * Of the total ethnic minority population three in ten are of Indian ethnic origin and two in every ten are of West Indian origin.
- * One in three of the ethnic minority population is aged under 16 and about one in six is aged 45 or over.

This article presents the latest annual statistics for international migration and internal population movements in the United Kingdom for the calendar year 1987.

The key features are:

International migration

- * The combined inflow of British and non-British citizens at 212 thousand was 15 per cent lower than in 1986.
- * The corresponding outflow was down by only 3 thousand on the previous year and at 210 thousand is about the average for the last ten years.
- * The net gain of 2 thousand persons contrasts with the large gains of the last four years and the large losses of earlier years.

Internal migration

- * There was little change in the total number of moves between Family Practitioner Committee areas in England and Wales - 1.87 million moves compared with 1.82 million in 1986.
- * The number of moves into East Anglia from the rest of the UK increased by 36 per cent while the South East had fewer inward moves. Other regions had small increases with only the North West showing a decrease and the North no change in the number of inward moves.
- * The pattern of outward movement from the regions remained unchanged except for the South East which experienced an increase of 14 per cent.

Updates

This issue also contains the most recent statistics on population, births, marriages, divorces, migration and abortion. This tabular section includes a brief commentary on these latest statistics and a number of charts and diagrams.



901

10 DOWNING STREET
LONDON SW1A 2AA

From the Private Secretary

29 November 1988

Dear Nora

REGISTRATION: DRAFT GREEN PAPER

The Prime Minister has seen your Secretary of State's minute of 18 November and is content for the Green Paper to issue later this week.

I am copying this letter to the Private Secretaries to members of Cabinet and to Trevor Woolley (Cabinet Office).

Yours ever
Dominic

(DOMINIC MORRIS)

Mrs. Flora Goldhill,
Department of Health.

Ed

PRIME MINISTER

REGISTRATION: DRAFT GREEN PAPER

You looked at this over the weekend and asked why there needed to be any change to the present system.

The changes to the structure of the registration service arise from an Efficiency Scrutiny which Robin Ibbs thought was a very good one of its kind. At present Registrars are statutory officers and carry out duties prescribed by law according to their grade. This inflexibility inevitably leads to inefficiencies: in some cases duties cannot be done by a Registration Officer in a different (even if lower) grade. For example a Superintendent Registrar cannot register a birth, marriage or death and thus in small offices there has to be both a full-time Superintendent Registrar and a full-time Registrar of Births and Deaths even if there is not enough work for one person full-time. The different grades do not supervise one another and in fact the service is largely unmanaged.

So the aim of the reform is to change the status of Registration Officers so that they are no longer creatures of statute. The options considered (in 2.1 of the Green Paper) are to bring them into the Civil Service; to set up a registration quango or to put them under local authorities who are already responsible for paying them. The main arguments for putting them with local authorities is to minimise disruption and to ensure that those who presently pay them can begin to manage them effectively. Department of Health expect to achieve efficiency savings as lower grade work currently done by Registration Officers is done by lower paid clerical assistants and the number of Registration Officers shrinks through natural wastage.

On that basis content for the Green Paper to issue?

JM
DOMINIC MORRIS

28 November 1988

yes mb

PRIME MINISTER

REGISTRATION: DRAFT GREEN PAPER

Kenneth Clarke seeks your agreement to his publishing the attached Green Paper on the system for the registration of births, marriages and deaths.

It is a fairly turgid document on a subject which is unlikely to stir strong public passions and I would not recommend your reading it. You might just care to skim the summary on pages 43-46. The two main changes are:

- it places responsibility for the service under the local authorities. At present local authorities are responsible for registrars' pay and rations but are not legally their employer. In future registrars will be local government officials. The Registrar-General will remain responsible for setting standards using an Inspectorate to monitor local offices' overall performance; and with a reserve power to step in and run a registry office if a local authority fails to do so. These new arrangements are analogous to the relationship between teachers, employed by a local authority, and HM Inspectorate of Schools;
- a series of proposals to regrade registrars and introduce greater flexibility into their terms and conditions of service.

The other proposals are modest, sensible and would normally be done administratively were the whole registration system not so bound round by detailed statute. A change in the registration of still-births to bring that into line with normal registration of deaths is one area which has aroused strong views in the past. The proposals should be welcomed by the special interest groups concerned.

The Policy Unit have no other comments. Bernard is happy with the proposed timing of publication next week.

Content for the Green Paper to be published?

DM

Why do we need
to change the present
system?

(D.C.B. MORRIS)
25 November 1988

DCAAPV

mt

Prime Minister

REGISTRATION: DRAFT GREEN PAPER

Attached is the text of a Green Paper "Registration: a modern service" which I have cleared with Treasury and other interested colleagues and which I propose to publish at the beginning of next month.

The background to this Paper lies in the report of an Efficiency Scrutiny into the arrangements for registering births, marriages and deaths in England and Wales, which was published in 1985 and made a number of recommendations designed to modernise the service, provide a greater element of public choice and place it firmly under the administrative control of the Local Authorities. This approach was generally welcomed and, following last year's General Election, my predecessor agreed that legislation in the present Parliament would be desirable and the OPCS should embark upon consultations with the local authorities and other interested parties. A joint Working Group was set up and reported in March this year. The Group achieved a large measure of agreement and the report was circulated in May to Ministers in Departments with an interest in the issues. Responses from them were in favour of proceeding with public consultation, though by means of a Green Paper rather than a White one.

In accepting the case for a Green Paper John Moore drew a distinction between the proposals for restructuring the registration service in concert with the local authorities and improving the conditions of service and the career prospects of registrars (to which he considered the Government should be firmly committed, and which were therefore "White" rather than Green) and the other "greener" proposals on which the Paper's recommendations would be more tentative.

I agree with this approach and such a distinction has been followed in the draft attached. The principal "green" areas of the document are those which suggest greater public choice over the location of their civil marriages (3.13 and 3.15); a greater role for GPs in death certification (4.7 to 4.9); meeting public wishes in respect of still-birth registration (4.21 to 4.29); changes in the details of information collected at registration, mainly those collected under the Population Statistics Acts, to improve national statistics (5.2 to 5.9); and the provision of access to older registration records on similar terms as to historic records of other kinds (6.6 to 6.16). In general, they are areas in which I hope legislation

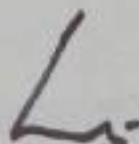
E.R.

will go beyond the rather technical aspects of registration to take the opportunity to make the system more helpful and supportive to the public, more responsive to their wishes and expectations, and better attuned to the demands of modern times.

I believe that the Green Paper proposals offer a combination of solid advantages for those who operate the system (Government, local authorities and the registrars themselves) with procedural and presentational changes which will enable us to drop many of the rigidities and inconveniences which the public now find irksome, and offer them a service which will make sense in the 21st century instead of being clearly a survival from the 19th.

I should like to publish on Thursday, 1 December, announcing publication by means of a written Parliamentary answer. There would also be a ministerial Press Conference taken by Edwina Currie, who has oversight within my Department of the OPCS, which the Registrar General, Mrs Terry Banks, would also attend.

I am sending copies to all Cabinet colleagues. Comments on the document are requested by 31 March 1989 and I shall want to consider the timing of any legislation in the light of them.



K C

Department of Health
18 November 1988



Registration: a modern service



Registration: a modern service

Proposals to reform the system for registering births, marriages and
deaths in England and Wales

Presented to Parliament by the Secretary of State for Health by
Command of Her Majesty 1988

LONDON
HER MAJESTY'S STATIONERY OFFICE

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CM000

Foreword

This Green Paper puts forward proposals which are aimed at reforming and modernising the procedures for registering births, deaths and marriages and for celebrating civil and religious marriages in England and Wales, other than those which take place in the Established Church.

The registration service in England and Wales came into being in 1837 and in many respects its organisation and procedures have not changed up to the present day. This places severe limitations on the ability of the service, and of those responsible for it, to respond to present day demands and developments and, in some cases, to the reasonable expectations of the general public. The detail in which the legislation is framed has meant that it has not been possible to make even minor changes to the basic organisation, so that new primary legislation is needed if the registration service is to become a modern, efficient and streamlined organisation. The Government intends to introduce such legislation ^{as soon as practicable} ~~at an early opportunity~~ and the proposals in this Green Paper are put forward as offering the basis for it. They take as their starting point the findings of a Government Efficiency Scrutiny and of a joint Working Group of Government officials and local authority representatives.

The Working Group covered a wide range of interests with representation from the Office of Population Censuses and Surveys, the Department of Health and Social Security, the Home Office, the Association of County Councils and the Association of Metropolitan Authorities. In sub-groups of the Working Group the Society of Registration Officers, the National and Local Government Officers Association, the Local Authorities Conditions of Service Advisory Board, the Society of Genealogists, the Institute of Population Registration and the Institute of Heraldic and Genealogical Studies were also represented. The Working Group reported in March 1988 and, while in large measure it endorsed the Scrutiny recommendations, it has gone beyond them and opened up new areas for discussion. The recommendations of the Working Group have formed the basis for the proposals in this Green Paper and the Government's thanks are due to all those who contributed to the Group.

The Government's key proposals are:

- responsibility for the provision and organisation of the registration service should rest with local authorities; and
- the Registrar General should be responsible for overall policy for the service and maintaining standards and consistency of practice.

These are the changes which the Government regards as fundamental to the development of a modern service. But there are a number of other changes which new legislation will offer an opportunity to make and which will render the service, in the Government's view, more helpful and supportive to the public and more responsive to their demands. For example:

- the procedures for registering births, deaths and still-births and for issuing copies of birth, death and marriage certificates should be changed so as to make sensible use of modern technology, to improve the service to the public and to give them increased access to past records;
- some changes in marriage procedures are warranted so as to enhance the flexibility of the system and give an increased element of public choice; and

—new legislation should be drafted so as to allow further procedural changes, and these become necessary, to be made administratively or by regulation.

The Government hopes that readers of this paper will give their views on whether they would welcome adjustments in the service along these lines.

While putting forward recommendations for changes the Government recognises that, despite the limitations and restrictions placed on it by the present legislation, the registration service is a very successful organisation. The quality and accuracy of the registration records and the statistics produced from them are very high and it is most important that these standards are maintained. The proposals in this Green Paper are designed to achieve that end as well as to free the service from the present restrictions and enable it to provide an improved, more flexible service.

KENNETH CLARKE
SECRETARY OF STATE FOR HEALTH

Comments on the proposals in this Green Paper should be sent to:

The Office of Population Censuses and Surveys
Registration Division (Green Paper)
Room 716
St Catherines House
10 Kingsway
LONDON
WC2B 6JP

by 31 March 1989.

Registration: a modern service

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Chapter 1: The need to reform the registration service

1.1 There are few people in England and Wales who do not need to use the registration service at some time in their lives. Increasingly documentary evidence, especially of age and marital condition, is required for official and other purposes and it is therefore important that complete and accurate records of births, deaths and marriages are kept.

1.2 Registration records also form a basic, continuous source of demographic and medical statistics about the population. They are used in conjunction with information from other sources, for example, the Census of the population, for many purposes including planning of schools, hospitals and housing and for medical research into the causes and prevention of disease.

1.3 The registration system came into being in 1837 and in many respects the legislation governing it has changed very little since that time. The rigidities of a system which was designed to meet the circumstances existing over 150 years ago necessarily mean that its operation is, in a number of ways, more cumbersome and less responsive to the demands of its various users than seems reasonable today. Moreover, these rigidities are, very largely, written into the law of the land and are not susceptible to administrative change. This imposes severe restrictions on the ability of those responsible for the service to take steps to improve its efficiency and cost effectiveness or to introduce modern methods of management and technology. New legislation is essential for the registration service to be re-cast in a modern context and so that it can carry out its important work in a way which responds to the demands of the public, and the needs of Government.

1.4 This Green Paper examines the present structure and organisation of the registration service, discusses the problems contained in it and sets out the Government's proposals for reform.

The origins of the registration service

1.5 The system of registering births, deaths and marriages and conducting civil marriages which came into operation on 1 July 1837, the second week of Queen Victoria's reign, marked a new era of record keeping in England and Wales. Almost 300 years before, in September 1538 in the reign of Henry VIII, the Lord Chancellor, Thomas Cromwell, made the earliest attempt to require parsons to keep records of baptisms, marriages and burials. This was followed by many other proposals which were implemented with varying degrees of enthusiasm and success. Some of them introduced procedures which have been carried through into the present legislation but which are now inimical to the demands and conditions of the present day. The following paragraphs contain a brief outline of the evolution of the present legislation.

1.6 In 1597 an Act came into force which declared the importance of parochial registers and directed that parchment copies of each should be sent annually to a diocesan registrar to be kept. The requirement for a second copy of all records, kept in a separate place, remains as an important feature of the registration service today.

1.7 During the Commonwealth, a first attempt at civil marriage and registration was made and the requirements that all marriages should be solemnized in the presence of two credible witnesses and that 21 days notice of an intention to marry should be given to a registrar were introduced.

1.8 During the first half of the 18th century the arrangements for conducting and

registering marriages were seriously affected by the growth in clandestine marriages. It was not until the 1750s that positive steps were taken to remedy this situation. The 1753 Marriage Act, known as Lord Hardwicke's Act because it was prepared by Lord Chancellor Hardwicke, stated that after 25 March 1754 all marriages, apart from those of Jews and Quakers, must be solemnized in the parish church or chapel of one of the parties after the publication of banns or the granting of a licence, except where a special licence has been granted by the Archbishop of Canterbury.

1.9 This Act enforced some basic principles which have been carried through to the present day: each marriage was to be solemnized in the presence of two witnesses, in addition to the officiating minister, and registered in a proper register book which had to be signed by the parties, the minister and the witnesses. Another important feature of the Act was that it required all marriages to be celebrated according to the rites of the Church of England apart from those of the Jews and Quakers who, because they had proved in their past that they could be trusted to publicise, celebrate and record their marriages properly, were allowed to function in their own way, a situation which has continued to this day. Roman Catholics and dissenters had, however, to be married according to the rites of the Church of England in order for their marriages to be valid. Despite the opposition and resentment which this caused, it continued until the passing of the 1836 Marriage Act which is described in 1.14 and 1.15.

1.10 Towards the end of the 18th century the question of whether the population was increasing at an alarming rate emerged as a public issue and, therefore, the advantages of keeping accurate records of births and deaths became more apparent. Thomas Malthus, an economist, published his *Essay on the Principle of Population* in 1798 and was amongst those who called for a census to be taken, which happened for the first time in 1801.

1.11 In 1833 a Parliamentary select committee was appointed "to consider and report on the general state of parochial registries and the laws relating to them; and on general registration of births, baptisms, marriages, deaths and burials in England and Wales". This committee concluded that "a national civil registration of births, marriages and deaths should be established" which "might direct inquirers to the parents or last ancestor of each person recorded and assist medical and statistical inquirers in useful research". The committee also recommended that each register should be duplicated and the copy sent to a national office to be established in London. To overcome the problem of some people not registering deaths because they could not see the point of doing so, the committee suggested that registration should be made a pre-requisite of interment. Many of this committee's recommendations are still essential elements of the present registration service.

1.12 Three years after this committee issued its report legislation was enacted setting up a national registration service. It resulted from two Bills introduced by Lord John Russell, the Home Secretary, in February 1836. In his opening speech introducing the Bills he said:

"I think that, in a general and national point of view, it is most desirable that a system of civil registration should be carried into effect. This is a most important subject, — it is important for the security and succession of property, — important to ascertain the state and condition of individuals in various cases — important to enable the Government to acquire a general knowledge of the state of the population of the country — that there should be a general registration of births, marriages and deaths."

Later that year the two Bills were passed into law as The Marriage Act 1836, which opened the way for civil marriage ceremonies, and The Registration Act 1836, which set up the national system of registering all births, marriages and deaths in England and Wales. The latter provided for the establishment of a General Register

Office in London or Westminster, where a register of all births, deaths and marriages would be kept, and for the appointment of a Registrar General to be the head of that office. It was not thought necessary to create a new body of officials to implement the legislation and instead use was made of the machinery created by the Poor Law Act 1834, so that the Poor Law Boards of Guardians became responsible for administrative arrangements locally. The Boards of Guardians accordingly had to designate registration districts within their union or parish, subject to the approval of the Registrar General, and to appoint registrars and superintendent registrars (who would however hold office during the pleasure of the Registrar General). The present dual responsibility for the registration service was established in this way.

1.13 The Act placed an obligation on registrars to register events, but it did not place an obligation on the public to notify them. The onus was therefore on the registrar to try to secure as many registrations as possible. An incentive to do this was the fact that they were paid by the Guardians according to the number of registrations they achieved. However, while the public had an incentive to register a death to enable the burial to take place there was no comparable incentive to register a birth. This remained the situation until 1874 when a new Act placed the responsibility to register upon the parents or other persons who could reasonably be expected to have been aware of the event, and imposed penalties for failure to do so.

1.14 The Marriage Act 1836 provided for marriage to be solemnized in the Established Church, in Roman Catholic, non-conformist, or dissenting churches, or at a civil ceremony. This Act permitted Roman Catholics and dissenters to have their marriages celebrated according to their own rites in their own places of worship on condition that a civil official, called the Registrar of Marriage, was present at the ceremony. In its early stages, the Bill contained provision for all marriages, including those of the Church of England, to be preceded by civil preliminaries but this proposal was defeated in the House of Lords.

1.15 This Act laid the foundation for many aspects of marriage law that still apply:

- notice of marriage to be given to the superintendent registrar in the district of residence and, if the parties live in different districts, to the superintendent registrar in each one;
- notices to be entered into a notice book which should be available for the public to inspect;
- except in cases of marriage by licence, 21 days must elapse between the taking of notice and the ceremony;
- a separate building certified as a place of religious worship may be registered for the solemnization of marriages if 20 householders declare that it has been used by them for one year as their usual place of public religious worship; and
- marriage to be conducted in a place with open doors in the presence of two witnesses.

1.16 The two Acts of 1836 were followed in 1837 by a further Act which clarified and amended some of these provisions. It established two further aspects of marriage law which still apply. First, the requirement that a building registered for the solemnization of marriage must be a 'separate' building was removed in respect of Roman Catholic chapels because it had been argued that they very often were not 'separate' when they had a house for the priest attached. Second, provision was made for the declaratory and contracting words spoken by the bride and groom at a marriage ceremony to be spoken in Welsh in places where the Welsh language is used.

1.17 Until 1852 places of religious worship which were not churches or chapels of the Established Church had, by virtue of several Acts dating from 1688 onwards, to be certified to an ecclesiastical or judicial court and registered there. However, an Act of that year required that these buildings should be certified to the Registrar

General and recorded at the General Register Office. A further Act, the Places of Worship Registration Act 1855, formalised the arrangements for certifying and recording buildings and required the Registrar General to print periodically a list of all those buildings. It also made provision for the certification of places no longer used for religious worship to be cancelled. This Act is still in force.

1.18 The requirement that a Registrar of Marriage should be present at all non-conformist marriages (see 1.14) was modified by the Marriage Act 1898 which made provision for such marriages to be solemnized in the presence of an 'authorised person', rather than a registrar, if required. The title 'authorised person' derives from the fact that they are persons authorised by the trustees or governing body of a non-conformist building, as being able to register marriages in that building.

1.19 The procedures for registering births and deaths were not specified in any detail until the Births and Deaths Registration Act 1874 came into force. This Act introduced many features which still apply:

- a qualified informant is required to give information for the registration of a birth or death;
- the authority of the Registrar General is required before a birth or death which occurred over 12 months ago may be registered;
- in certain circumstances corrections may be made to entries in birth and death registers; and
- special arrangements exist to register births or deaths which occur at sea.

1.20 This Act also made it illegal for a still-born child to be buried unless a medical practitioner or another person with knowledge of the birth made a declaration that the child was not born alive. It was not until the passing of the Births and Deaths Registration Act 1926 that still-births were required to be registered.

1.21 The Poor Law Guardians remained responsible for the administration of the registration system until 1930 when the Local Government Act of 1929 transferred a number of their functions to local government. Councils of counties and, what were then, county boroughs were required to make schemes setting out the registration districts in their area and the numbers of registration officers needed to carry out the work. Registration officers appointed after the Act came into operation would be paid a salary, determined by the council, rather than through the fees they collected, although existing registrars could elect to continue to be paid on that basis. The Registrar General was given a power to approve variations to salaries and allowances.

1.22 The only notable change that the 1929 Act made to registration arrangements was to allow details for the registration of a birth to be given by a declaration made to a registrar, in a sub-district other than that in which the birth occurred. The registrar taking the declaration will then pass it on to the registrar in the sub-district where the birth took place for it to be entered into the register. This arrangement means that when a birth takes place away from the district of usual residence, the parents are not obliged to go back to effect the registration. Other registration arrangements remained as they had been under the Acts passed in the previous century.

1.23 In 1938 the Population (Statistics) Act was passed and this allows certain additional information to be collected for statistical purposes only at each registration of a birth or death. This information is kept confidential to the Registrar General and is not included in the registers (see also 5.2-5.9).

The present legislation

1.24 The legislation which currently governs the registration service consists largely of Acts which have consolidated 19th century laws. While it is more precise and detailed than the previous legislation the basis of it is very similar. The

Registration Service Act 1953 covers the provision and organisation of the registration service and maintains separate roles for the Registrar General and the local authorities. The Registrar General has statutory duties relating to the registration of births, marriages and deaths and to civil marriage, which are carried out independently of Ministers except that the Secretary of State must approve regulations, local schemes for the organisation of the service, and the form of the annual abstract of statistics derived from registration. The Registrar General has overall responsibility for registration standards in England and Wales and sole power to dismiss registration officers. She also has to approve each local authority's plan for register office accommodation, can step in and appoint an officer if the local authority fails to do so, can submit a scheme to the Secretary of State for a local authority area in certain circumstances and, if a council fails to do so, can provide or maintain an office — but only to a maximum cost of £300. The local authorities are charged with appointing and paying registration officers, providing and maintaining a register office and determining its opening hours.

1.25 The Births and Deaths Registration Act 1953 sets out detailed procedures for registering births, deaths and still-births and the arrangements for compiling a central record of these events. It specifies in some detail the respective duties of superintendent registrars and registrars of births and deaths.

1.26 The Marriage Act 1949 covers procedures for marriage, and registration of marriage, in the Established Church, in Roman Catholic and non-conformist churches and by civil ceremony. It also specifies the particular duties of superintendent registrars and registrars of births and deaths in connection with marriage.

1.27 The legislation is supported by regulations. The most important current ones are The Registration of Births, Deaths and Marriages Regulations 1968 (the parts relating to registration officers and accounting only), The Registration of Marriages Regulations 1986 and The Registration of Births and Deaths Regulations 1987.

1.28 Under the provisions of the Welsh Language Act 1967, bilingual facilities have been available in Wales since 1969 for the registration of births and deaths and from 1971 for the civil preliminaries to, and the registration of, marriages.

Recent developments

1.29 In 1970 the General Register Office and the Social Survey Department merged to form the Office of Population Censuses and Surveys. The Registrar General is the Director of this Department.

1.30 In 1973 the Law Commission inquired into the Law of Marriage in England and Wales and produced a report which recommended a number of amendments to it. However, although these have not been implemented very similar recommendations were put forward in 1969 in the Kilbrandon Report¹ and were adopted in Scotland, which has an independent system, under the Marriage (Scotland) Act 1977. A brief outline of the registration systems in Scotland and Northern Ireland is given in Appendix 1.

1.31 Three attempts were made between 1978 and 1983 to open up to the public the older records of births, marriages and deaths. The Public Records (Amendment) Bill 1978 proposed that Schedule 1 to the Public Record Act 1958 should be amended so that birth, death and marriage registers over 100 years old would be classified as public records and be available to the public at the Public Record Office, Kew, on microfilm. However, this Bill was lost when Parliament was dissolved in April 1979 prior to the general election. A similar Bill was introduced in June 1979 after the election but it was withdrawn after it became clear that funds would not be available to finance the transfer of the records to the Public Record Office. In 1982 a further Bill was introduced along the same lines, but this was lost

¹The Marriage Law of Scotland, (1969), Cmnd 4011.

when Parliament was dissolved prior to the general election in June 1983. These were not Government Bills but were introduced into the House of Lords by Lord Teviot.

The efficiency scrutiny

1.32 In 1984 the Government's programme of Efficiency Scrutinies included an enquiry into the registration service. The Scrutiny's findings were published in 1985². It made nearly 50 recommendations for change, most of which would require primary legislation to implement. After the general election in 1987 the Government announced that, if time could be found in the present Parliament, new legislation would be introduced. As a first step a Working Group was set up and asked to consider the Scrutiny recommendations and make proposals for the form legislation should take.

The registration service today

1.33 There are at present just under 1,800 principal registration officers in the registration service and between them each year they register an average of 660,000 births and 530,000 deaths: they also officiate at nearly 170,000 marriages at register offices and register about 9,000 more which are conducted in registered buildings. The nature of the work requires that it is conducted with a very high level of accuracy and, also, with compassion and consideration for the public with whom registration officers often have to deal at times of deep emotion. The Registrar General receives fewer than 50 complaints a year against registration officers and this suggests that a very effective service is being provided. Registration officers take professional pride in their work and morale amongst them is high.

1.34 The status of registration officers is, however, confused. They are paid by local councils but they are not employed by them: in fact they have no legal employer. They are appointed by the local authority but they carry out their work on the instructions of the Registrar General and the Registrar General is the only person who can dismiss them. They are statutory officers and carry out duties prescribed by law according to their grade, ie superintendent registrar, registrar of births and deaths, additional superintendent registrar and additional registrar. But in some cases, these duties cannot be done by an officer in another grade, so that, for example, a superintendent registrar cannot register a birth, marriage or death. This means that it is often not possible to make sensible use of the available staff resources.

1.35 The local authorities find themselves in the difficult position of having responsibility without power: they have to pay for, and make provision for, a service over which they have very little real control. They cannot direct how the work should be done. If they are required by central government to make savings they are extremely limited in how they can improve the cost-effectiveness of their registration service. Local authorities are finding these constraints increasingly frustrating.

1.36 These problems have been considered by both the Scrutiny and the Working Group whose recommendations for change are before the Government. The proposals in the following chapters of this Green Paper have been based on the Working Group's recommendations and are designed to tackle the present problems which beset the registration service and enable it to provide a modern, efficient service which can respond to the wishes of the public.

² Efficiency Scrutiny Report, Registration of Births, Marriages and Deaths, OPCS, (1985)

Chapter 2: Reform of the structure and organisation of the registration service

Responsibility for the service

2.1 The previous chapter referred to the difficulties experienced because of the divided responsibility for the service and the ambiguity in the roles of the local authorities and the Registrar General. The Government believes that an essential element of any reform must be to bring an end to this unsatisfactory situation and has considered various ways in which this might be achieved. For example, the registration service might become part of the civil service with registrars and their offices under direct control of the Registrar General. Alternatively, a registration board independent of both central and local government might be set up. However, either of these could be implemented only at the cost of considerable disruption to the present service. It therefore seems far preferable to build on the present structure and at the same time make it stronger and more efficient. The registration service is the successful product of a partnership of nearly 60 years between the Registrar General and the local authorities and this valuable experience should be retained. The Government therefore proposes that statutory responsibility for providing the registration service should be placed unequivocally on counties, metropolitan districts and London boroughs. This would leave them in charge of the day-to-day running of the service and able to organise it in a way that fits in best with local circumstances. They would determine their own requirements for premises and decide where to locate register offices and any additional accommodation. They would similarly decide how many staff they needed to carry out registration functions. This would give them much greater control than at present over the registration service which they provide and over the money they spend on it. They would have an incentive to improve efficiency, make savings or implement fresh ideas. They would no longer feel frustrated at having to nurture something over which they have little control.

2.2 As a corollary of this the Government proposes that registration staff should become local government officers, employed on terms similar to other local government employees with the same general condition of service. The responsibility to appoint staff to carry out registration functions would, accordingly, rest with the local authority. The Government believes that implementation of this proposal would bring registration officers considerable benefits. At the moment there appears to be confusion in the personnel practices of some councils where registration officers are concerned, for example, over superannuation or retirement on the grounds of ill health. This can make registrars feel isolated and unprotected. Employing them on the same basis as other council employees would eliminate such problems.

2.3 Local authorities vary in the amount of general information and guidance they give to registration officers and in how far they include them in activities available to other staff, for example, training. In future registration officers would be included in any appropriate training offered by the authority and also any programmes of personal, or career, development.

Grading of registrars

2.4 There are at present four grades of registrar each of which is responsible for a specific range of duties, as follows:

Superintendent Registrar (SR)	responsible for taking notices of marriage, conducting marriage
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Additional Superintendent Registrar (ASR)	ceremonies and issuing certificates from deposited registers. They are not permitted to register events.
Registrar of Births and Deaths (RBD)	- registers births, deaths and still-births and some marriages.
Additional Registrar (AR)	- registers marriages.

2.5 The officers in these grades are known as 'principal officers'. Each of them has to have a deputy who will perform their duties when they are not available. Some principal officers are also deputies for example an RBD may be a deputy SR. However, an SR is not permitted to be a deputy. Many offices, particularly the larger ones, also employ receptionists and clerical assistants. However, unless they are formally appointed as deputies they are not able to carry out any of the duties laid down in statute as being the responsibility of a registration officer.

2.6 The present legislation makes each principal officer personally responsible for his or her own registration work and does not permit that work to be done by another officer, other than a named deputy. Also, registration officers are independent of each other and none has any responsibility to supervise, or organise the work of, any other. Therefore, apart from when dealing with deputies or clerical assistants, a principal officer does not have a management role.

2.7 This structure, with rigid lines of demarcation, means that there is very little flexibility in the way registration business may be conducted. It can often be very inefficient. For example, in a small registration district an SR and an RBD have both to be appointed but their combined hours of work may amount to no more, and possibly less, than a full-time post. The law does not permit one person alone to be appointed to carry out both sets of duties. In larger offices, too, the roles are kept entirely distinct so that, if there is a queue of people waiting to see one officer, another officer who may be free cannot deal with some of them if precluded by statute from doing so.

2.8 These restrictions militate against both efficient use being made of staff and the optimum service being given to the public. The Government considers there to be no justification for retaining this system and proposes that the present grades of registration officer should be abolished and replaced by a single group of 'registrars' with two grades, as follows:

- Chief registrar - responsible for the management of registration work throughout a district including carrying out registrations and other duties as necessary
- Registrar - all registration duties.

This would both allow local authorities to deploy registration staff in the most efficient and economical way and also, by requiring registrars to carry out the full range of registration duties, make them more versatile and increase their job satisfaction.

2.9 The 'registrar' grade would need to be wide and include several pay bands to match the duties of all posts and the differing levels of responsibility. Districts will vary in size, range of duties and responsibilities and local authorities will wish to allocate posts with these factors in mind. The exact grading would be for the National Joint Council for the Local Authorities' Administrative, Professional and Technical Services to determine, along with salaries and other conditions of service.

2.10 Registrars would therefore become part of the sort of hierarchy which is usual in most other aspects of local government work. A natural extension of this would be that, in any office where there is a number of staff but no chief registrar, there would be a need for a senior member of the registrar grade to be its head. This

person would have a management function which would include deploying staff in such a way as to make the most efficient use of them and to provide the best service to the public. Breaking down the barriers between the registration grades as proposed in 2.8 will mean that there should be no bar to managers being able to improve the productivity of an office by matching the numbers of staff to the workload and using one person to do work for which the law requires more than one officer at present.

Clerical staff

2.11 Inevitably a proportion of registration work is of a clerical nature and does not need to be carried out by a registrar. However, at present, where the assessment of the work of a registration post is full time (ie 37 hours, or 36 hours in London) or less only a registrar may be appointed to do it: the appointment cannot be divided to give the more complex duties to a registrar and the more routine ones to a clerical assistant. Further, where the assessment is above 37 hours a registrar is appointed for the first 37 hours and a clerical assistant for the excess only: the system does not allow the work to be shared in any other way.

2.12 The Government regards it as essential to remove such restrictions and allow a flexible structure for staffing, such as would open the way for greater and more appropriate use of clerical staff, particularly in the larger offices. Local authorities would be able to separate clerical duties from full registration ones where it makes sense to do so. In some smaller offices the balance of advantage may however lie in the duties continuing to be done by one person: this would essentially be a management issue to be decided by the local authority.

Overtime and additional allowances

2.13 At present all local schemes stipulate that no registrar may be paid for working more than whole, or full, time. Therefore, where the assessment is more than 37 hours a week the local authority has to appoint a registrar to work for 37 hours and another person as clerical assistant to cover the excess. Moreover, even if there is only very little work for such clerical assistants the local authority may, in practice, be obliged to employ and pay them for a minimum number of hours.

2.14 These arrangements, like those described in 2.11, are unduly inflexible and, if they involve the employment of an additional person to cover a small number of hours, can be uneconomic. The Government sees no point in prolonging this restriction on overtime and local authorities should be able to use it when necessary. The conditions attached to the payment of overtime should be the same for registrars as for all other local authority employees.

2.15 Under present legislation, dating from 1929, registrars are protected from having their assessment, and therefore their salary, reduced. This means that if there is a fall in workload and the assessment can be shown to have decreased the local authority has to continue to pay the registrar for the number of hours specified in the original appointment or reorganise the district in such a way as to try to make use of the excess time. The alternative is to compensate the officer, for life, for the reduction. Arrangements would have to be made for the reclassification of registration officers as local government officers. They would be subject to negotiation but cannot, in the Government's view, include an open ended commitment to compensation, as at present.

Deputy registrars

2.16 Under the new organisation proposed for the registration service there would be no need for each officer to have a named deputy, as at present. In most offices short-term absences would be covered by remaining colleagues as they are in other areas of a local authority's work. In other cases the local authority may choose to employ a pool of mobile staff who could work for short periods wherever they are needed, or to appoint part-time registrars for specific posts.

2.17 At present, particularly in small rural offices, there are some deputies who work very infrequently and have little opportunity to gain experience and expertise or to bring themselves up to date with new procedures and legal requirements. This is not satisfactory in a service that attaches importance to high standards. It is proposed, therefore, that in future all officers who may be required occasionally to step in to cover an absence or a vacancy should have had to spend some time training in a large office. A minimum period of two weeks would be appropriate although the time may need to be varied for individuals depending upon the experience and aptitude of the registrar in question and changes which may have occurred since they last served. Ideally the period of training should immediately precede a period of service. The co-ordination of such training might be one of the training officer's duties (see 2.19).

Training officers

2.18 At present local authorities do not play any formal part in training registrars to do their registration duties. Technical competence is achieved with the help of experienced colleagues and Inspectors of Registration as well as by attendance on courses run by the Registration Training Section of OPCS and by personal reference to the Handbook for Registration Officers. Some local authorities offer training in such matters as management techniques for SRs in large offices.

2.19 In the organisation proposed local authorities would have a more formal role to play in training registration staff and would wish to be involved in both the administrative and practical aspects. Also, if registrars become local government officers OPCS would relinquish its present role as their sole trainer. It would, therefore, be appropriate for each local authority to designate a training officer to co-ordinate registration training and run courses in its area. This officer would need to be trained initially to undertake this duty and providing courses for this purpose would come within the province of the Local Government Training Board (LGTB).

Examinations and professional qualifications

2.20 At present registrars do not need any formal qualifications as a pre-requisite to appointment. Many of them have, however, expressed the wish that they could sit an examination leading to officially approved qualifications as evidence of their expertise in, and knowledge of, registration matters. Some have taken examinations held by the Institute of Population Registration, but these are not recognised by the Registrar General.

2.21 Personal qualities are of prime importance for the work done by registrars, but possession of a qualification may be useful to the holder and may serve those who are responsible for selection and promotion as an indication of expertise. As a first step OPCS, the LGTB and other interested bodies might consider the nature and content of a possible qualification.

Discipline and dismissal

2.22 With the sole power to dismiss a registration officer resting with the Registrar General at present the local authorities' ability to exert discipline is limited. This position would change once registration officers became local government officers because local authorities would then have power both to dismiss and to discipline. Where, however, there are cases involving technical matters, for example, about registration procedures, the local authority would be required to consult with OPCS prior to instituting any disciplinary proceedings. This would enable the Office to provide any necessary advice on the technical issue concerned.

2.23 There might be other instances when OPCS would wish to discuss with a local authority a registration officer whose work was unsatisfactory to the point where it was thought that the officer should be prevented from carrying out any further registration duties. Such cases would be for joint discussion. The Inspectorate (see 2.32) would normally represent OPCS in such matters.

2.24 Under the present legislation the council of each non-metropolitan county, metropolitan district and London borough is required to make a scheme setting out the registration arrangements for its area. Each scheme is subject to the approval of the Secretary of State for Health (for schemes in England) or the Secretary of State for Wales (for schemes in Wales). Each scheme must make various provisions including:

- determining the number and boundaries of the registration districts and sub-districts in the scheme making authority;
- determining the location of offices and outstations for those districts and sub-districts and

—determining the number of SRs, RBDs and other officers required for the purposes of the registration Acts within the scheme making authority.

Powers to make specific local arrangements, like fixing the hours of attendance of registration officers, arranging the distribution of business between officers and the transfer of officers from one registration district or sub-district to another are conferred by the scheme on Proper Officers for registration. (Proper Officers are statutory officers created by the Local Government Act 1972 to be responsible amongst other things for detailed registration arrangements of this kind.)

2.25 The process of making a formal scheme and submitting it to the Secretary of State is cumbersome and time consuming. In the Government's view there is a strong case for dispensing with much of this formality and making local arrangements normally a matter for local discretion, exercised by the registration authority. As indicated in 2.38, the Registrar General would have reserve powers to act if a particular council organised its local service in such a way as to jeopardise national standards or the service available to the public.

2.26 For practical reasons there would be a continuing need for important items of information to be on record and kept up to date. It would be necessary for such information to be embodied in a formal document, probably in a standard format, which would have to include information about the following;

- the number and boundaries of registration districts and sub-districts in each local authority area;
- the location of offices within districts and sub-districts and
- the hours of opening of registration offices.

In addition, each local authority would have to advise OPCS of the services available in each district and of the names and grades of the registrars employed there. This information would be used to maintain a central advisory service for the public. Details about registrars would be needed by the Inspectorate.

2.27 The organisation of the local registration service would, of course, be the responsibility of the relevant local authority which would be free to amend its arrangements when necessary. This would have to be subject to reasonable safeguards: for example, OPCS should be consulted prior to any changes in the boundaries of registration districts and sub-districts so that the future security and continuity of the registers could be guaranteed. For the benefit of the public, a minimum of a month's notice should be given before changes are made to the boundaries of districts and sub-districts, the location of offices within them, the services available at each office or the opening hours. The local authority would have to deal with any public representation against their registration arrangements ~~existing~~ or proposed changes to them.

Assessment formula

2.28 Under the present arrangement the Registrar General advises each local authority of the number of officers in each grade that need to be appointed to carry out registration business in each district. This number is calculated by using an 'assessment formula' which is derived from observation of the national average time taken by a sample of registrars to complete all the various registration duties. In addition, local factors are taken into account: for example, an allowance is added for travelling to outstations. Also, the superintendent registrars' assessments include a specific element which reflects the size of the population of the area, since it is accepted that they have to deal with many queries from the public which do not result in a registration duty being performed nor which can necessarily be related to the amount of measurable work they do.

2.29 The fundamental elements of the assessment formula have not changed since 1930 and it is in some respects out-dated. Further, there seems no reason for the calculation of an essentially local need to be undertaken centrally, for all authorities, by OPCS. A need would still exist for guidance on calculating work load and it may be appropriate that, for advisory purposes, the Registrar General should devise an up-to-date formula in conjunction with the local authority Associations.

2.30 However, subject to any purely advisory guidance of this kind, it is the Government's view that responsibility for deciding upon the number of officers to be appointed in any particular district should rest entirely with the local authority, as would the grading of those officers and their overall deployment. The allocation of work would be a management function and, given that there will be no formal restrictions on the work any officer can be asked to do, the only constraint would be the experience, competence and level of training of the officers available.

The Registrar General's role

2.31 The Registrar General has a responsibility to Parliament for maintaining standards within the registration service in England and Wales. For a service with the central function of providing records of births, deaths and marriages it is essential that a high standard of accuracy and consistency is maintained. Preservation of the current high levels of accuracy and public acceptability is essential to the integrity of the certificates issued, the validity of marriages, and national population and medical statistics. In view of this the Government believes that it is necessary for the registration duties of registrars to continue to be set down in statute and that the present penalties for failure to discharge them should be retained. The Registrar General should continue to make regulations concerning the form in which events should be registered and specifying what information and statistical returns should be sent to the Government.

2.32 Even though day to day responsibility for providing the registration service would rest, as is proposed above, with local authorities, the Registrar General would need to retain the power to require them to ensure that registration duties were carried out to an acceptable standard. The Registrar General is already supported by Inspectors of Registration whose job is to inspect the work done by registration officers to see that it is being carried out as required. They audit registrars' accounts on behalf of the Registrar General who is required by law to certify the sum due to be paid by each registration officer to their local authority, in respect of the fees received in the course of their registration duties. Inspectors also liaise with local authorities on questions of staffing, organisation and discipline. They have an important function in bringing to light the few incidents of malpractice which occur from time to time. They also give information and advice to the local authorities on registration policy and practice. They can provide information about the standard of work of each registration officer.

2.33 The Government proposes that the Inspectorate should remain as the principal means for monitoring the service throughout the country. They would continue to play an important role in ensuring that technical standards are

maintained. However, the role of the Inspectorate would need to change somewhat to complement the changed role of the local authorities and the fact that registrars would be local government employees. They would need to give more attention to the overall quality of an office's work, than to the performance of individual officers. Inspectors would also offer help and advice to the local authority in matters such as training and recruitment, when requested. They would form a link between OPCS and the local authority and report their findings on a regular, formal basis to each. The Inspectorate would alert the Registrar General to any circumstances which might lead to a formal request to a local authority to take particular action to sustain the standards of the service or even, very rarely, to activate the use of reserve powers as described in 2.38. The Inspectorate would, however, cease to have an audit role once registrars become local government officers.

The Registrar General's instructions

2.34 One of the ways in which the Registrar General tries to ensure uniform technical standards throughout England and Wales is by issuing a handbook to each registration officer giving detailed instructions and advice on the way registration work must be carried out. It is based on the registration statutes and regulations and other related legislation and provides a framework within which registrars can carry out their statutory duties. It also serves as a form of protection for registration officers because they are seldom individually required to interpret the statutes and, if they are acting in accordance with the Registrar General's instructions, will receive support if challenged.

2.35 The Registrar General would need to continue to produce a handbook covering the technical aspects of the work and, also, to issue other instructions in the form of circulars from time to time.

2.36 There are occasions when OPCS has given advice about a registration matter to a registrar (see 2.34) which is challenged in the courts and, in these circumstances, would meet any legal expenses incurred by the officer. It is appropriate to expect that OPCS would continue to give such legal and financial support, in consultation with the local authority.

2.37 The Registrar General now also issues guidance to local authorities in a booklet called the *Proper Officers' Manual*. There would be a need for the Registrar General to continue to provide some advice to local authorities on registration matters although the nature of it would be affected by the changes proposed in their roles.

Registrar General's reserve powers

2.38 There may be rare occasions when the Registrar General needs to act quickly and effectively to rectify a serious defect in the local registration service. A means must be provided to ensure that the public are able to carry out their statutory obligations with regard to registration and, therefore, there could be a need to maintain the local registration service where a local authority was unable, or unwilling, to do so. The Government proposes that in these circumstances the Registrar General should have reserve powers to take whatever action is appropriate to maintain the service. This might involve the provision of both staff and accommodation for any time when, for whatever reason, they were not being provided by the local authority. The present position, where the Registrar General may be authorised by the Treasury to spend a maximum of £300, is not a realistic one. Therefore, the Government intends that the Registrar General's reserve power should include provision for the recovery, from the defaulting local authority, of reasonable costs expended on providing and maintaining a local service.

Appointment of registrars

2.39 The Government believes that the Registrar General should continue to prescribe a list of disqualifications for appointment as a registrar. This would include, for example, medical practitioners, those people involved in a burial or cremation business and those concerned with life insurance.

Need for less detailed legislation

2.40 Many of the problems which the registration service faces are products of the present primary legislation. This was framed in an age very different from the present one and, accordingly, it is very specific and detailed and allows very little room to contemplate change. In order to prevent the same problem occurring again the Government considers that the law on registration ought not in future to include procedural detail. The day to day requirements for running the service should be determined by those who manage it, while the more important issues should be covered in subordinate legislation. This approach would enable future change to be made with comparative ease, and thereby allow the registration service to keep abreast of modern technological developments and to be run in the most efficient way.

New technology

2.41 The Scrutiny recommended that a feasibility study should be undertaken into the introduction of computers into the registration service. The feasibility study was carried out and as a result a pilot system was set up and tested over a period of nine months at Southampton register office. This system used a microcomputer and a package of facilities developed by OPCS in liaison with registration staff. The basis of this system was that details for the registration of a birth or death were recorded on the computer by the registrar instead of on a draft entry form. The informant was then able to check the details in a visual display before a certificate was produced. The computer system can also produce indexes and quarterly copies. The results of the pilot study indicate that the introduction of computers into the registration service has the potential both to raise its efficiency and productivity and to improve the service available to the public. Many local authorities have expressed interest in introducing this computer system.

2.42 The Government looks forward to the further development of computer support for registration, although bearing in mind that the confidentiality of personal information, on which OPCS has an extremely good record, will have to be safeguarded in any new procedures.

Summary

2.43 The Government's central proposal for reform of the registration service is that responsibility for its day to day operation and organisation should be given to local authorities. (2.1)

2.44 Registration officers should become local government officers and their general conditions of service should be the same as those for all other local authority employees. (2.2)

2.45 The present grades of registrar should be replaced by 'chief registrar' and 'registrar' and all officers should be able to carry out all registration duties. Some registrars should be given management responsibilities. (2.8)

2.46 Clerical duties should, where possible, be separated from registration duties and clerical staff should be more widely employed to carry them out. (2.12)

2.47 Present restrictions on overtime should be lifted. (2.14)

2.48 The present restriction on reducing a registrar's salary if the workload decreases should cease. (2.15)

2.49 Officers who are required to cover an absence or a vacancy, particularly those from small, rural districts should be given opportunities to train in larger offices where possible. (2.17)

- 2.50 Local authorities should assume some responsibility for training registrars. (2.19)
- 2.51 Consideration should be given to the introduction of a formal qualification for registrars. (2.21)
- 2.52 Local authorities should have a power both to dismiss and discipline registrars when they become local government officers. (2.22)
- 2.53 Local authorities would no longer be required to make a scheme for submission to the Secretary of State for approval. (2.25)
- 2.54 The present assessment formula should be revised so that in future it serves solely as a guide to local authorities who wish to use it. (2.29)
- 2.55 The duties of registrars should continue to be prescribed by statute and the present penalties for failure to discharge them should be retained. The Registrar General should continue to make regulations covering the form in which events should be registered. (2.31)
- 2.56 The Registrar General should retain an Inspectorate to monitor the service throughout the country. (2.33)
- 2.57 The Registrar General should continue to produce a handbook and issue instructions to registrars on their registration work. (2.35)
- 2.58 The Registrar General should continue to provide guidance on registration matters to local authorities. (2.37)
- 2.59 The Registrar General should have reserve powers to act if the local registration service is, for any reason, not being maintained. (2.38)
- 2.60 The Registrar General should continue to prescribe a list of disqualifications for appointment as a registrar. (2.39)
- 2.61 New legislation should be couched in general terms to allow procedural detail to be dealt with in subordinate legislation. (2.40)
- 2.62 Computer support should be developed for the registration service. (2.41)

Chapter 3: Marriage

3.1 The proposals concerning marriage in this Green Paper have been confined to procedural changes which affect civil marriage and religious marriage, other than in the Established Church. The Government has no plans to review fundamental marriage law or to make any proposals regarding the procedures of the Established Church. Nor does this Green Paper touch on the subject of the introduction of universal civil preliminaries to marriage. This was considered recently by a Working Party established by the Standing Committee of the General Synod of the Church of England whose report¹ was published earlier this year and which recommended against such a change.

3.2 Marriage is of importance to most of the population. Despite changing social patterns such as the increase in age at first marriage, the tendency for couples to cohabit before marriage and the higher incidence of divorce, marriage remains very popular. Present trends² indicate that by the age of 50, 79 per cent of men and 84 per cent of women will have married at least once. People attach great importance to the marriage ceremony and to the surroundings in which it takes place. Their wishes are sometimes frustrated by the requirements of the present law under which many of the procedures are unnecessarily complex and restrictive and reflect the needs and social conditions of the early nineteenth century rather than those of the late twentieth century. The Government believes that changes to the present system are necessary and wishes to simplify the procedures where possible and to allow the public a greater degree of choice. Also, because of the legal significance of marriage it is important that couples only enter into marriages which are valid in law and are recorded accurately and some of the following proposals are, therefore, designed to strengthen the safeguards necessary to achieve these objectives.

3.3 A number of the proposals in this chapter are broadly similar to some of the recommendations made in 1973³ by a Law Commission working party on the solemnization of marriage and also to legislation concerning marriage which was introduced in Scotland by the Marriage (Scotland) Act 1977.

Giving notice of intention to marry

3.4 Generally speaking the requirement of the present law is that all civil marriages should take place in the district of residence of one of the parties. This applies also to religious marriages, although there are circumstances, relating most frequently to the usual place of worship of the couple, where they can marry outside their district(s). All marriages outside the Established Church must be preceded by the giving of notice of intention to marry by one party at the register office in the district where the marriage will take place. Where a couple live in different districts, unless the marriage is to be by licence, notice must be given in the other district as well.

3.5 The requirement to give notice fulfils several important functions which help to ensure that the validity of the marriage will not be in doubt:

- it gives an opportunity to establish the status of the parties (single, widowed or divorced) and to confirm that they are free to marry;
- it gives time to obtain parental consent in the case of the proposed marriage of a minor; and
- it allows a person who wishes to object to the marriage for any reason an opportunity to voice their objection.

¹Church House Publishing: *An Honourable Estate*, 1988.

²Annual Reference Volume: *Marriage and Divorce Statistics 1986* HMSO.

³Law Commission No 53: *Report on solemnisation of Marriage in England and Wales 1973*.

However, there are limitations in the present system. The arrangement whereby one party can give notice on behalf of both can mean that some of the information given may not be completely accurate or, more seriously, that notice is being given for a party who does not wish to marry but whose unwillingness does not come to light until the ceremony itself. The Government believes that these problems could be largely overcome if each party to a marriage was required to give notice in their own district(s) of residence. They would then each be personally responsible for the accuracy of the information given about themselves and would have to assert their willingness to contract the proposed marriage. For this purpose, district of residence should be the district where they are ordinarily resident. If they have no ordinary residence, for example, visitors from abroad, they would be eligible to give notice in the district where they are actually resident, providing they have been there for at least 7 days.

3.6 A marriage may take place after either the issue of a superintendent registrar's certificate alone or a certificate and licence, and the requirements for giving notice are different in each case. For a marriage by certificate one party to the marriage must have lived in the registration district where the marriage is to take place for at least 7 days prior to giving the notice, and at least 21 days must then elapse between the notice being given and the marriage taking place. When the marriage is to take place by certificate and licence one of the parties must have lived in the registration district where the marriage is to take place for at least 15 days prior to giving notice, but the marriage may take place after the elapse of one clear working day after the notice is given. A marriage by certificate and licence is more expensive than one by certificate.

3.7 In both cases details of the notice are entered into a marriage notice book which is open for inspection by the public; in the case of a marriage by certificate the notice is also displayed for 21 days on a notice board in the superintendent registrar's office.

3.8 The Government considers that this system is unnecessarily complicated and diffuse. If the purposes of giving notice are to allow time to make sure that the information given is accurate, that the couple are able to contract a valid marriage and that anyone who wishes to object is able to do so, there seems to be no logical reason to exempt from these requirements a couple who wish to marry quickly and with no publicity. The Government therefore feels that there is a strong case for abolishing the certificate and licence procedure and having a common procedure for all marriages. On the other hand a waiting period of 21 days seems excessive for the purpose of ensuring that documentation is checked and that any necessary inquiries are carried out.

3.9 The Government accordingly favours the introduction of a system where there would be a standard minimum waiting period of 15 days between giving notice and the marriage. This is the formula already in operation in Scotland, and adopting it in England and Wales would help to unify the procedures within Great Britain. It would, however, seem desirable to allow the period to be reduced in exceptional circumstances at the discretion of the registrar, and this is proposed. The Registrar General would issue guidance on the use of such discretion. It would relate solely to the circumstances of the parties concerned (where, for example, they were necessarily in the country for a short time only) and would not, as does the present licence system, require the payment of an additional fee.

3.10 The requirements to keep a marriage notice book open for public inspection and to post notices on a board were appropriate in 1837 when the population lived in small communities and was not very mobile. The Government believes they are not relevant in the present day and, therefore proposes that the publication of notices should be dispensed with and replaced with a requirement that a registrar must disclose details of current notices if requested. This would maintain the ability of

members of the public, with a legitimate interest, to discover if particular individuals had given notice of an intention to marry and would safeguard the right, which is still occasionally exercised, for a third party to raise objections to a marriage if there are grounds for doing so.

3.11 A further change which the Government believes would be welcomed by the public is to extend the period of validity of an authority for a marriage. At present it covers three months from the date when notice is given, but this is often not long enough to make necessary arrangements for a reception or a honeymoon. It is proposed to increase the life of the authority to six months in the belief that many people would wish to settle their marriage date further in advance than is allowed by the present arrangements.

3.12 At present an officer, seaman or marine serving on one of Her Majesty's ships at sea may give notice of marriage to the captain or other officer commanding the ship. The Government considers that this privilege should be extended to all other members of the Armed Forces who are serving outside England and Wales, who should similarly be able to give notice to their commanding officer.

Location of marriage

3.13 There is one aspect of the present law which members of the public find especially irksome — that a marriage should usually take place in the district of residence of one of the parties. There are many reasons why people wish to marry in other places, the most common being that they have moved away from their family home to study or to work but wish to return there for their marriage. Some people go to considerable trouble and expense to establish a genuine residence qualification in the area where they would like to marry; others may merely resort to being untruthful. The Government believes that no useful purpose is now served by this requirement and, indeed, that it is burdensome to the public that many people have to make arrangements to circumvent it. They would favour instead allowing people to marry in any district of their choice in England and Wales.

3.14 Under an arrangement of this kind responsibility to state their proposed place of marriage would fall on the couple when they attended at their local register office(s) to give notice. They would subsequently be responsible for collecting the authorities for marriage from the office(s) where notice was given and taking them to the one where they had arranged for the ceremony to be held. The 15 day waiting period would allow time for such procedures and the administrative arrangements would be further simplified if payment of fees for giving notice, and for the ceremony itself, were entirely separate. It is proposed that each should be settled separately in the district where it takes place.

Choice of building for civil marriage

3.15 At present civil marriages may be celebrated only in a single place in each registration district, namely the register office. While many of these are in pleasant buildings with good facilities in agreeable surroundings there are some which are less attractive and fail to meet the public's expectations of a suitable place for a marriage. The Government believes that people should be offered a choice of building in which their marriage may be celebrated and that it should therefore be open to a local authority to have several marriage rooms in more than one building which it owns or which are otherwise available. The public would then be able to select the location and surroundings which they preferred. Some local authorities might wish to offer, for example, stately homes or hotels as available for hire for wedding ceremonies and the Government would welcome views on how far the choice of building should extend and on the types of premises that would be suitable. Whatever accommodation is selected, it would have to fulfil the requirement of allowing public access to all marriages.

contract with the owners of stately homes or hotels for example, for accommodation then to be available

the ceremony would have to be conducted in a place which was entirely separate from any accompanying celebrations and which fulfilled

3.16 The selection of buildings for marriage could be left to the discretion of each local authority providing that it published them locally and OPCS and the public

were kept informed of any proposed changes. However, the Government would welcome views on whether this would be acceptable or whether the Registrar General should have a power to veto a building if formal objections to it are raised. In either case, the provision of more buildings where marriages might be solemnized should have the effect of improving standards because the public would no longer have to accept the one building offered in their district, but would have a choice. This proposal taken together with the proposal in 3.13 would give the public freedom to marry in a building of their choice in the district of their choice.

3.17 The Government considers that each local authority should be required to provide a standard marriage ceremony for a basic fee, which would be set centrally. However, subject to that, each local authority should be free to charge its own rate for the type and level of service it provides, so that a ceremony which took place in a particularly attractive location, or to which a longer time was allotted, would command an appropriately higher fee. Local authorities may wish to provide other services, for example, photography or video facilities, if required by the public, either directly, or by arrangement with the private sector and ~~The Government~~ believes that this should be encouraged.

ensure that other services which the public may require, for example, photography or video facilities, can be provided, normally by arrangement with the private sector.

Attendance of a single registrar

3.18 The present law requires the attendance of both a superintendent registrar and a registrar of births and deaths at a marriage; the former conducts the ceremony and the latter registers the event. The Government believes that there is little logic in this and, if the proposal in paragraph 2.8, that the present grades of registration officer should be replaced by a single grade of 'registrar' who would be able to carry out the full range of duties, is adopted, it would no longer be necessary. It would be a matter for the local manager to decide how many officers should attend depending on local circumstances and, in particular, the size of each individual wedding party. The Government, therefore, sees merit in dropping this requirement for the presence of two registration officers at a civil marriage. No similar requirement exists for marriages in the Established Church or for those conducted by authorised persons.

Power to inspect documents

3.19 Given the legal status which marriage confers and the benefits which ensue from this it is essential that people are prevented, wherever possible, from entering into marriages which are not valid. One way to help guard against this happening, which is available in Scotland but not at present in England and Wales, would be for registration officers to have a statutory power to call for documentary evidence of the age and identity of the parties and to substantiate that they are free and eligible to marry. This is a change the Government would wish to make.

Use of interpreters

3.20 The declaratory and contracting words upon which the legal validity of a marriage depends must be spoken by both parties to a marriage in English or Welsh, even if these are languages which neither party speaks or understands, although in practice they will be invited to bring to the ceremony a person who can act as interpreter and they will be encouraged to say the words in their own language as well as in English or Welsh. It is obviously important that both parties to a marriage understand the effect and significance of the words they are required to say and this could be achieved if the official use of interpreters, both at the giving of notice and during the ceremony, was catered for in law. The person acting as interpreter would be required to make a statutory declaration binding him or her to give a true rendering of the declaratory and contracting words in the appropriate language. At the ceremony the interpreter would be required to be one of the two witnesses to the marriage. The legally binding words would be those uttered in the party's own language and the interpreter would be required to affirm to all those present that the words spoken were the correct ones. If this proposal was adopted it would be desirable for the law to allow registrars to attest the statutory declarations made in

these circumstances. Interpreters are allowed for in Scottish marriage legislation although they are not permitted to act as witnesses.

Marriage in registered buildings

3.21 A religious marriage, other than in the Established Church, must be preceded by civil preliminaries and the proposals outlined in paragraphs 3.4-3.14, 3.19 and 3.20 would apply equally to these marriages.

3.22 Except in the case of marriages in the Established Church or for Jews or Quakers, the present system requires that before a building can be used for the solemnization of marriage according to a religious rite, it must first be certified by the Registrar General as a place of religious worship under the Places of Worship Registration Act 1855. Following this, the Marriage Act 1949 provides that if at least 20 householders certify that the building is used by them as their usual place of public religious worship it may be registered as a place where marriages may be solemnized. A registration officer is able to register marriages in a registered building or this may be done by an authorised person. The duties of authorised persons are described in 3.28-3.34.

3.23 There are anomalies in the system described in the last paragraph. For example, there seems to be no necessary reason why buildings need to be certified as described or why the Registrar General should keep a central record of such buildings as a preliminary to registration for marriage. Further, the requirement of certification by 20 householders is inflexible and excludes many buildings that are eminently suitable for religious marriage ceremonies.

3.24 Another requirement of the Marriage Act 1949 is that buildings where marriages are to take place should be 'separate' buildings. This requirement was originally designed to eliminate the possibility of clandestine marriages. However, Roman Catholic churches are excluded in the 1949 Act, as is any building that is the subject of a sharing agreement under the provisions of the Sharing of Church Buildings Act 1969. The Government considers there to be little purpose in continuing to apply this requirement to the remaining buildings and proposes to repeal this part of the Act. It excludes, for example, a church which has been built as an integral part of a community centre. It is understandably hard to accept by those connected with such a church that it cannot be registered for marriages because it is not a 'separate' building.

3.25 The Government therefore proposes that the procedures relating to marriages which take place in religious buildings should be changed. As a first step it is proposed that the Places of Worship Registration Act 1855 should be repealed, thereby removing from the Registrar General the administrative task of certifying and recording all such buildings. In order to be able to have marriages in a particular building, the trustees would make an application to the Registrar General and in doing so would be required to certify that the building is used for public religious worship. The requirement for 20 householders to support the application would cease but instead it is proposed that, if the application is successful, the trustees would be obliged to place an advertisement in the *London Gazette* stating that the building is used as a place of public religious worship and had been registered by the Registrar General as a place where marriages may take place.

3.26 This procedure would allow many buildings which are precluded at present, to be used for marriage. It should mean that university, school and college chapels would generally qualify as well as other churches which have been built so that they are connected to other facilities. There are however certain essential requirements which all buildings would still have to meet in order to conform to the general provisions of the Marriage Act 1949. They would need to be places where

- religious marriages properly could be celebrated, and
- ceremonies would take place publicly and with open doors.

This would exclude private chapels and other private buildings.

3.27 One of the wider consequences of these proposals would be that new arrangements would be needed in order to cover exemption from the payment of rates for religious buildings. At present some local authorities appear to regard certification of a building by the Registrar General as providing automatic exemption from the payment of rates and occasionally suggest that particular buildings should not be certified because they do not regard them as deserving of rate relief. This may reflect some ambiguity in the present legislation covering this. ^{of the} the General Rate Act 1967 which refers to certification for "public religious worship" whereas the requirement under the 1855 Act is for "religious worship". When applying the conditions of the 1855 Act the Registrar General cannot take those of the ^{later} ~~General Rate Act~~ into account.

at the local ^{authorities} level
Finance Act 1988

Authorised persons

3.28 Authorised persons are people appointed under the Marriage Act who are empowered to be present at and register marriages in registered buildings. When a building has been certified for worship and registered for marriage as described in 3.22 the trustees of the building may, after a year has elapsed, apply to OPCS to have a specified person appointed as authorised person for that building. The authorised person will then ensure the legal requirements for each marriage have been met and will be able to register marriages, instead of a registrar, in that building. Until such a person is appointed marriages in that building must be registered by a registrar, although the ceremony will be conducted by the priest or minister.

3.29 The authorised person will commonly be a priest or minister but this is not necessary. The ceremony does not have to be conducted by the authorised person: the congregation may select a different person to do that, and so it is possible for a lay person to be appointed to carry out the administrative task of ensuring compliance with the law and of registering the marriage.

3.30 Although appointed by a specific congregation an authorised person may act in any registered building in a district, irrespective of denomination. However, each building has its own marriage registers and the marriage must be registered in the correct ones. In the case of the Jews and the Quakers the registers are the responsibility of the secretary of a synagogue or registering officer respectively and do not relate to a particular building.

3.31 There is scope for making the arrangements for appointing authorised persons more flexible and at the same time improving standards. The appointment of authorised persons by nomination to the Registrar General by a religious body, but without reference to a particular building, would mean that it would not be necessary to appoint someone for each building, so fewer need be appointed. Then each authorised person could act in any building in the district for which he or she was appointed, and could be appointed for more than one district, provided that a separate register was kept for each district.

3.32 This would be similar in some ways to the system which operates in Scotland where a religious body may nominate to the Registrar General any of its members to be an approved celebrant and, therefore, able to solemnize marriages. In Scotland also, the appointment of each approved celebrant is for a maximum of three years, which may be renewed. If the person proves unsatisfactory in any way the Registrar General may withdraw his approval and can remove the name of a person from the register of approved celebrants. There is provision for an appeal to the Secretary of State against the Registrar General's decision in such a case.

3.33 The present position, in England and Wales, is that an authorised person, once appointed, may maintain the position for life. This is unsatisfactory and

potentially damaging and the Government proposes to introduce a requirement that the authorised person should serve a probationary period of one year after which the appointment would be renewed on a three year basis. The appointment would be renewed on the advice of the senior registration officer in the district and with the agreement of the congregation concerned. Further, the appointment should be capable of termination at any time if the person has been guilty of serious misconduct. These changes should make the system more efficient and help to improve standards.

3.34 The Government believes it important that any new legislation should preserve the requirement in the present law that the authorised person who registers a marriage should have been present when it took place. This should help to guarantee that the ceremony is conducted entirely according to law, as well as minimising the possibility of errors being made in the entry.

Form of marriage register entry

3.35 The form of the marriage register entry has remained unchanged since 1837 and is now considerably out of date in both format and content. There is a need for it to include more detailed information, in particular the date and place of birth of each of the parties and, to give equal treatment to both sexes, the names and occupations of their mothers as well as their fathers. This would help to minimise errors in tracing individual entries, improve the statistical information gathered and be of additional benefit to genealogists and family historians. A new format would also facilitate certificate production by bringing the marriage entry into line with those for births and deaths. An example of the format proposed is at Appendix 2.

3.36 To implement this proposal it would be necessary to replace all the existing marriage registers and the estimated costs of printing and distributing the new registers, together with the cost of storing the outdated version, would be in the region of £1 million. For the sake of uniformity of the registers and of statistics compiled about marriages it would be desirable for the registers all to be replaced at the same time. However, if this was not possible the new registers could be phased in over a short period, preferably no longer than 3 years.

Scope of proposed changes

3.37 All the proposals in this chapter are applicable only to the Marriage Act 1949: the special provisions of the Marriage (Registrar General's Licence) Act 1970 (which cover the exceptional circumstances in which many of the rules regarding notice, place and timing can be waived where one of the parties is very seriously ill and not expected to recover) would not be affected by them.

Summary

3.38 Both parties to a marriage should give notice in their district(s) of residence. (3.5)

3.39 Marriage by superintendent registrar's certificate and licence should be abolished. (3.8)

3.40 There should be a standard minimum period of 15 days between giving notice and the marriage. Registrars would have discretion to reduce this in individual cases. (3.9)

3.41 The statutory retention of a notice book and the posting of notices on a board should be discontinued. (3.10)

3.42 The validity of an authority for a marriage should be extended from three months to six months. (3.11)

- 3.43 All members of Her Majesty's forces serving outside England and Wales should be able to give notice to their commanding officer. (3.12)
- 3.44 Marriage should not be restricted to district of usual residence. (3.13)
- 3.45 Local authorities should be free to offer marriages in buildings other than the local register office. (3.15)
- 3.46 A standard marriage ceremony should be provided throughout England and Wales for a basic fee but local authorities would be free to charge more for anything above this. (3.17)
- 3.47 The law should allow one person to conduct and register a marriage. (3.18)
- 3.48 Registrars should have statutory power to inspect documents to establish age, identity, etc. (3.19)
- 3.49 The use of interpreters should be permitted, where necessary, when notice is given and during the ceremony. (3.20)
- 3.50 The present system of certifying and registering buildings for marriage should be replaced by a simplified one. The requirement that such buildings should be 'separate' should be removed. (3.25 and 3.26)
- 3.51 The appointment of authorised persons should no longer be linked to a particular building. (3.31)
- 3.52 The life tenure of authorised persons should be replaced by a probationary year and renewable three year appointments. (3.33)
- 3.53 The requirement, that an authorised person who registers a marriage should be present when it takes place, should be retained. (3.34)
- 3.54 The form of the marriage register entry should be revised. (3.35)

Chapter 4: Registration of births, deaths and still-births

Births

4.1 The registration of a birth performs several important functions. It provides the person concerned with a document which is often requested whenever evidence of age, identity or place of birth is required, for example, as proof of entitlement to a legacy or inheritance or when applying for a passport, a pension or, in some cases, a job. It also provides the Government with statistical information on the increase in the population which is crucial for accurate planning of many services including, for example, schools, houses and hospitals. It is therefore extremely important that information given at the time of registration is complete and accurate, otherwise this can have repercussions for the individual, or more widely, later on.

Extending the list of qualified informants

4.2 It is for these reasons that the Births and Deaths Registration Act 1953 specifies precisely which persons have a duty to give information to a registrar about a particular birth. These persons are known as "qualified informants" and they are selected because their position should give them a better knowledge than others would have of the facts of a birth and so ensure that the information they supply will be as complete and accurate as possible.

4.3 At present when a birth takes place it is the duty of the father or the mother (where parents are married to each other) or the mother alone (where the parents are not married to each other) to give information for the registration. If the father or mother are unable to do so for any reason the following people then have a duty to give the required information:

- the occupier of the house or institution where the child was born;
- any person present at the birth;
- any person having charge of the child.

In a small number of cases difficulty is experienced in finding a qualified informant and this is potentially damaging to the future security and well-being of the child. The Government considers that this problem could be met if the list of qualified informants were to be extended to include "a relative of either parent" who could act in the event of the death or inability of the parent(s). This would bring the law in England and Wales into line with that in Scotland where a relative of the parent(s) who has full knowledge of the birth is already legally qualified to give information.

Registration without a qualified informant

4.4 Under the present legislation it is not possible for a birth to be registered if a qualified informant is not available to give information. There are a few cases where someone discovers, often quite late in life, that their birth has not been registered but they need a certificate to apply for a passport or pension. They can frequently supply some evidence of the date and place of their birth, for example, from baptismal or school records or by reference to Census records which, provided they are over fifty years old, may be used for this purpose. However, under present law, no-one is entitled to act as an informant in respect of their own birth and, in a minority of cases, those older people who could have qualified as informants at the time of the birth have died or are otherwise not available. It is not then possible for the birth to be registered. The Government is anxious to help in these circumstances and proposes that the Registrar General should have a power to authorise the registration of a birth without a qualified informant, provided that clear evidence of the event has been produced.

4.5 The Government proposes that the birth register entry should include a space to record the occupation, where applicable, of the child's mother. At present this may be entered in the register but it does not have a space of its own.

Deaths

4.6 The registration of deaths performs three principal functions:

- i it enables evidence of a death to be provided when necessary, for example, for insurance or pension purposes or, for a widow or widower, as evidence of freedom to re-marry;
- ii it is part of the system which ensures that certain deaths are properly investigated prior to burial or cremation;
- iii it provides statistics on the numbers of deaths by cause, age and sex which are used for medical research, for compiling population estimates and for determining trends in mortality.

In the area of (ii) above there is scope for tightening and clarifying the existing procedures and for re-defining the obligations of medical practitioners and registrars. These subjects were covered by the Brodrick Committee* which made proposals similar to those in this Green Paper.

4.7 The Births and Deaths Registration Act 1953 requires a medical practitioner who was in attendance during the deceased person's last illness to certify to the best of his knowledge and belief the cause of death and deliver a medical certificate of cause of death to the registrar of the sub-district where the death occurred. In certain circumstances the registrar is required to report the death to the coroner including:

- if the deceased was not attended by a doctor either after death or during the 14 days immediately before;
- if the cause of death is unknown;
- if the death appears to have taken place under an anaesthetic, through an industrial cause or in circumstances which were violent or suspicious in some way.

Others who have a statutory duty to report a death to the coroner are the governors of prisons and other persons in charge of institutions who must report the death of a person in their charge. There is also an obligation in common law on "any person about the deceased" to give immediate notice to the coroner of circumstances which require that an inquest should be held, although this assumes that such a person is familiar with the circumstances in which an inquest is required. Medical practitioners, however, do not have a statutory duty to report a death to a coroner.

4.8 The Government considers that there is little logic in continuing to require a medically untrained registrar to make a medical judgment while not requiring a medical practitioner to do so. The Brodrick Committee (see 4.6) recommended that the law should be changed and that a statutory duty to report unnatural deaths to the coroner should be placed on medical practitioners, and the Government supports that view. Indeed, all but about 5 per cent of the deaths that are reported to coroners at present are notified by medical practitioners and there are strong reasons for changing the law to make provision for what now actually takes place. This proposal has implications for both medical practitioners and coroners. The Government understands that their representative bodies have both accepted it in principle and hopes they will now join the Registrar General in discussion about the detailed arrangements for introducing it.

4.9 This proposal would benefit the public because at present a registrar cannot proceed with a registration if the death is one which should be notified to the coroner. This causes worry and inconvenience to relatives of the deceased person because they sometimes do not learn that there will be a delay until they have attended the registrar's office. In future they would learn from the deceased's doctor, with whom they will normally be in touch, that the coroner has become involved and they will be spared the trouble and, sometimes, expense of trying to register a death before it is legally possible to do so.

Changes to death certification system

4.10 The Government considers that the present system of death certification is deficient in certain respects and that the law should be changed to limit the right to issue a medical certificate of cause of death to a medical practitioner who had attended the deceased at least once during the 14 days preceding death and who had inspected the body after death. If these conditions are not satisfied the death should be reported to the coroner by a medical practitioner, as proposed in 4.8, for further investigation. The death should also be reported to the coroner if:

- i there are grounds to suppose that death was due to, or contributed to by, any employment followed at any time by the deceased, or to any drug, medicine or poison, or any violent or unnatural cause;
- ii there is reason to believe that the death occurred during an operation or under, or prior to complete recovery from, an anaesthetic or arose out of any incident during an anaesthetic;
- iii the cause or circumstances of the death have been specified by the Secretary of State for Health as being required to be reported, for example, because they highlight novel or topical circumstances like glue sniffing or death from a particular type of drug; or
- iv it is considered to be in the public interest to do so. This decision may be taken as a result of consultation between the medical practitioner and the coroner.

The coroner would then be required to state the cause of death.

4.11 It should also be firmly part of the Coroner's duty to issue the authority for the burial or cremation of the dead body where he has specified the cause of death, leaving it to the registrar to issue the authority in cases where the death is certified by a medical practitioner. This would end the present ambiguous situation where either may issue the authority, which is unsatisfactory and can cause confusion and distress to the relatives of the deceased.

4.12 OPCS and the Home Office have held discussions with the representative bodies of the coroners and of medical practitioners about the proposals contained in 4.10 and 4.11 and that there is in principle agreement on them. Further discussions will need to be held on their implementation.

Registration of deaths by declaration

4.13 Many people who are required to give information for the registration of a death have to expend time and money to do so because by law it may be registered only in the sub-district where it occurred, which may be a considerable distance from relatives of the deceased. For births, by contrast, a procedure exists whereby the informant may make a declaration of the particulars of the birth before any registrar in England and Wales. The information is transmitted to the registrar of the sub-district where the birth occurred who then registers it. There is considerable evidence that the public would welcome a similar system for death registration and the Government would like to introduce it.

4.14 The successful operation of a system of registering deaths by declaration would, however, depend upon acceptance of the proposal in 4.8 that medical

*Report of the Committee on Death Certification and Coroners (1971) Cmnd. 4810.

practitioners should have a duty to report certain deaths to the coroner. This would ensure that this important duty fell upon a specified person who was well placed to carry it out. If the duty were left with registrars it could not easily be carried out either by the one taking the declaration, who might be miles from the scene of the death, or by the registrar in the sub-district concerned, who would hear of it only after a lapse of time. A declaration system, therefore, assumes that cases which need to go to the coroner are referred by the deceased's doctor, as is proposed.

4.15 The operation of a declaration system would also involve the transmission of information between offices and, inevitably, a delay in the issue of documentation. The public would therefore have to be prepared to take this into account when making funeral and other arrangements.

4.16 This system could not operate without imposing an extra burden on the registration service and a charge would probably need to be made to cover its cost. However, the Government thinks it is reasonable that members of the public, who would save time and money by use of this system, should expect to pay for the additional service they were receiving.

Informants for death registration

4.17 The persons qualified at present to give information for a death vary according to whether the death occurred in a house or institution or "elsewhere" — the latter including cases where a body is found. There seems to be no reason to maintain these differences and the opportunity could be taken to introduce a new list of informants that would be applicable to all deaths. The following is suggested:

- i a relative of the deceased who has knowledge of the particulars to be registered;
- ii a person present at the death;
- iii the deceased's executor;
- iv the occupier of a house or the chief administrator of the premises where the death occurred;
- v the person who found the body;
- vi the person taking charge of the body.

4.18 'The deceased's executor' is not included in the present law but there seems to be merit in including such a person as having knowledge of the person who had died. It is a category included in Scottish law at present.

4.19 In (iv) 'chief administrator' is proposed to replace the present 'occupier' in relation to a public institution, where it is defined as including the governor, keeper, master, matron, superintendent or other chief resident officer. Administrators of public institutions are not now normally resident in them and the term is no longer appropriate. If this proposal is accepted 'occupier' would be revised similarly in relation to the list of qualified informants for a birth.

Deaths at sea

4.20 When a death takes place in England or Wales, it must be registered in the sub-district of occurrence. The boundary of that sub-district extends to the low-water mark. However if a death takes place on a ship at sea it may be registered by the Registrar General of Shipping and Seamen; a ship being defined as 'a seagoing vessel used in navigation which is propelled otherwise than by oars'. Problems arise in connection with deaths in the water, where a body is washed ashore or brought ashore in the sub-district and it is not clear where the death occurred. In practice, when a death is not registered elsewhere and occurred (or probably occurred) 'close' to our shores, for example, as a result of a bathing incident, the registrar of the sub-district where the body is, will be advised to make an entry in the register. The Government proposes that the law should be changed so that deaths which occur at sea, but are not connected with ships, may properly be registered in the sub-district where the body is found.

Still-births

4.21 At present, the procedures for registering a still-birth combine features of both birth and death registration. Thus qualified informants are as for birth registration but a medical certificate of cause of still-birth is normally required to be issued before registration can take place. The Government believes that if the still-birth procedures followed more closely those for deaths this would be generally welcomed by the public: registration officers' work would be simplified and medical investigation of still-born children would be improved.

4.22 Special interest groups, such as the Still-birth and Perinatal Death Association, have pressed for the use of registration procedures to help parents of still-born children become more involved in the death of their child. They strongly advise that parents use registration as an opportunity to grieve, that the child should be given a name and that a normal funeral should be held which the family may attend.

4.23 The British Medical Association (BMA) in its publication *Deaths in the Community* 1986 and the Brodrick Committee report *Death Certification and the Coroner* 1971 have also both criticised the law dealing with perinatal deaths. The proposals below to reform still-birth registration are largely based on the principles proposed by the Brodrick Committee (see 4.6) and have been endorsed by the BMA and the Coroners Society.

Changes in procedure

4.24 Still-birth registration was introduced in 1927 primarily to safeguard human life. Prior to this, it was not uncommon for a live born child to be unlawfully killed shortly after birth and then disposed of without formality as a 'still-birth'. Consequently, the law requires a qualified informant at a still-birth registration to give to the registrar evidence that the child was not born alive. This evidence may be in the form of a medical certificate issued by a medical practitioner or a registered midwife. However, an alternative is a declaration made by an informant to the effect that no medical practitioner or midwife was present at the birth, or has examined the body, and that the child was not born alive. This declaration procedure makes it possible for the body of a still-born child to be disposed of without any prior medical involvement or investigation by the coroner (who currently has no jurisdiction over still-births).

4.25 This defect would be remedied if still-birth procedures were brought into line with those for deaths, including the proposals in 4.7-11 above. Medical practitioners would have a legal responsibility to report certain still-births to the coroner who would be responsible for giving the cause of still-birth to the registrar and for issuing a certificate authorising disposal in respect of all still-births reported to him. In the absence of a medical certificate of still-birth issued by a medical practitioner or midwife, the coroner would be bound to investigate the still-birth before the registration or disposal was allowed to proceed.

4.26 Unlike deaths, there is no record of where the disposal of the body of a still-born child has occurred. The person in charge of the burial ground or crematorium who receives the certificate for burial or cremation does not have to notify the registrar of this fact. This situation is unsatisfactory and could be remedied if the procedures now applicable to deaths were adopted for still-births also.

4.27 The list of qualified informants for the registration of still-births is identical to that for live-births. This means that where the parents are not married to each other, the name of the father of the still-born child cannot be entered in the still-birth register unless he accompanies the mother to give information for the registration or a declaration of his paternity is produced. However, in the case of the death of an infant whose parents are not married to each other, the father is qualified on his own to give information for the registration and to have his name as father entered in the

register. The anomaly causes distress to the unmarried parents of a still-born child and creates confusion. Alignment with death registration would bring it to an end.

4.28 One or two other minor reforms would be required to complete the closer alignment with death registration. There seems no good reason to retain the current statutory prohibition on the registration of still-births more than 3 months after their occurrence. The statutory period after the event within which registration should take place should also be changed, coming down from 42 days (as for live-births) to, normally, 5 days (as for deaths). In practice registration usually takes place within a few days because a certificate for burial or cremation is needed, which can be obtained only from the registrar. The Government proposes that the still-birth register entry should include a space to record the name, if one is given, of the still-born child. At present this may be entered in the register but it is not given a space of its own.

Definition of a still-birth

4.29 The Government hopes that the proposals in 4.21-4.28, by minimising the differences between still-birth and death procedures, will make it easier for those who wish to treat a still-birth as a death in the family. It is aware, too, that additional distress can arise when a baby is born dead as the normal term of pregnancy is nearing its end, but the period which has elapsed since gestation is just too short for it to fall within the legal definition of a still-birth. The parents are then denied access to the formal procedures which a still-birth involves. The Government would accordingly welcome views on whether a still-birth should be redefined (at present the definition refers to 28 weeks' gestation). If a consensus exists in favour of a new definition, the Government would hope to legislate alongside the other proposals put forward in this Paper.

Summary

4.30 The list of those qualified to give information for a birth should be extended to include a new category 'a relative of either parent' who can act if the parents are unable to do so. (4.3)

4.31 The Registrar General should have the power to authorise the registration of a birth without a qualified informant provided adequate evidence is available. (4.4)

4.32 The birth register entry should include a space for the occupation of the child's mother. (4.5)

✓ 4.33 A statutory duty should be placed on medical practitioners to report unnatural deaths to the coroner. (4.8)

4.34 A medical certificate of cause of death should be issued only by a medical practitioner who attended the deceased at least once during the 14 days preceding death and who inspected the body after death. In all other cases the death should be reported to the coroner by a medical practitioner. (4.10)

4.35 It should be possible to register a death by means of a declaration made in a sub-district other than the one in which the death occurred. (4.13)

4.36 A single schedule should replace the present lists of informants for a death, which vary according to where it took place. (4.17)

4.37 The law should allow a death at sea, not connected with a ship, to be registered in the sub-district where the body is washed ashore. (4.20)

✓ 4.38 Procedures for the registration of still-births should be similar to those for the registration of deaths and the coroner should investigate a still-birth if no medical certificate of still-birth has been produced. (4.25)

4.39 The place of burial or cremation of a still-born child should be notified to the registrar. (4.26)

4.40 The law should be changed so as not to prohibit still-births being registered more than three months after they occurred, if necessary. They should normally be registered within 5 days, as for deaths. The still-birth register entry should include a space to record any name given to the child. (4.28)

4.41 Consideration should be given to redefining a still-birth so as to bring more cases within its formal procedures. (4.29)

Chapter 5: General proposals

5.1 There are a number of procedures of a general nature relating to registration, not confined particularly to births, deaths or marriages, which the Government proposes to revise. These are detailed below.

The Population (Statistics) Acts

5.2 The Population (Statistics) Acts of 1938 and 1960 authorise the collection, at the time of registration, of certain personal and confidential particulars from which OPCS compiles statistical analyses about the fertility of the population and related topics. These particulars are not entered in the register. Once the register entry has been completed the draft forms are sent to OPCS and are used only for compiling statistics.

5.3 Strict safeguards are in force to ensure that anyone unlawfully disclosing any of the particulars obtained is liable to a fine of up to £2000 and no unauthorised person is allowed access to the forms containing the information.

5.4 The Schedule to the Population (Statistics) Act 1960 sets out the particulars which are required to be collected. For births and still-births they are as follows:

- in all cases the age of the mother;
- the father's age, where his name is in the register;
- in cases where the parents of the child are married to each other:
 - i the date of their marriage;
 - ii whether the mother had been previously married; and
 - iii the number of children the mother has had by her present husband and by any former husband, and how many of them were born alive or were still-born.

5.5 At present particulars of previous children born to the mother are restricted to those born within marriage. However, an increasing number of children are now born outside marriage (23 per cent in 1987, compared with 4 per cent in 1938) and full particulars of these births need to be included to get reliable analyses of current fertility. To make good the deterioration in the quality of information about fertility which results from failure to include births outside marriage it has become essential that information about previous children born to the mother is collected in respect of all children, irrespective of whether they were born within marriage or not.

5.6 Further useful information would also be provided if the date of birth of the last previous live born child was given, because this would allow changes in the number of births to be related to changes in the length of the interval between them. This in turn would improve understanding of past trends and provide a firmer basis for assumptions about the future.

5.7 The Government therefore proposes that the present Schedule to the Population (Statistics) Act 1960, which extends also to Scotland, should be revised so that the particulars required would be as follows:

- A. In all cases:
- a mother's date of birth (day, month, year)
 - b number of mother's previous children (excluding birth or births now being registered)
 - i number born alive (including any now dead)
 - ii number still-born

where the answer to (b)(i) is that the mother had previously had 1 or more live born children:

date of most recent live birth (excluding all births now being registered)
(day, month, year)

B. where the father's name is entered on the register:

father's date of birth (day, month, year)

C. where the child's parents are married to each other:

date of marriage (month, year) and

whether the mother has been married more than once.

5.8 In paragraph 4.21 it was proposed that procedures for registering still-births should follow more closely those for deaths. However, the Government proposes that the confidential particulars collected for still-births should continue to be those required for births, not for deaths.

5.9 The confidential particulars required to be collected on registration of a death are at present:

whether the deceased was single, married, widowed or divorced;

the age of the surviving spouse, if any, of the deceased.

For the purposes of medical research it would very often be useful to have details of the deceased's marital status because particular causes of death may be related to this. But because this information is collected in confidence under the Act it cannot be released. One way of making the data available would be to include a space in the register entry to record the marital status of the deceased and the Government proposes that consideration should be given to redesigning the death entry to accommodate this. In Scotland the death register entry already includes marital status.

Annotation of entries to limit issue of certificates

5.10 Under the present legislation any person may search the indexes to the records of births, marriages and deaths and buy a copy of any entry. This is described more fully in Chapter 6. There are, however, occasions when an entry in a register is found to contain false information, for example, where information is given for the registration of a birth which did not in fact take place: this can happen if a person invents a child, usually for financial or emotional reasons. Alternatively, an entry in a marriage register may relate to a bigamous marriage.

5.11 If a certificate is obtained for such an entry the intention may be to use it for fraudulent purposes. In order to prevent possible abuse the Government proposes that the Registrar General should be given a power to prevent the issue of certificates from such entries and, if satisfied that a marriage is void or a birth entry fictitious, to direct that the relevant register be annotated to that effect.

Corrections to entries in births and deaths registers

5.12 Once an entry in a birth, death or still-birth register has been completed ie the registrar has entered all the particulars and signed the register, any error which has been made can be corrected only by following the provisions of Section 29 of the Births and Deaths Registration Act 1953. This classifies errors as being either 'clerical' or 'of fact or substance' and states that an error in the latter category may only be corrected if two qualified informants, or two credible people with knowledge of the truth of the case, produce a statutory declaration setting out the nature of the error and the fact(s) which should have appeared.

5.13 These categories are not particularly helpful in classifying errors because most 'clerical' errors are not clerical in the generally accepted sense but are also errors 'of fact' if not of 'substance'. It is proposed that errors should be defined in a way which more closely indicates their effect. This could be achieved by having one category that would cover simple errors, like spelling mistakes, omissions or transcribing errors, and a second which would cover those which would affect parentage, status or identity and/or are the result of deliberate, false information being given to the registrar. Corrections to those in the first category would be made, as those to 'clerical' errors are at present, on production of suitable

documentary evidence. Those in the second category would require, as those 'of fact or substance' do now, a statutory declaration before the correction could be made.

5.14 This is one of the areas where the Government would suggest that the legislation should include a broad general provision, ie for the correction of errors in birth and death entries, and the detailed procedures would be prescribed in regulations.

Corrections to entries in marriage registers

5.15 Any error in a completed entry in a marriage register may be corrected only by following the provisions of Section 61 of the Marriage Act 1949. This does not classify errors in the same way as those for births or deaths but refers to errors 'in the form or substance of an entry'. Also, the parties to the marriage are required to attend to witness the correction or, if they are unable to do so, the SR and two credible witnesses must do so.

5.16 There is no logical reason why corrections to marriage entries should be made in a different way from those for births and deaths and the Government proposes that these errors should be treated in the same way as is proposed in 5.13 for those in birth and death entries.

Re-registration of a birth upon legitimation

5.17 Section 14 of the Births and Deaths Registration Act 1953 provides that where a person's birth has been registered in England or Wales and satisfactory evidence is produced that the person has been legitimated by the marriage of his or her parents, the Registrar General may authorise the re-registration of that person's birth. A duty is placed upon the parents of a child born before their marriage, to give information to the Registrar General with a view to obtaining a re-registration of the child's birth. The Registrar General also has the power to require the parents to give information for the re-registration.

5.18 With increasing numbers of children being born outside marriage (see 5.5), but within stable long-term relationships, applications for authority to re-register the births of legitimated persons are rising rapidly. Over the past 5 years there has been an average annual increase of 6.5 per cent per year. In 1987 11,000 applications were received and there is no indication that the increase is slowing down.

5.19 In two thirds of cases the evidence of legitimation is easily obtainable and completely satisfactory. These are those where there are no doubts about paternity or the status or identity of the parents and child, and there are no complications concerning the law of the father's country of domicile. In these cases it seems unnecessarily cumbersome to require the authority of the Registrar General to re-register the birth and the Government proposes that these should be dealt with locally by a registrar.

5.20 Straightforward cases which could be devolved to the local registration service include those where all the following criteria are met:

- the original registration includes the father's particulars,
- there are no major discrepancies (identity or status) between the original entry and the new information given,
- the father was domiciled in England or Wales at the time of his marriage to the child's mother, and
- the parents were married within the United Kingdom according to UK laws and a certificate of that marriage is available.

Conditions for dealing with these cases would be prescribed by the Registrar General in regulations.

5.21 There has always been strong feeling that the new birth entry should not make the original position of the child obvious in any way and particular care is taken to ensure that it does not draw attention to it. Any change to the system would need to preserve this.

5.22 Under current legislation, where a birth is registered more than 12 months after the event, the entry can only be made on the authority of the Registrar General. However, straightforward re-registrations often do occur some years after the birth and it seems unnecessary to continue to require the Registrar General's authority to be given provided that all the criteria set out in 5.20 are met. The Government proposes that these cases also should be devolved to local registrars.

Re-registration of a birth upon joint information of the parents

5.23 This is a second category of re-registration which the Government believes could be done locally in most cases. It relates to children who were born to parents not married to each other at the time of the registration or since, where the birth has been registered without the father's name in the entry. Under the existing legislation there is provision for a re-registration to be made, if the father and mother wish to have his name included, on the authority of the Registrar General. It is proposed that local authorisation should be sufficient when application is made within 12 months of the birth. After 12 months the risk of false information as to paternity being given increases and the Government's view is that the Registrar General should continue to oversee those cases.

Provision of information from register entries

5.24 At present information may only be given from a register entry by means of a certified copy. This necessitates keeping blank certificates of every format of each type of entry which has existed since 1837 because each certificate sold must match, precisely, the entry: a birth entry for 1837 could not be put onto the current type of certificate because some of the particulars required have changed. The Government, therefore, proposes that the law should be changed so that the requirements to provide 'a certified copy' of an entry would be replaced by a requirement to provide 'certified particulars' from an entry. This would permit the particulars in any entry to be copied onto a standard form and the need to keep stocks of every type of past certificate would cease. This system would be more efficient than the present one and would mean that the format of an entry, or particulars contained in it, could be varied without adding to the number of types of blank certificates which need to be held in perpetuity.

Summary

5.25 The confidential particulars collected on the registration of a birth or still-birth under the Population (Statistics) Acts should be extended to cover any previous birth or still-birth. (5.5)

5.26 In addition, the date of birth of the last previous live born child should be collected in respect of all births. (5.6)

5.27 Consideration should be given to redesigning the death entry to include the marital status of the deceased. (5.9)

5.28 The Registrar General should be able to prevent the issue of certificates containing false information or relating to void marriages. (5.11)

5.29 Errors in birth, death and still-birth entries should be defined in a way which indicates their effect. (5.13)

5.30 Errors in marriage registers should be categorised as those in birth, death, or still-birth registers are and the procedure for dealing with them should be the same. (5.16)

5.31 Straightforward cases of re-registration of births upon legitimation and re-registration upon joint information of both parents should be dealt with by the local registrar. (5.20 and 5.23)

5.32 The requirement to furnish 'certified copies' of entries should be replaced with a requirement to furnish 'certified particulars' from entries. (5.24)

Chapter 6: Access to registration records

6.1 Original registers of births, deaths and marriages dating back to 1837 are held in the custody of the superintendent registrar for the district where the event occurred. The law requires that certified copies, which in more recent years are often in the form of photocopies, of the original entries are sent to the Registrar General at the end of each quarter in which the registration is made to create the central record.

Present problems

6.2 Public access to registration records is only possible through purchase of certified copies of individual entries. In the case of a birth, an extract from the entry in the form of a 'short' certificate is also available. Purchases may be made locally from the district register office, or centrally from OPCS. Over 260 million records of births, marriages and deaths are held by OPCS and this figure is increasing at the rate of nearly 1½ million a year. Copies of any of these records may be bought by any member of the public who pays the required fee and is able to identify the record they require. Over 2,000 people a day visit the Public Search Room at St Catherines House in London and OPCS sells approximately 360,000 certificates a year to personal and postal applicants. A further 4¼ million certificates are sold in local register offices.

6.3 Some of the certificates sold are needed for official purposes, and the public also buy many for personal and private reasons. Also, a large number are bought by professional genealogists and solicitors who may be trying to trace ancestry, to settle wills and estates or establish pedigrees. Genealogists, both amateur and professional, compile family trees and there is a steadily growing interest in this: family history is covered in adult education classes and is, increasingly, offered as a subject to children at school.

6.4 The present system presents few problems for members of the public who require certificates relating to themselves or to close relatives such as they can easily identify in the indexes. The principal problem is the physical pressure on space at St Catherines House, which the Registrar General has under review. However the system is less helpful to the genealogist or researcher who is trying to trace records of people about whom they have scant information and whom they must identify from the limited information contained in the central index of births, marriages and deaths at St Catherines House or in the records held at local register offices. Having purchased a particular certificate they have no redress if it proves not to relate to the right person.

6.5 It has never been thought appropriate for the Registrar General to offer a refund to a person who buys, what they find to be, the wrong certificate. Legislation requires the cost of certificate production to be covered by fees and, if there were no charge for certificates which proved unwanted, the corollary would be a higher charge for certificates of all kinds. In any event the needs of historians and genealogists is less for certified copies of particular entries than for access to the records as a whole. They wish to be able to browse through them, note the information in them and, ideally, have a photocopying facility. Social historians are generally concerned to see a whole range of birth, death and marriage entries which add to their knowledge by illustrating people's lives and behaviour at a given period. Those interested in medical history or epidemiology will wish to look at patterns of causes of deaths over a period of time and in particular areas. With a few exceptions, the interest of most historians will be more in the records of the 19th and early 20th century than in those of living people.

Access to historic records

6.6 The Government has much sympathy with those people who would like to be able to look at registration records but who do not need certified copies or wish to incur the expense of purchasing them.

6.7 It recognises that it would be appropriate to cater for them by allowing registration records, like other records, to become open to the public after a specified time. This is common practice elsewhere. Under the Public Records Acts 1958 and 1967 Cabinet papers and other official documents are opened to the public 30 years after their creation. Other records may remain closed for longer periods where they are of a sensitive nature or contain details about named individuals but they are nevertheless opened eventually. Census records become available after 100 years. Records of some social surveys are kept closed for an intermediate period such as 75 years. The Government is persuaded that there is no case for keeping registration records closed indefinitely and would wish to legislate to open 'historic' records after a suitable lapse of time.

6.8 The Government has considered at what age a record could be classified as 'historic' and has a number of suggestions for consideration.

- a Over 100 years old – this would involve opening the records relating to very few living persons and is the same limit as applies to Census records. This was the age proposed for records to be transferred to the Public Record Office in the Bills referred to in 1.31.
- b Over 30 years old – this is the usual age for records to be opened to the public under the Public Records Act. However, records containing personal information are not normally opened after the minimum 30 years and it is doubtful that public opinion would be in favour of opening all registration records of this age.
- c Varying ages depending upon the type of record, for example, 100 years for births, 60 years for marriages and 30 years for deaths. This would ensure that most of the records did not relate to living people but would be more flexible than a limit of 100 years for all records.
- d Over 75 years – this is the limit which, on balance, the Government believes is preferable and it is one which seems likely to be acceptable to the public, genealogists and historians. The Government recognises the sensitivity of allowing greater access to the records of living people and those who have recently died, but believes this needs to be balanced against the present position where anyone can buy a certified copy of an entry relating to another person of whatever age, whether living or dead.

The Government would welcome comment on these options or further suggestions as to how historic records should be defined.

6.9 The Registrar General holds some miscellaneous records and a large number of records of events which occurred overseas. These would be included in any new provisions for access alongside the main birth, death and marriage records.

Means of public access

6.10 It would not be feasible to allow public access to the paper copies of records held by the Registrar General because they are not sufficiently robust to withstand continuous use. Also, they consist of large, heavy, volumes occupying many miles of shelf space and it would not be practical to try to display them for public use.

6.11 However, all the records held centrally have been photographed on microfilm and it is from these films that certified copies are produced by OPCS. The Government, therefore, proposes that this should be the medium through which the historic records are made available to the public initially. There are, of course, other techniques and advances in technology, for example, microfiche and computer access which OPCS will be considering for the future.

6.12 The Government proposes that OPCS should continue to issue certified copies from them, because there is a distinct demand for these. However, alongside

this, microfilm copies of historic records would be available for sale. If a period of 75 years was decided upon (see 6.8) this would cover the years 1837-1912 at present, and would amount to almost 30,000 cassettes.

6.13 There are many groups who would welcome an opportunity to purchase filmed copies of register entries – for example, national and local genealogical organisations, local historical societies and the Church of Jesus Christ of Latter Day Saints. However many individuals will want to consult the film and purchase copies of those entries in which they are interested but they will not want to buy the film. Photocopies could be issued from the microfilm which would be cheaper than certified copies and which would be perfectly satisfactory for genealogical and historical purposes. There would, therefore, undoubtedly be a demand for a central library of filmed records that would be accessible to the public and there are several ways in which this might be managed:

- a by OPCS alone – but elsewhere than at St Catherines House because there is not sufficient space and the cost would be prohibitive;
- a by OPCS using Public Record Office accommodation at Kew; or
- c by the private sector – either on its own or in collaboration with the Registrar General.

The Government would welcome opinions on these suggestions and further suggestions for the way such a library could be operated. However this was done, charges would need to be made for searching and for photocopies produced from the records so that such a facility would be self-financing.

6.14 The records have been filmed on a geographical basis and are grouped into areas each of which covers either a single registration authority or, more commonly, a number of neighbouring ones. It would therefore be convenient for a local authority which wished to purchase the filmed records for its area, so as to make them available to local people, to do so. In addition to this, or as an alternative, local authorities would be free to decide how to open up their own registers containing historic records to satisfy local demand and there are a number of possibilities:

- a they could be transferred to the local authority's Record Office;
- b they could be transferred to a County Register Office if one were established;
- c copies could be made of them and placed in local public libraries;
- d they could be filmed, as is proposed for OPCS records, and put on sale.

It would seem sensible for any copies that were made to be housed away from the original records so that in the case of a fire, or other disaster, both sources would not be lost.

6.15 It is expected that release of the historical records would have to be phased over a period of four or five years. This would allow OPCS time to produce them and for the level of demand to become clear. It would also enable experience to be gained of the financial consequences and for adjustments to be made, if necessary, to the pricing policy. Once the more recent records become eligible for release they could be made available a year at a time, probably at the beginning of each year.

6.16 OPCS has been selling copies of the indexes on microfilm for nearly three years and there has been a worldwide demand for them. Once microfilm of the records themselves become available, there would inevitably be a greater demand for the indexes, since anyone in possession of an index would have the reference numbers for the records in which they were interested and would, therefore, know which cassette of the entries to consult or to buy. The Government appreciates, however, that microfilm is not necessarily the best medium for consulting an index and that there might be greater customer support if microfiche copies of the indexes could be produced. OPCS is looking at ways to achieve this.

Access to recent records

6.17 In respect of records too recent to be designated as 'historic' under the proposals in the previous paragraphs, the present rules limiting applicants to the

purchase of certified copies would continue to apply. However, the Government concerned about developments in this area also. At present there is no requirement for anyone purchasing a certificate to prove a connection with the person or family to whom that certificate relates. The only restriction applies to short birth certificates where purchase is limited to a person who is able to furnish certain prescribed particulars about the entry: date and place of birth, father's name and surname and mother's name, surname and maiden surname. However, the ease with which other certificates can be obtained does lead to intrusions into privacy, personation and fraud. There have been a number of well publicised instances of one person obtaining the birth certificate of another person and taking over their identity: the case of the late John Stonehouse is probably the most celebrated one. There are also a number of cases where a birth certificate has been used in support of an application for a false passport. There is accumulating evidence of identities created in this way being used also for commercial fraud.

6.18 In the Government's view the problem is now sufficiently serious as to suggest that recent registration documents should be limited to those who have a legitimate reason for wanting them. This could be done by extending the rules which now apply only to short birth certificates, requiring all applicants to furnish prescribed particulars relating to the record of which they wish to acquire a copy. It is impossible to eradicate totally the misuse of records by determined criminals but measures could be introduced which would make it more difficult.

Proposals for change

6.19 The Government suggests, therefore, that all applicants for recent certificates should be asked to give specified details which cannot be derived from the public indexes. These would be different details for each type of certificate as follows:

Birth – applicants should be able to provide the same particulars for a full birth certificate as are already required for a short one (see 6.17).

Death – these certificates present less of a problem because they provide fewer opportunities for abuse and fraud. However they do provide sufficient detail to enable an application for the subject's birth certificate to be made. Also, a restriction on access might remove some anxiety from relatives when the cause of death was one about which they might be sensitive, for example AIDS. The prescribed particulars might be the full name of the deceased, date and place of death, age or year of birth, and occupation.

Marriage – as with deaths, marriage entries do not present a great problem at present. However, if the marriage entry was revised as proposed in 3.35 it would provide more information for anyone seeking information about a birth. The prescribed particulars required for a marriage entry might be the names of both parties to the marriage, the date of the marriage and the town or city where it took place.

6.20 Arrangements would need to be made for cases where the applicant could not provide all the prescribed particulars. In those circumstances the applicant might be asked to give proof of identity and to explain why the certificate was required. A similar procedure would be followed if particulars were supplied but failed to match those in the record. In both cases it would be within the discretion of the issuing authority (the Registrar General for central applications, or otherwise the local authority or, in marriage cases, the clergyman or authorised person concerned) to decide whether to issue or withhold a certificate. As a further safeguard, if it were issued, the certificate would not normally be available for personal collection but would be posted to the applicant's address.

Arrangements for accredited researchers

6.21 Any restriction on the issue of recent certificates is bound to affect genealogists and researchers, both amateur and professional. The nature of their work leads them to request certificates for subjects about whom they have scant information. Many legal researchers and other record agents often require certificates in a hurry and would not have time to discover details of the record in

question. The Government would propose an exemption from the restriction in paragraphs 6.19 and 6.20 for people in these categories. In order to qualify for such exemption a researcher would need to be accredited by the Registrar General.

6.22 Accreditation could be applied for either by a firm in respect of all, or some, of its employees or by individuals. In either case there would be an appropriate fee to cover administrative costs. Advance application would need to be made and sufficient information provided to establish identity. A certificate of accreditation would have to be produced at the time of the application for each certificate but a holder would not have to justify such applications and the certificates could be collected personally. Though certificates of accreditation would be processed and issued centrally, they would be valid for the purchase of certificates from local registrars as well as from St Catherines House.

Summary

6.23 The Government proposes that older 'historic' registration records should be opened to public scrutiny and invites views as to what age such records should reach before they would be designated 'historic'. (6.7 and 6.8)

6.24 Historic records would be made available initially by means of microfilmed copies. Other means of access will be investigated for the future. (6.11)

6.25 Copies of the filmed records would be available for sale as copies of the indexes are at present. Photocopies could be issued from the microfilm. (6.12)

6.26 There could be demand for a central library of filmed records and the Government invites views on how this should be organised and managed. (6.13)

6.27 Local authorities could purchase filmed indexes and records from OPCS or, if they wished, could produce their own. (6.14)

6.28 Each local authority could decide how to make the records for its area available. (6.14)

6.29 Applicants for copies of recent records, ie those not designated 'historic', would be required to furnish prescribed particulars before they could obtain a copy of an entry. (6.19)

6.30 Researchers, genealogists and others who purchased certificates frequently would not be required to furnish prescribed particulars if they obtained a form of accreditation from the Registrar General. (6.21)

Chapter 7: Financial aspects of registration reform

7.1 The local registration service is financed at present principally from fees received from the public, the revenues of each local authority responsible for the service and the Government block grant. The Government does not propose that there should be any changes in these methods of funding. The overall annual expenditure in England and Wales in 1986/87 on the registration service, by the total of 117 local authorities, was £31 million and its income from fees was £11 million.

7.2 The overall financial effect of a number of the proposals in this Green Paper would be to reduce the present cost of the service both centrally and locally. These include, for example, allowing local registration schemes to be drawn up without involving the Secretary of State, removing the demarcation between the grades of registrar, ending the legal requirement to have two officers to officiate at a marriage, using clerical staff instead of registrars where appropriate and removing the requirement on the Registrar General to authorise every re-registration of the birth of a legitimated person and to certify the amount due to each local authority in respect of fees from each statutory registration officer. The proposals for modernising the service taken together should produce significant savings.

7.3 Any savings achieved in these areas would have to be balanced, initially, against potential increases in costs, including implementation of new technology and the cost of issuing new registers. There may also be extra cost to local authorities for purchasing copies of historic records on microfilm, and loss to OPCS of sales of certificates from historic records, although the Government would expect the fees for improved access to registration records to cover most, or all, of these.

7.4 The Government's intention is that there should be no overall cost to public funds; a view endorsed by the local authority Associations concerned. Efficiency savings would result locally from the new administrative arrangements proposed which would lead over time to there being fewer registrars who would each carry out a greater range of duties and to clerical assistants undertaking a higher proportion of the work than at present. This Green Paper proposes that some extra services should be introduced but that the cost of these should be covered by fees and that some existing services, where additional costs are incurred, should carry a charge. These are described more fully in the following paragraphs.

Proposed changes to registration fees

7.5 There are a number of changes to the present fees which the Government would wish to make. These proposals are based on the consideration that local authorities would have managerial and organisational responsibility for the service in their area and should have some discretion to levy charges according to the standard of service and facilities they offer to the public. They also aim to allow the public freedom of choice in some aspects of registration.

7.6 However, the Government believes any future charges should be subject to two important provisos. These are, first, that there should be no separate fee payable for actual registration and, second, that there should be a standard fee for a basic service and for each basic certificate throughout England and Wales.

7.7 On the first point, it is important that people are not discouraged from registering events because this would not only store up trouble for the individuals affected but create difficulties in public administration and jeopardise the accuracy

of the statistics produced by the Registrar General, which are used and relied upon by many areas of central and local government.

7.8 As regards common minimum fees it is important that there should be a uniform standard of registration throughout England and Wales and, therefore, that members of the public should be able to obtain the same basic service in all areas for the same basic price. It is intended that such fees should continue to be determined by the Secretary of State for Health. Local authorities will, however, be able to provide enhanced and extra services, particularly in connection with marriage (see 3.17), at a price which at least covers the cost of the provision of those services. This will allow greater public freedom of choice in the type of service they have, subject only to their willingness to make payment for it.

7.9 The Government believes that there is scope both for simplifying and rationalising some of the present fees and for introducing fees for some services in order to help to recover the cost of providing them. For example, the present system of registering births by declaration and the one proposed for similarly registering deaths (see 4.13-16) is designed to enable the public to effect the registration in the area that is most convenient to them instead of having to attend in the area where the birth or death occurred. But although it results in a saving in time, trouble and, usually, travelling costs for the informant it places an extra burden on the registration service. It therefore seems reasonable that a charge should be re-introduced for this service to help recover some of the costs of providing it: such a charge existed until 1969. A member of the public would, of course, be able to elect whether or not to use the service and therefore whether or not to incur the charge.

7.10 At present, a person registering a birth is given a short certificate of the entry free of charge. The short certificate, which makes no reference to parentage, was introduced when the numbers of births to mothers who were not married to the child's father were increasing. The aim was to popularise short certificates, so obviating the feelings of unease at having to produce a full certificate from which it would be clear that the child's father did not acknowledge his paternity. However, the social climate has changed and it no longer seems necessary to provide this subsidised form of protection. The Government, therefore, proposes that charges should be made for all certificates issued.

7.11 The Government accepts that the Registrar General should continue to provide indexes to all registration records and a Public Search Room readily accessible to the public. However, the recent growth in the interest in genealogy means that resources at St Catherine's House are heavily stretched – often almost to breaking point. Visitors are estimated to number about ½ million a year. The cost of making provision for them is considerable. Charges for searching indexes centrally were levied prior to 1969 and it is proposed that a charge for admission to the Public Search Room should now be introduced. This would have the double advantage of producing some revenue to help fund the facilities there and also of deterring the merely curious from entering it and so adding to the frequent congestion. Season tickets giving unlimited access might be made available to genealogists, and others who use the Search Room frequently.

7.12 At present there is provision under certain Acts of Parliament for the issue of a special type of certificate (a full copy of the entry) at a reduced fee. In addition, industrial assurance certificates are provided to those wishing to claim on a particular type of insurance policy where benefit not exceeding £30 is payable. It has been argued that these types of certificates are out-dated: the short birth certificate has largely replaced the need for reduced price birth certificates and, further, the difference in price between the reduced price certificates and the standard certificates which can be sold by registrars at or soon after the event is now only 50p (ie £1.50 as opposed to £2). The abolition of reduced price certificates would save considerably on printing, storage and administrative costs and the Government

would wish to abolish them unless any overwhelming argument is presented for their retention.

7.13 It has been proposed (see 2.40) that future legislation should be couched in general terms and not include detailed provisions. Omission of fees would mean that changes could be made quickly, and in response to prevailing circumstances. National fees however would continue to be amended by way of Statutory Instrument. Other fees could be charged at the discretion of the Registrar General or the local authority concerned. There are some fees, for example those payable under the Marriage (Registrar General's Licence) Act 1970 (see 3.37), which cannot be changed at all at present and the Government proposes to remedy this situation.

Summary

7.14 The Government does not intend to introduce a fee to register a birth or death. (7.6)

7.15 Standard fees for basic registration services throughout England and Wales will apply. (7.6)

7.16 Local authorities will have discretion to make charges for the provision of services over and above those normally available. (7.8)

7.17 Charges should be introduced to cover the cost of taking a declaration for the registration of a birth or a death. (7.9)

7.18 A short birth certificate should no longer be issued free at the registration of each birth. (7.10)

7.19 A charge should be made for admission to the Public Search Room at St Catherine's House. (7.11)

7.20 The Government invites views on the need to retain the practice of issuing certificates at reduced prices in some circumstances. (7.12)

7.21 Provision should be made to alter fees which are fixed at present - for example, those in the Marriage (Registrar General's Licence) Act 1970. (7.13)

Summary of proposals

Structure and organisation of the registration service

1. The Government's central proposal for reform of the registration service is that responsibility for its day to day operation and organisation should be given to local authorities. (2.1)
2. Registration officers should become local government officers and their general conditions of service should be the same as those for all other local authority employees. (2.2)
3. The present grades of registrar should be replaced by 'chief registrar' and 'registrar' and all officers should be able to carry out all registration duties. Some registrars should be given management responsibilities. (2.8)
4. Clerical duties should, where possible, be separated from registration duties and clerical staff should be more widely employed to carry them out. (2.12)
5. Present restrictions on overtime should be lifted. (2.14)
6. The present restriction on reducing a registrar's salary if the workload decreases should cease. (2.15)
7. Officers who are required to cover an absence or a vacancy, particularly those from small, rural districts, should be given opportunities to train in larger offices where possible. (2.17)
8. Local authorities should assume some responsibility for training registrars. (2.19)
9. Consideration should be given to the introduction of a formal qualification for registrars. (2.21)
10. Local authorities should have a power both to dismiss and discipline registrars when they become local government officers. (2.22)
11. Local authorities would no longer be required to make a scheme for submission to the Secretary of State for approval. (2.25)
12. The present assessment formula should be revised so that in future it serves solely as a guide to local authorities who wish to use it. (2.29)
13. The duties of registrars should continue to be prescribed by statute and the present penalties for failure to discharge them should be retained. The Registrar General should continue to make regulations covering the form in which events should be registered. (2.31)
14. The Registrar General should retain an Inspectorate to monitor the service throughout the country. (2.33)
15. The Registrar General should continue to produce a handbook and issue instructions to registrars on their registration work. (2.35)
16. The Registrar General should continue to provide guidance on registration matters to Local Authorities. (2.37)

17. The Registrar General should have reserve powers to act if the local registration service is, for any reason, not being maintained. (2.38)
18. The Registrar General should continue to prescribe a list of disqualifications for appointment as a registrar. (2.39)
19. New legislation should be couched in general terms to allow procedural detail to be dealt with in subordinate legislation. (2.40)
20. Computer support should be developed for the registration service. (2.41)

Marriage procedure

21. Both parties to a marriage should give notice in their district(s) of residence. (3.5)
22. Marriage by superintendent registrar's certificate and licence should be abolished. (3.8)
23. There should be a standard minimum period of 15 days between giving notice and the marriage. Registrars would have discretion to reduce this in individual cases. (3.9)
24. The statutory retention of a notice book and the posting of notices on a board should be discontinued. (3.10)
25. The validity of an authority for a marriage should be extended from three months to six months. (3.11)
26. All members of Her Majesty's forces serving outside England and Wales should be able to give notice to their commanding officer. (3.12)
27. Marriage should not be restricted to district of usual residence. (3.13)
28. Local authorities should be free to offer marriages in buildings other than the local register office. (3.15)
29. A standard marriage ceremony should be provided throughout England and Wales for a basic fee but local authorities would be free to charge more for anything above this. (3.17)
30. The law should allow one person both to conduct and register a marriage. (3.18)
31. Registrars should have statutory power to inspect documents to establish age, identity, etc. (3.19)
32. The use of interpreters should be permitted, where necessary, when notice is given and during the ceremony. (3.20)
33. The present system of certifying and registering buildings for marriage should be replaced by a simplified one. The requirement that such buildings should be 'separate' should be removed. (3.25 and 3.26)
34. The appointment of authorised persons should no longer be linked to a particular building. (3.31)
35. The life tenure of authorised persons should be replaced by a probationary year and renewable three year appointments. (3.33)

36. The requirement that an authorised person who registers a marriage should be present when it takes place should be retained. (3.34)

37. The form of the marriage register entry should be revised. (3.35)

Registration of births, deaths and still-births

38. The list of those qualified to give information for a birth should be extended to include a new category 'a relative of either parent' who can act if the parents are unable to do so. (4.3)

39. The Registrar General should have the power to authorise the registration of a birth without a qualified informant provided adequate evidence is available. (4.4)

40. The birth register entry should include a space for the occupation of the child's mother. (4.5)

41. A statutory duty should be placed on medical practitioners to report unnatural deaths to the coroner. (4.8)

42. A medical certificate of cause of death should be issued only by a medical practitioner who attended the deceased at least once during the 14 days preceding death and who inspected the body after death. In all other cases the death should be reported to the coroner by a medical practitioner. (4.10)

43. It should be possible to register a death by means of a declaration made in a sub-district other than the one in which the death occurred. (4.13)

44. A single schedule should replace the present lists of informants for a death, which vary according to where it took place. (4.17)

45. The law should allow a death at sea, not connected with a ship, to be registered in the sub-district where the body is washed ashore. (4.20)

46. Procedures for the registration of still-births should be similar to those for the registration of deaths and the coroner should investigate a still-birth if no medical certificate of still-birth has been produced. (4.25)

47. The place of burial or cremation of a still-born child should be notified to the registrar. (4.26)

48. The law should be changed so as not to prohibit still-births being registered more than three months after they occurred, if necessary. They should normally be registered within 5 days, as for deaths. The still-birth register entry should include a space to record any name given to the child. (4.28)

49. Consideration should be given to redefining a still-birth so as to bring more cases within its formal procedures. (4.29)

General proposals

50. The confidential particulars collected on the registration of a birth or still-birth under the Population (Statistics) Acts should be extended to cover any previous birth or still-birth. (5.5)

51. In addition, the date of birth of the last previous live born child should be collected in respect of all births. (5.6)

52. Consideration should be given to redesigning the death entry to include the marital status of the deceased. (5.9)

53. The Registrar General should be able to prevent the issue of certificates containing false information or relating to void marriages. (5.11)

54. Errors in birth, death and still-birth entries should be defined in a way which indicates their effect. (5.13)

55. Errors in marriage registers should be categorised as those in birth, death, or still-birth registers are and the procedure for dealing with them should be the same. (5.16)

56. Straightforward cases of re-registration of births upon legitimation and re-registration upon joint information of both parents should be dealt with by the local registrar. (5.20 and 5.23)

57. The requirement to furnish 'certified copies' of entries should be replaced with a requirement to furnish 'certified particulars' from entries. (5.24)

Access to registration records

58. The Government proposes that older 'historic' registration records should be opened to public scrutiny and invites views as to what age such records should reach before they would be designated 'historic'. (6.7 and 6.8)

59. Historic records would be made available initially by means of microfilmed copies. Other means of access will be investigated for the future. (6.11)

60. Copies of the filmed records would be available for sale as copies of the indexes are at present. Photocopies could be issued from the microfilm. (6.12)

61. There could be demand for a central library of filmed records and the Government invites views on how this should be organised and managed. (6.13)

62. Local authorities could purchase filmed indexes and records from OPCS or, if they wished, could produce their own. (6.14)

63. Each local authority could decide how to make the records for its area available. (6.14)

64. Applicants for copies of recent records, ie those not designated 'historic', would be required to furnish prescribed particulars before they could obtain a copy of an entry. (6.19)

65. Researchers, genealogists and others who purchased certificates frequently would not be required to furnish prescribed particulars if they obtained a form of accreditation from the Registrar General. (6.21)

Financial aspects of registration reform

66. The Government does not intend to introduce a fee to register a birth or death. (7.6)

67. Standard fees for basic registration services throughout England and Wales will apply. (7.6)

68. Local authorities will have discretion to make charges for the provision of services over and above those normally available. (7.8)

69. Charges should be introduced to cover the cost of taking a declaration for the registration of a birth or death. (7.9)

70. A short birth certificate should no longer be issued free at the registration of each birth. (7.10)

71. A charge should be made for admission to the Public Search Room at St Catherines House. (7.11)

72. The Government invites views on the need to retain the practice of issuing certificates at reduced prices in some circumstances. (7.12)

73. Provision should be made to alter fees which are fixed at present — for example, those in the Marriage (Registrar General's Licence) Act 1970. (7.13)

Appendix 1

The organisation of the registration service in Scotland and Northern Ireland

1. This Green Paper is concerned with registration procedures in England and Wales: Scotland and Northern Ireland each have separate legislation and their own Registrar General. The present registration systems in Scotland and Northern Ireland are outlined below.

Scotland

2. The registration service in Scotland is governed by the Registration of Births, Deaths and Marriages (Scotland) Act 1965 and the Marriage (Scotland) Act 1977. There is a General Register Office in Scotland which is responsible for keeping the registers in the custody of the Registrar General.

3. The organisation of the Registration Service is based on the 9 regional and 3 island councils each of which is a local registration authority. Each authority is responsible for the provision and maintenance of a registration office and fire-proof repositories, or safes, in which the records for the district may be kept.

4. There are 369 registration districts, each with a district registrar plus other staff as necessary. Some of the larger districts have more than one district registrar. District registrars are appointed by the local registration authority, and qualifications for appointment are determined by the Registrar General. Each registrar may carry out any type of registration work. If necessary, senior registrars may be appointed after consultation with the Registrar General.

5. Registrars carry out their work in accordance with instructions and directions from the Registrar General.

6. Registrars may be removed from office by the local registration authority but only after consultation with the Registrar General. They are paid by the local authority but the Registrar General has to be consulted about salaries and allowances.

7. If a local registration authority wishes to change the boundaries of a registration district it may, after consultation with the Registrar General, submit a scheme for the purpose to the Secretary of State for Scotland. However, prior to submission to the Secretary of State, details of it must be published in two local papers and members of the public may register objections to any of its provisions. The Secretary of State may ask for a local enquiry to be held. The local authority may have to compensate a registrar who is adversely affected by a scheme change.

Northern Ireland

8. The registration service in Northern Ireland is governed by the Births and Deaths Registration (Northern Ireland) Order 1976. Responsibility for the registration service rests with the Northern Ireland Department of Health and Social Services which maintains the General Register Office. The Registrar General is an official of that Department. Through this Department the Government finances the service, paying both for accommodation and salaries.

9. Each of the 26 local authority districts is a registration district, with the District Council acting as an agent for the Department of Health and Social Services, in

accordance with that Department's directions. Each registration district has one registrar who is appointed by the Council which also appoints the required number of deputies. All appointments are subject to the approval of the Registrar General. They may also be dismissed by, or with the approval of, the Registrar General. Registrars do all types of registration work.

10. Registrars carry out their work in accordance with instructions and directions from the Registrar General.

11. Registrars are local government employees and are subject to local government disciplinary procedures.

12. Each local authority is responsible for providing and maintaining a register office and a fire-proof repository or safe in which to keep the registers.

13. There are no schemes because the boundaries of registration districts are fixed. The Registrar General decides on the number of officers needed in each district.

Appendix 2

Proposed new format of marriage entry

Registration District	Administrative Area	Entry No.
1. Date and place of marriage		
2. Name and surname	BRIDEGROOM	BRIDE
3. Marital Status		
4. Date and place of birth		
5. Occupation		
6. Address		
7. Fathers name surname and occupation		
8. Mothers name surname and occupation		
Marriage solemnised between us		
Bridegroom		Bride
In the presence of		
Signature of witness	Name and address of witness	
Signature of witness	Name and address of witness	
Authority for marriage	MARRIED by/before me	Signature and designation of person registering the marriage

Appendix 3

Glossary of terms

- Certified copy of an entry** A certificate of a birth, death or marriage which is certified as being an exact copy of the entry in the register relating to that event.
- Civil preliminaries to marriage** Essentially, civil preliminaries consist of the giving of notice of marriage to a superintendent registrar who, unless satisfied that there is an impediment to the marriage, issues the authority for the marriage to proceed. These preliminaries apply to all marriages which are solemnized other than according to the rites of the Established Church.
- Declaration (birth)** A declaration of particulars is for use in cases where the informant for a birth registration is unable for some reason, to attend for the registration at the district where the birth occurred. In such a situation, the informant may visit any other registrar's office within England and Wales and give a declaration of the particulars to be registered. Those particulars, after being confirmed and signed by the informant and the registrar, will then be forwarded to the registrar for the district where the birth occurred. The details are then entered by that registrar in the register of births.
- Disposal** Burial or cremation of the body of a deceased person.
- Draft entry** A document completed by a registrar before details of a birth or death are entered in the register. The informant will check the draft and any errors can be rectified before the details are transferred to the register. Confidential information, used for statistical purposes only, is entered in the draft but is not transferred to the register.
- Event** A birth, still-birth, marriage or death.
- Index** A list of all births, deaths and marriages in date and alphabetical order. Some identifying particulars of each event are included and these help the required entry to be traced. A central index of all events registered since 1837 is kept by OPCS. Indexes kept locally cover local events only.
- Licence (superintendent registrar's certificate and licence)** For marriage by superintendent registrar's certificate and licence only one notice is required, whether the parties live in the same district or in different districts. The notice may be given by either party but must be given to the superintendent registrar of the district in which one of the parties has had his/her usual place of residence for 15 days before. The other party must either be within England and Wales on the day notice is given or have his/her usual place of residence within England or Wales. The notice is not displayed and the licence is available for issue after one clear working day providing the superintendent registrar is satisfied that there is no legal impediment to marriage.

Notice of marriage	Giving notice is a legal preliminary to marriage, other than those which take place in the Established Church. Details about the couple who wish to marry are given to a superintendent registrar who should ensure that they are free and able to marry.
Principal officers	Superintendent registrars, registrars of births and deaths and additional registrars who are appointed under the registration Acts to carry out registration duties for which they are personally responsible.
Registers	Separate books for births, marriages, deaths and still-births held by each registrar in which to make permanent records of these events. Clergy of the Established Church, authorised persons, secretaries of synagogues and registering officers of the Society of Friends have their own marriage registers.
Registration District	A geographically defined area which may be part, or all, of a local authority area. Each one has at least one superintendent registrar and one or more registrars.
Registration Sub-district	A geographically defined area which may be part, or all, of a registration district. Births and deaths must be recorded in the registers of the sub-districts in which they occur.
Statutory declaration of acknowledgment of paternity	This is a declaration completed by a man acknowledging himself to be the father of a child when he is not married to the mother. It must be made before a Justice of the Peace, a magistrate, a Commissioner for Oaths, a practising solicitor or a Notary Public. The mother must also make a declaration in the presence of the registrar stating that the man is the father of the child. It is used when the mother and the father wish the father's details to be entered in the birth register, and he is unable to attend with her to give joint information for the registration.
Still-birth	A child born after the twenty-eighth week of pregnancy which did not at any time after its birth, breathe or show any other signs of life.
Superintendent registrar's certificate	For marriage by certificate each of the parties must give notice to the superintendent registrar for the district in which he or she has lived for the 7 days immediately preceding the giving of notice. The notice is displayed and, unless the superintendent registrar is satisfied that there is an impediment to the marriage, a certificate for it to take place may be issued after twenty-one clear days from the date on which the notice was entered in the marriage notice book.
Void marriage	A void marriage is one which has no effect in law on the status of the parties. A marriage will be void if when it is contracted either or both of the parties is not free or eligible to marry. For example, a person cannot marry under the age of sixteen or if they have a lawful wife or husband living. A marriage is also void if the couple are related to one another within a defined list of relationships, for example, a mother and son may not marry, neither may a brother and sister. Marriage between two people of the same sex is also void.



10 DOWNING STREET
LONDON SW1A 2AA

From the Private Secretary

6 May 1987

MACHINERY OF GOVERNMENT REVIEW OF OPCS

The Prime Minister has seen and noted without comment your Secretary of State's minute of 3 May enclosing a report on the progress that has been made, with recommendations for clarifying the relationship between OPCS and DHSS ministers and for ensuring that the work OPCS undertakes for customer departments properly reflects their requirements and priorities on a value for money basis.

I am copying this letter to Stephen Boys Smith (Home Office), Robert Gordon (Scottish Office), John Shortridge (Welsh Office), Alex Allan (HM Treasury), Trevor Woolley (Cabinet Office), and Sir Robin Ibbs.

P A BEARPARK

Geoffrey Podger, Esq.,
Department of Health and Social Security

libe SM
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cebg

PA



CCB5

2

PRIME MINISTER

ps/s/s

MACHINERY OF GOVERNMENT REVIEW OF OPCS

In response to Sir Robert Armstrong's minute to you on 14 October about this report, you agreed that OPCS should remain as a separate Department with its present range of activities, and that Ministerial responsibility should continue to rest solely with me as Secretary of State for Social Services.

Chapter eight of the report contained a series of recommendations for clarifying the relationship between OPCS and DHSS Ministers and for ensuring that the work OPCS undertakes for customer departments properly reflects their requirements and priorities on a value for money basis. You agreed that I should arrange for these proposals to be set in hand and should report to you after March 1987.

This report is enclosed. I am satisfied that excellent progress has already been made and that further vigorous action is being set in hand to complete the required changes during 1987/88.

I am copying this minute and enclosures to Douglas Hurd, Nicholas Rifkind, Nicholas Edwards, Nigel Lawson, Sir Robert Armstrong, Sir Robin Ibbs, Mr Hibbert (the Head of the GSS) and to Mrs Banks (the new Registrar General).

N F

3

May 1987

MACHINERY OF GOVERNMENT REVIEW OF OPCS

1. The main recommendations of this report fall under two headings:
 - (a) development of clear statement of objectives and targets for OPCS for agreement with Ministers and reporting of results, plus review of internal management arrangements and administrative support functions; and
 - (b) development of a more rigorous repayment system for Social Surveys by customer departments, with the use of the private sector when appropriate and an agreed forward plan for OPCS surveys.
2. Action taken or proposed to implement these recommendations is set out below. Action on other recommendations is listed in the Annex. This action was endorsed by Baroness Trumpington at the Annual Review of OPCS on 7 April.

OPCS Management

3. The Registrar General has prepared a statement of the functions given her by statute either independently or under direction and control of a Minister and other functions carried out as any other civil servant. Legal advice has been obtained on this, and a paper is being prepared for agreement with Ministers. This will form the basis of working relationships for the future.
4. A new Top Management System has been introduced under the direction of the OPCS Management Board, which consists of the Grade 2 and 3 officers and the Principal Establishments and Finance Officer, and which meets monthly. All Divisions (Grade 5 commands) have completed Divisional Summary Reports, similar to those in use in DHSS, setting out their objectives, performance in 1986/87, planned work targets (throughput and ad hoc tasks) within budgets for 1987/88, and proposals for the 3 years under consideration in this year's Public Expenditure Survey. Work plans include the output of the two operational Divisions, Registration of Births, Marriages and Deaths Division and the NHS Central Register, the planned publications on population and medical statistics, the social survey programme and planning for the next Census.
5. On the basis of these reports performance for 1986/87 was reviewed and work plans for 1987/88 approved (with certain modifications) by the OPCS Management Board members and subsequently by the Minister (Baroness Trumpington) at the OPCS Annual Review on 7 April.
6. Meanwhile an OPCS/Treasury Joint Management Unit team has prepared recommendations on more detailed performance indicators for use within Divisions; these will be developed during 1987/88. OPCS have also agreed with Baroness Trumpington to sharpen up their statement of overall strategic objectives and how these relate to specific tasks.

7. Turning to administrative support functions, the OPCS Management Board considers that the main need is to get more of these functions devolved to operational line managers, either by direct transfer of staff and other resources or by charging for use where services have to be provided centrally within a minimum set of central policies, and provide expert support to line managers, and to retain some centrally run services. This approach is to be implemented through a management review in two stages. First, Management Consultants who are being employed to prepare an IT Strategy are also being used to recommend how OPCS could implement this approach, including the budgetary planning and control system needed to support it. After the Management Consultants have reported, around October, the following Establishments and Finance functions will be examined in greater detail:

- (i) Personnel: The OPCS system might be developed in ways similar to that of DHSS, not least to facilitate two way interchange of staff with DHSS, so giving more scope for career development for OPCS staff. DHSS is prepared to second an experienced Personnel SEO to help.
- (ii) Materials Management: the Central Purchasing Unit may be able to suggest resources of help with a study covering both procurement and accommodation.

8. It is proposed that internal audit should in future be carried out by DHSS.

Social Surveys

9. Following discussion between OPCS, CSO, Treasury and customer departments, the following arrangements are proposed for implementation by 1 April 1988:

- (a) Lead customer departments have been identified for the five continuous surveys; these departments will be responsible for funding the "core" of these surveys, and other departments for funding the cost of any additions they require.
- (b) Ad hoc surveys will be funded by their customer departments.
- (c) To start this system, the money for surveys at present in OPCS's public expenditure programme will be transferred to customer departments, who will then be free to decide how much work to commission from OPCS in future. There will be no tying.
- (d) Customer departments will have to consider whether OPCS or the private sector offer the best value for money for the survey work they want undertaken.
- (e) OPCS will set up and chair a Planning and Financial Management Committee, with representatives of CSO and customer departments, to plan and review the forward programme of work of OPCS Social Survey Division. Its first job will be to implement the proposals as finally agreed.

(f) OPCS will establish the budgetary planning and control system necessary to support these arrangements. This will be a matter for the urgent attention of the Management Consultants referred to in para 7 above, as the arrangements will affect this year's Public Expenditure Survey.

10. The precise repayment arrangements have not yet been agreed but are under discussion between OPCS and Treasury.

ANNEX

OTHER RECOMMENDATIONS

More repayment generally

The Registrar General has had initial discussions with the Chief Medical Officer about developing DHSS sponsorship of ad hoc medical statistics research projects, and proposals will be put to Ministers.

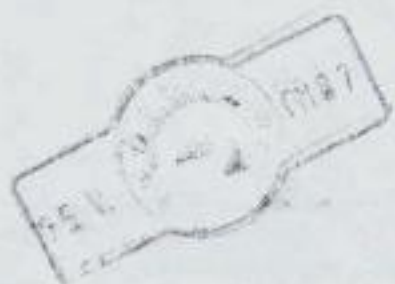
Greater commercial use of registration data requires legislation, and will be considered in the context of legislation in the next Parliament.

OPCS, GRO (Scotland) and Treasury have agreed that planning for the next Census should be on the basis that the "core" cost would be borne on the Vote of OPCS and GRO (Scotland), but that additional items would be paid for by the sponsoring departments.

More liaison with Scotland

This is taking place.

GOUTI MATHI
OPCS
9/1/23





Prime Minister

Ref. A086/3251

MR WICKS

Content with the attached wording for an arranged PA or OPCS?

10/11/86

Review of the Office of Population Censuses and Surveys

In your minute of 29 October you asked for the preparation of a Parliamentary Question and Answer announcing the main conclusions of the review of the Office of Population Censuses and Surveys. I attach a draft to this end which has been agreed by Sir Robert Armstrong following consultation with the Treasury and the Department of Health and Social Security.

2. I am sending copies of this minute to the Private Secretaries to the Secretaries of State for Social Services and the Environment, the Home Secretary, the Secretaries of State for Scotland and Wales and the Chancellor of the Exchequer, and to Sir Robin Ibbs and the Registrar General.

Trevor Woolley

T A WOOLLEY

12 November 1986

Tui Smith (Beaconsfield).
Ordinary written, 18 Nov.

To ask the Prime Minister, whether she will announce her main conclusions on the machinery of government review of the Office of Population Censuses and Surveys.

DRAFT ANSWER

I have now considered the report of the machinery of government review of the Office of Population Censuses and Surveys (OPCS) which began on 2 June. I have concluded that OPCS should remain as a separate Department with its present range of activities, and that Ministerial responsibility for OPCS should continue to rest with the Secretary of State for Social Services.

The report recommended a number of administrative measures to clarify the relationship between OPCS and Ministers, and to ensure that the work OPCS undertakes for customer Departments properly reflects their requirements and priorities on a value for money basis. The measures recommended include the development of a clear statement of objectives and targets for OPCS, together with systems for monitoring and reporting results to Ministers, more rigorous repayment arrangements with the general objective of ensuring that customer Departments pay for work commissioned from OPCS's Social Survey Division, a testing of the ability of private sector firms to undertake a wider range of Government social surveys, and an examination of the scope for greater efficiency in the provision of administrative support functions to OPCS. I have asked my Rt Hon Friend the Secretary of State for Social Services to take the lead in pursuing the

recommendations, and to commission a review of internal management and administrative support arrangements to report to him and to me by the end of March 1987.

The Trade Union Sides at OPCS will be consulted about the implementation of these recommendations, and will be shown relevant parts of the report.

ms



10 DOWNING STREET

From the Principal Private Secretary

SIR ROBERT ARMSTRONG

REVIEW OF THE OFFICE OF POPULATION CENSUSES AND SURVEYS

The Prime Minister has now studied your minute of 14 October about the machinery of Government review of the Office of Population Censuses and Surveys (OPCS).

The Prime Minister agrees generally with the conclusions of the review. In particular, she agrees that Ministerial responsibility for the Office should continue to rest solely with the Secretary of State for Social Services. She is also content with the approach to the two particular proposals referred to in paragraph 6 of your minute. She agrees that OPCS and DHSS should be asked to complete their review by the end of March 1987, reporting thereafter their conclusions to DHSS Ministers and to herself.

Accordingly, the Prime Minister would like the Secretary of State for Social Services to make arrangements for the proposals in paragraphs 5 and 6 of your minute to be set in hand and to present a report to her after next March of the conclusions of the review on internal management arrangements and administrative support functions. She is content for the trade unions at OPCS to be informed of her conclusions on the review and to be consulted about their implementation in the way that you suggest. She agrees, too, that in view of the Parliamentary and press interest in the review, she should answer a Parliamentary Question announcing the main conclusions. She would be grateful if you could provide a draft of a Question and answer.

I am sending copies of this minute to the Private Secretaries to the Secretaries of State for Social Services, Environment, Home Department, Scotland and Wales, the Chancellor of the Exchequer and to Sir Robin Ibbs and the Registrar General.

N. L. W.

N. L. WICKS

29 October 1986

1. MR. WICKS
2. PRIME MINISTER

N.L.W.
24.10.

REVIEW OF THE OFFICE OF POPULATION, CENSUSES AND SURVEYS

At Flag A is a minute from Sir Robert Armstrong suggesting a course of action to find a successor to Mr. Roger Thatcher, the Registrar General. He suggests that he should interview four numerate administrators, two from the GSS and two non-statisticians.

This recommendation is linked to the Review of OPCS which Sir Robert has now submitted with the covering minute at Flag B. This concludes that OPCS should remain as a separate Department responsible to the Secretary of State for Health. You need not read the report itself but you will wish to see the main proposals which are summarised in Sir Robert's minute. A note by the Policy Unit is at Flag C.

The main point seems to be that while fundamental change is unnecessary, and probably undesirable, what is needed is a new Registrar General who is a manager and is able to sort out the OPCS from within.

Content to:

- ✓ - endorse Sir Robert's proposals on the Review and
- ✓ - agree his proposal to interview for a successor, while stressing the need for a good manager?

ASB
ANDY BEARPARK
24 October 1986

MR BEARPARK


23 October 1986

REVIEW OF THE OFFICE OF POPULATION CONSENSUS AND SURVEYS

We agree with Sir Robert Armstrong's view that changes in Ministerial responsibility would not be advisable.

His conclusion in paragraph 7 that the proposals should be set in hand is acceptable. Reading the report shows that the Office is not noted for speed of action in that decisions on the efficiency scrutiny of the Registration of Births, Deaths and Marriages function completed in February 1985 had not yet been taken or implemented 18 months later. It is also suggested that if Departments need fast survey results they go to the private sector rather than the Office.

We therefore suggest that a timetable for completion of the reviews should be set by the Secretary of State for Social Services in the report scheduled after March 1987 and progress on recommendations monitored against this.


DAVID HOBSON

cc: *Ref Unit*
(84)

Ref. A086/2886

PRIME MINISTER

Review of the Office of Population Censuses and Surveys

You agreed in May (Mr Addison's minute of 12 May) my proposal that I should set in hand a machinery of government review of the Office of Population Censuses and Surveys (OPCS) before asking you to approve a recommendation for the appointment of a Registrar General to succeed Mr Roger Thatcher.

in folder attached

2. The review team gave me their report in August. A copy of the report is attached. As I explained in my minute of 9 September to Mr Wicks, some of the recommendations needed consultation with Permanent Secretaries. These consultations are now complete.

3. After examining options for absorbing OPCS within a larger policy Department or for distributing its functions between other Departments the report concludes that OPCS should remain as a separate Department with its present grouping of activities. The report concluded (para 9.2) that the Department of Health and Social Security (DHSS) would be the Department best placed to absorb OPCS, but that such a move would be likely to attract considerable opposition from within the National Health Service and medical profession, would add to the considerable pressures already on DHSS and would not address all the difficulties identified in present arrangements. Distribution of OPCS's functions between other Departments was rejected (para 9.3) because efficiency and effectiveness would in some cases be impaired if departmental boundaries were inserted in flows of sensitive data between different functions, because the public and medical profession might be less willing to supply data and because legislation would be required to

separate functions which statute places on the Registrar General. I agree, as do the Permanent Secretaries that I have consulted, with the conclusion that OPCS should remain as a separate Department with its present range of activities.

4. The report went on to recommend that, whilst Ministerial responsibility for most of OPCS's activities should remain as at present with the Secretary of State for Social Services, Ministerial responsibility for the Birth, Marriage and Death Registration Service and for the Census should be transferred to the Home Secretary and the Secretary of State for the Environment respectively. The team noted (paras 7.5 and 8.3) that the Home Secretary already had an interest in the marriage aspect of registration, and suggested that if he had sole responsibility for all aspects of registration this would clarify Ministerial responsibility generally and in particular provide a single Minister to take charge of legislation required to implement a recent Efficiency Scrutiny of the registration service. The case for placing Ministerial responsibility for the Census on the Secretary of State for the Environment (para 8.4), which the team saw as less strong, was based on the considerable local authority interest in census data. After considering carefully with Permanent Secretaries the team's reasons for these recommendations, I have concluded that splitting Ministerial responsibility in this way would add to rather than reduce confusion over accountability and recommend therefore that Ministerial responsibility should continue to rest solely with the Secretary of State for Social Services.

5. The report also contains, in Chapter VIII, a series of recommendations for clarifying the relationship between OPCS and DHSS Ministers and for ensuring that the work OPCS undertakes for customer Departments properly reflects their requirements and priorities on a value for money basis. I recommend that

these proposals should be generally endorsed, leaving their detailed implementation for Mr Thatcher's successor to undertake.

6. There are two of these proposals that I should mention specifically:

a. The first is for the development of a clear statement of objectives and targets for OPCS for agreement with DHSS Ministers and subsequent reporting of results (para 8.6). Sir Kenneth Stowe has suggested taking this forward in a way that ties it in closely with the annual review of performance that DHSS Ministers undertake of the various divisions within the Department. The first step in this would be for the new Registrar General to review internal management arrangements within OPCS. This would include considering with DHSS and consulting the Treasury about the possible scope for and benefits of OPCS sharing some administrative support functions with DHSS. As well as possible efficiency savings through economies of scale, this would ensure that systems in OPCS developed consistently with those which DHSS Ministers are familiar. If this is agreed, I recommend that OPCS and DHSS should be asked to complete their review by the end of March 1987 and should report their conclusions to DHSS Ministers and to you.

b. The second is for the development of a more rigorous repayment system for Social Surveys undertaken by OPCS on behalf of other Departments accompanied by greater use of the private sector for some survey work and an agreed forward plan for surveys to be undertaken by OPCS. The review team considered carefully the scope for privatisation, as you requested, but concluded that this was not feasible at this time. The team found insufficient evidence at present that carrying out all social surveys in

the private sector would lead to satisfactory results or that it would offer better value for money (para 9.3) - though it considered (para 7.24) that its proposals for greater use of the private sector might later provide evidence that privatisation of the Social Survey Division as a whole would be feasible and cost-effective. I think the reasons given in the report for this conclusion are sound, and the proposals for greater use of the private sector keep open the possibility of privatisation at some time in the future. The details of the repayment scheme will need to be worked out with the Treasury and the Central Statistical Office (CSO), as will the arrangements for further contracting out, and Permanent Secretaries and I agree that these proposals should be taken forward. It would seem appropriate for CSO to chair the Committee to co-ordinate Departments' survey requirements and priorities.

7. If you agree with my recommendations, you will want to ask the Secretary of State for Social Services to make arrangements for the proposals in paragraphs 5 and 6 above to be set in hand and to report to you after ~~next March~~ the conclusions of the review on internal management arrangements and administrative support functions.

8. As some of the proposals, in particular those for contracting out more social survey work, would have staff implications, the trade unions at OPCS need to be informed of your conclusions on the review and consulted about their implementation. This would best be done by letting them have relevant parts of the report, although not the whole of it. I hope that you would be content with that. There was also a certain amount of Parliamentary and press interest in the review and I suggest that a PQ be arranged for answer by you, announcing the main conclusions.

9. As you requested, I consulted Sir Robin Ibbs about the carrying out of the review and the Efficiency Unit were consulted by the review team. Sir Robin has indicated his support for the proposals to introduce a more managerial culture at OPCS and for Mr Thatcher's successor as Registrar General to follow up the work of the review.

10. I am copying this minute and the report to the Secretaries of State for Social Services, the Environment, the Home Department, Scotland and Wales, the Chancellor of the Exchequer, Sir Robin Ibbs and the Registrar General.

CONFIDENTIAL
ROBERT ARMSTRONG

ROBERT ARMSTRONG

14 October 1986

Ref. A086/2180

MR WICKS

_____ *at top*
In my minute of ⁹ May (Ref. A086/1395) I invited the Prime Minister to approve the terms of reference for a review of the organisation and structure of the Office of Population, Censuses and Surveys (OPCS) before she was asked to approve a recommendation for the new appointment of a Registrar General to succeed Mr Roger Thatcher. The Prime Minister approved my recommendation by Mr Addison's minute of ¹² May.

2. The review is complete, and the report has been submitted to me.

3. Its conclusion is that OPCS should remain as a separate Department with its present grouping of activities, but with administrative changes to improve accountability, to achieve greater clarity in its relationships with Ministers, to provide a closer relationship between OPCS's executive functions and related policy activities in Departments, to enable change to proceed on a more co-ordinated basis and to improve customer control. In particular, the review recommends that in relation to the Registration Service the Registrar General should report to the Home Secretary, and on census activities he should report to the Secretary of State for the Environment. This would take some of the burden off DHSS Ministers, to whom the Registrar General at present reports over the whole of the activities of the OPCS.

4. I shall make recommendations to the Prime Minister shortly, after consultation with Permanent Secretaries in the Departments concerned. First indications are that they are likely to accept that OPCS should remain in its present form, though there are divided views about the recommendations on responsibility to Ministers.

5. I shall also be making recommendations in due course, after appropriate consultations, on the appointment of a new Registrar General.

6. The fact that the review was taking place became known to the trade unions, and it led to considerable uncertainty and disquiet. The Registrar General would like to allay the disquiet, which was attached mainly to the possibility that the OPCS might be broken up, by writing to the trade unions to tell them that the report has been completed, that it recommends keeping the OPCS as a single Department with its present activities but with administrative changes to improve accountability and relationships, and that the unions will be consulted in the usual manner about such measures in due course, when Ministers have considered the main findings. This will implement the undertaking already given to the unions that, whatever recommendations may be contained in the review report, relevant existing national and departmental agreements for consultation will be followed before they are implemented.



ROBERT ARMSTRONG

9 September 1986



CONFIDENTIAL

Ref. A086/2211

MR ADDISON

MGA

OPCS Review: Threatened Industrial Action

The Prime Minister agreed on ~~12~~¹² May to a machinery of government review of the activities of the Office of Population Censuses and Surveys and subsequently answered PQs about it on 7 and 14 July. The report of the review team is expected next week.

2. You will want to be aware that industrial action is likely to be taken on 1 August by staff at OPCS's office in Titchfield, Hampshire, because of alleged inadequate consultation about the review.

3. A letter which Sir Robert sent to the Director of OPCS on 14 July giving assurances about consultation is attached. --- Since then there has been a further meeting between the review team and the departmental unions. The notice subsequently put out by the unions led us to hope that there would be no further problems. It appears, however, that a few militant members at Titchfield have stirred up the local staff and at a meeting there today a large majority voted in favour of one-day strike action on 1 August. It is uncertain as yet whether staff at OPCS's other offices in London and Southport will follow suit.

4. The local press and radio are giving this some coverage and it is possible it will reach the national press too. I will keep you informed if there are further developments of which you should be aware.

5. I am copying this minute to Paul Thomas in Mr Luce's office.

MS

31 July 1986

M C STARK



70 WHITEHALL, LONDON SW1A 2AS

01-233 8319

From the Secretary of the Cabinet and Head of the Home Civil Service

Sir Robert Armstrong GCB CVO

Ref. A086/2049

14 July 1986

OPCS Review: Reaction of Trade Union Side

Thank you for your letter of 10 July. I understand the concerns that may underlie the reaction of your Trade Union Side. You are right that we cannot undertake to consult them on the draft recommendations. Nevertheless it is only sensible and proper to give them what assurance we can about future consultation. I am therefore content that you should tell them that, whatever recommendations may be contained in the report, relevant existing national and departmental agreements for consultation will be followed before they are implemented. In particular this would include the guidelines recently agreed by the Treasury in relation to proposals for privatisation, contracting out etc.

I hope this will meet their concern, but I should be grateful to be kept in touch if difficulties persist.

ROBERT ARMSTRONG

A R Thatcher Esq CB
Office of Population Censuses and Surveys

GONT MACH OPCS Sep '83

MANAGEMENT IN CONFIDENCE

OFFICE OF POPULATION CENSUSES AND SURVEYS

Machinery of Government Review

Machinery of Government Division
Cabinet Office (MPO)

August 1986

MANAGEMENT IN CONFIDENCE

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OFFICE OF POPULATION CENSUSES AND SURVEYS

Machinery of Government Review

I. INTRODUCTION AND BACKGROUND

1.1 In May 1986 the Prime Minister endorsed Sir Robert Armstrong's proposal for a review of the Office of Population Censuses and Surveys (OPCS).

1.2 There have been a number of reviews involving OPCS since its formation in 1970. However, with the exception of an internal review on the "Future of the Office" in 1976, these have been concerned with particular aspects of the work rather than OPCS as a whole and the extent to which it has in fact achieved the cohesion sought in 1970. The terms of reference for the current review were:

"To analyse the tasks carried out by the Office of Population Censuses and Surveys (OPCS) and the purposes served by its activities including, where appropriate, tasks and activities carried out by other departments on its behalf or in related fields.

"To make recommendations as to whether these purposes might be best served in future by changes in the distribution of or responsibility for the functions now discharged by the OPCS, having regard to the need for clear lines of accountability to Ministers and senior officials, potential

MANAGEMENT IN CONFIDENCE

improvements in efficiency, relationships between the work of OPCS and that of other parts of government and local authorities, and the scope for privatising activities at present performed by the OPCS."

1.3 Further considerations were that

- the present Grade 2 Head of OPCS was approaching retirement
- an Efficiency Scrutiny of OPCS' Registration of Births, Deaths and Marriages function had been completed (in February 1985) but decisions on the major recommendations had not yet been taken or implemented
- the repayment arrangements for ad hoc surveys by OPCS' Social Survey Division were due for review
- OPCS was commencing the build-up of staff and other resources for the 1991 Census

1.4 The review team comprised

Leader:	R A C Hewes	Head, Machinery of Government Division, Cabinet Office (MPO)
Members:	G P Dyche	Machinery of Government Division, Cabinet Office (MPO)
	M Marland	Management and Efficiency Division, Cabinet Office (MPO)
	Miss D Pace	OPCS

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1.5 The review commenced on 2 June and was asked to report by 31 July 1986. This was shorter than the timescale originally envisaged for the review and, as was expected, has proved to be very tight. As a result it has not been possible to explore all aspects of the terms of reference in full and some of our recommendations require further consideration before final decisions can be taken.

1.6 The team went about the review primarily by interviewing OPCS senior management and officials in Departments which make use of OPCS output. The team met Baroness Trumpington, the Parliamentary Under Secretary of State at DHSS with day to day responsibility for OPCS. A visit was made to Scotland for a comparative view of the General Register Office (Scotland), the counterpart of OPCS north of the border, and meetings were held with three private sector companies which undertake survey research work and with the Medical Research Council. The OPCS Trade Union Side were informed of the review and met the team on a number of occasions. They expressed concern at the possible implications of the review for jobs and sought further consultation before any decisions were taken. An undertaking was given that relevant existing national and Departmental consultation agreements would be followed before any decisions recommended in the review were implemented, including the recently agreed Treasury guidelines on proposals for privatisation etc.

II. WHAT OPCS DOES

History

2.1 The office of Registrar General (General Register Office) was created by the Births and Deaths Registration and Marriage Acts of 1836. The Registrar General immediately recognised the potential of registration data as a source of statistics for public health purposes, and began to produce medical statistics (e.g. cause of death) as well as population statistics. He took over organisation of the Census in 1841. The National Registration Act 1939 required him to establish a National Register; when that Act was repealed the register was continued on an administrative basis as the National Health Service Central Register. In 1970 the General Register Office was merged with the Government Social Survey Department to form OPCS. Ministerial responsibility for OPCS now rests with the Secretary of State for Social Services. The Registrar General is, however, appointed by the Crown and for some of his functions has powers and duties which are independent of normal Ministerial direction.

Resources

2.2 OPCS contains 2,135 staff and is headed by a Grade 2 who is Director of OPCS and also Registrar General for England and Wales. It spends nearly £34m a year, of which some £7m is covered by appropriation in aid (primarily repayments from other Departments and cash fees from the public). It contains six functional areas of work plus Computer and Establishment and Finance support:

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	Permanent Staff 1 April 1986	Gross Expenditure Budget 1985/86 (£m)
1. Registration, Marriages & Local Services	284	2.6
2. Census	58	0.8
3. Population Statistics	168	1.4
4. Medical Statistics	91	1.1
5. NHS Central Register	529	3.2
6. Social Survey	192	5.3
7. Computer	333	4.9
8. Estabs and Finance (plus top management)	<u>480</u> <u>2,135</u>	<u>14.4</u> <u>33.7</u>

Note: Social Survey expenditure includes casual employment of some 350 part-time interviewers; resources for Census work will rise over the next few years in preparation for the 1991 Census.

The six functional areas of work are described below.

Registration

2.3 The principal functions of the Registration Service at local level are

- (i) to establish a permanent legal record of every birth, marriage and death and to provide documentary evidence of these events;
- (ii) to carry out civil preliminaries to marriage and to conduct civil marriage ceremonies; and
- (iii) to furnish the Registrar General with regular returns of births, marriages and deaths for work on population and medical statistics.

Responsibility for the local Service is divided between local authorities, who appoint and pay the local registration officers (of whom there are some 1,800), the Registrar General, who lays down the duties of registration officers and has sole power of dismissal, and the Secretary of State, who approves the registration schemes proposed by local authorities and the regulations made by the Registrar General. The Registrar General is also responsible for monitoring standards, compiling the national central register of events and its index, which is available for public inspection, and general administration of the law relating to registration and marriage. This division of responsibility was criticised by an Efficiency Scrutiny of the Service in February 1985, which recommended that local authorities should have greater freedom in the local provision of the service.

Census

2.4 The Census Act 1920 requires the Registrar General to carry out censuses, subject to direction from the Secretary of State (for Social Services). Censuses are held generally every 10 years. Census data serve the needs of many Departments, and via the official Committee on Statistics for Social Policy OPCS has already agreed arrangements for liaison with other Departments on the preparations for the 1991 Census. Census results are also widely used by local authorities, the national health service, the private sector and researchers. The cost (some £50m for the 1981 Census) has hitherto been borne wholly by OPCS. The work is distinctly cyclical and can raise issues of political sensitivity, for example as to whether there should be questions on ethnic origin.

Population Statistics

2.5 This work is split between two Divisions. Population Statistics I produces social, fertility, ethnic minority and vital (births and deaths) statistics. The work of Vital Statistics Branch involves processing publicly available data from the registration service together with confidential data collected at the time of registration under the Population (Statistics) Acts 1938 and 1960, and other confidential data provided on a voluntary basis. Pop Stats 1 also runs the Longitudinal Study, an internal OPCS project tracing 1% of the population from Census to Census and taking in intervening events as shown by data from the registration service, NHS Central Register and Medical Statistics Division.

2.6 Population Statistics 2 produces population estimates and sub-national projections. These are built up from aggregated data from the Census, Pop. Stats 1 (births and deaths subsequent to the Census), NHS Central Register and Social Survey Division

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(the last two being sources of migration estimates). Population estimates play an important role in the calculation of Rate Support Grant to local authorities, and the allocation of resources between National Health Service areas.

Medical Statistics

2.7 This Division collects and processes data on a range of medical topics and publishes mortality and morbidity statistics. Input data on mortality comes from the registration service (via Vital Statistics Branch) and includes confidential data collected under the Population (Statistics) Acts; morbidity data comes principally from doctors, hospitals and health authorities. Medical Statistics Division uses the NHS Central Register as a means of monitoring the deaths and cancer registrations of individuals in defined groups, for medical research purposes, including research by external researchers. The Division also processes confidential data on abortions on behalf of the Chief Medical Officers at DHSS/Welsh Office.

National Health Service Central Register (NHSCR)

2.8 The basic function of the NHSCR is to assist the 98 Family Practitioner Committees (FPCs) in England and Wales in registering NHS patients. Some 30% of patients registering with FPCs do not quote their NHS numbers; searching the NHSCR permits the NHS number to be identified and the patient's medical records to be transferred to the FPC where the patient is now registered. This process also leads to the removal of the patient from the records of the FPC of previous registration, thereby avoiding the inflation of patient numbers on which payments to General Practitioners are in part calculated. This basic function is carried out on an agency basis for DHSS; it accounts for some

360 of the 529 NHSCR staff and DHSS pay a corresponding proportion of NHSCR costs. The NHSCR processes some 6 million documents a year; it is at present a manual system though there are plans for computerisation.

2.9 The NHSCR, a quasi-population register, is also used to follow up particular groups of patients for medical research work. There are some 200 projects running at present. Since 1971 cancer registrations have been recorded in the NHSCR and in turn NHSCR informs regional cancer registries and OPCS Medical Statistics Division whenever the death of such a patient is recorded in registration service data (NHSCR is notified of all registrations of births and deaths).

Social Survey

2.10 Social Survey Division originated as part of the Central Office of Information, became a separate Department in the 1960s and entered OPCS on its formation in 1970. Some 70% (£3.8m) of total SSD expenditure is devoted to five large scale continuous surveys carried out on an allied service basis for other Departments:

- (i) National Food Survey - sponsored by MAFF
- (ii) Family Expenditure Survey - sponsored by D/Employment,
- (iii) International Passenger Survey - sponsored by D/Employment,
- (iv) General Household Survey - sponsored by CSO on behalf of many Departments
- (v) Labour Force Survey - sponsored by D/Employment

2.11 Social Survey Division also undertakes ad hoc social surveys requested by Departments, and provides an advisory service to Departments who wish to use private sector companies for ad hoc surveys.

Scotland

2.12. The General Register Office (Scotland) in many respects parallels OPCS: it is a separate Department headed by a Registrar General who is appointed by the Secretary of State and has certain statutory functions of his own. Gross expenditure is £3.5m (1985/86) and there are 268 staff.

2.13 There are a number of differences between the arrangements north and south of the border:

(i) the morbidity statistics function performed by OPCS has never in Scotland been undertaken by GRO(S). Morbidity statistics for Scotland were initially produced by the Scottish Home and Health Department, and in 1971 the work and staff were transferred to the NHS Common Services Agency, a central NHS body for Scotland which at present has no equivalent in England and Wales. The Director of Information at the Common Services Agency advises both SHHD and GRO(S), and receives data from them as well as from the NHS. This arrangement appears to work well but requires the Director to have a particularly clear understanding of the respective roles of SHHD, GRO(S), and the NHS (the present incumbent worked in SHHD prior to 1971 and in OPCS at an earlier stage).

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(ii) in 1982 GRO(S) entered into common establishment and finance arrangements with the Scottish Office. GRO(S) still assembles its PES bid internally, so that the Registrar General can take an overall view before the bid is passed to the Scottish Office; but staff move freely between GRO(S) and Scottish Office and there has been a net saving of at least six establishment and finance posts.

(iii) GRO(S) appears to have a closer relationship with Scottish Office Ministers and officials than does OPCS with DHSS Ministers and officials. There is an administrative practice whereby submissions from the Registrar General to Ministers pass through the office of the Secretary of SHHD. This appears to assist liaison while not preventing a recognition by all concerned that the Registrar General has a direct reporting line to Ministers and an independent status of his own. More recently the common establishment arrangement has introduced into GRO(S) staff whose previous posts have involved more frequent contact with Ministers than might be obtained in a career confined to GRO(S).

III. OPCS AS AN ENTITY

3.1 A key question arising from the terms of reference is whether OPCS forms a coherent whole, or whether there would be advantage in relocating or privatising some or all of its activities. The main factors contributing to cohesion between OPCS activities are

- (i) legislation placing certain functions on the Registrar General,
- (ii) flows of data between different activities, and
- (iii) common interest in social and demographic matters.

Legislation

3.2 Statute assigns certain functions to the Registrar General. The team obtained legal advice that it would not be possible to appoint more than one Registrar General at any one time, so within the current legislation certain functions must be grouped under a single official who has been appointed to the post of Registrar General. Of the six functional activities this argument applies to

- Registration, Marriage and Local Services (by virtue mainly of the Registration Service Act 1953, the Births and Deaths Registration Act 1953, the Marriage Acts 1949 to 1986, and the Adoption Acts 1958 to 1976)
- the Census (by virtue of the Census Act 1920)

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- that part of the statistical activity which is concerned with the collation of fertility and mortality particulars furnished to local registrars under the Population (Statistics) Acts 1938 and 1960.

3.3 In addition to the provisions mentioned above section 5 of the Census Act 1920 lays a general duty on the Registrar General " to collect and publish any available statistical information with respect to the number and condition of the population in the the interval between one census and another, and otherwise to further the supply and provide for the better co-ordination of such information, and the Registrar General may make arrangements with any Government Department or local authority for the purpose of acquiring any materials or information necessary for the purpose aforesaid." A submission seeking Ministerial approval for the draft Census Bill commented:

"Clause 5 is not much more than declaratory; but it recognises the existing statistical functions of the Department and confers upon it a specific status in this respect. The Statute Book is at present practically silent as regards the statistical functions of the Department; and they cannot be put on a proper footing without some statutory recognition."

3.4 This duty could be said to provide "cover" for the other parts of OPCS' Population and Medical Statistics work, and Social Survey, but the reference to arrangements with other Government Departments seems to suggest that it would be possible for such work to be done elsewhere and for the Registrar General then to obtain the end results to the extent he considers this necessary to discharge his duty.

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3.5 There is no statutory requirement that the NHSCR exist or be run by the Registrar General (although the historical origins of the NHSCR lie in statute cf paragraph 2.1).

Data Flows

3.6 Many of the data flows between the various parts of OPCS could take place between functions located in different Departments, because the data concerned are either not confidential or have been aggregated to prevent identification of individuals. But there are statutory constraints on

- the fertility and mortality information provided under the Population (Statistics) Acts, which may not be disclosed other than in connection with functions under those Acts or the Registrar General's duty under section 5 of the Census Act 1920. This passes within OPCS from Registration to Population Statistics and Medical Statistics Divisions.

- Census information, which may not be published or communicated other than in the normal course of employment in taking a Census. This information is held within Census Division, but is used by Medical Statistics for research studies, by Population Statistics for the Longitudinal Study, and by Social Survey for checking the quality of Census information and for sampling purposes.

- information linking the natural and adoptive identities of adopted children, which may be disclosed only under a Court order or in limited circumstances to the adoptee. This is held in Registration Division, but is passed to the NHSCR so that the medical record can be called in and the name on it be changed.

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- notifications of abortions sent to the Chief Medical Officer under the Abortion Act 1967. These may be disclosed only to DHSS officials personally authorised by the CMO, to the Registrar General or authorised OPCS staff, or for certain medical or legal purposes. The CMO passes the notifications to OPCS' Medical Statistics Division for processing and analysis.

In addition some data, while not subject to statutory constraint, require confidential handling for medical reasons. This includes a range of data on cancer registration, hospital in-patients, General Practitioners' patients, etc which is sent to Medical Statistics Division or the NHSCR from various parts of the health service.

The Annex describes the flows of confidential or sensitive data between different parts of OPCS.

Common Interest

3.7 In other respects the operational advantages in the current grouping of OPCS are less clear. The sharing of a common interest in related statistical matters can provide an opportunity for a cross-fertilisation of ideas among the professional and executive staff. For instance in analysing fertility trends based on birth registration data, Population Statistics has close contact with other sources of similar relevant information within OPCS such as the Census, social surveys eg GHS, abortions, hospital maternities. But Departmental boundaries may not be a barrier to this sharing of professional experience. The common Computer Services Division serving all parts of OPCS will yield some economies of scale, but if the activities currently within OPCS were located in other Departments there would almost certainly be opportunities to

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combine computer requirements in that different location, or by use of external computer bureaux. There is not a single integrated OPCS data base; each activity has its own data stored separately.

3.8 There appears also to be little overall direction and strategy guiding OPCS as a whole. The aims and objectives relate to each of the six functional areas separately rather than to the Department overall. There are a number of factors which contribute to this:

(i) OPCS does not group together all Government work on social statistics and research - there is for example an unclear dividing line between OPCS Medical Statistics and DHSS in-house statistics, and DHSS, DOE and Home Office each have in-house units undertaking social research;

(ii) a formal Top Management Board for OPCS is only now being established; and

(iii) cohesion is not assisted by the geographical split of staff even within Divisions between London (770 staff), Titchfield (760 staff) and Southport (600 staff). Plans for further dispersal have been considered from time to time, but have not been proceeded with; and we have not reexamined the case for further geographical moves.

IV. THE INDEPENDENCE OF OPCS

4.1 The existence of OPCS as a separate Government Department serves to underline the independence from Ministers which statute gives the Registrar General in some cases. In fact this independence is quite limited in scope. It applies to a number (though not all) of his functions, including adoption registration, carried out within the Registration, Marriage and Local Services activity. But the Census and Population (Statistics) Acts both provide that in carrying out his functions under those Acts the Registrar General is subject to Ministerial direction. And in respect of non-statutory activities such as the NHSCR the Registrar General is of course in the same position in relation to Ministers as any other civil servant.

4.2 Nonetheless officials in OPCS and in other Departments argue that the Registrar General, and OPCS as a separate Department, are perceived as having a more general independence from the policy making process of Government, and that this has two advantages:

(i) ready acceptance of the integrity of statistics produced by OPCS (i.e. that the content or timing of statistics are not adjusted for political purposes). In fact all Government statisticians are required to work with integrity. Their professional standards, backed up by the Government Statistical Service's code of conduct and the consideration that political manipulation of statistics might in any event prove self defeating, are the guarantee of integrity. Nonetheless it may be that the public perception of integrity is enhanced by virtue of the Registrar General's position, when compared with the position where statistics are issued by a policy Department

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issued by a policy Department (for example Ministers' policy responsibilities prompt allegations of manipulation when the basis of unemployment statistics is changed, irrespective of the reality).

(ii) a greater willingness to provide information, because of the perception that it will be kept confidential (i.e. not used for other Government work such as social security, income tax). Here again the real protection in fact lies in professional standards, ring fencing arrangements such as operate for data provided to the Business Statistics Office or Inland Revenue, and, for computer-held data, the Data Protection Act 1984, all of which underpin the statutory constraints mentioned in paragraph 3.6. In England and Wales, however, (though to much less extent in Scotland) the medical profession in particular do distinguish strongly between provision of data to OPCS on the one hand and to DHSS on the other. This appears to reflect both a concern for patient confidentiality and a concern that DHSS might use clinical data for management purposes, to compare the performance of different consultants, for example. We conclude that substantial moves in the direction of merging OPCS activities into policy Departments would risk controversy especially with the medical profession, even if the grounds of objection were not in fact meritorious.

4.3 At the same time the position of OPCS as a separate Department appears to be a factor in several current problem areas

(i) Lack of clarity in OPCS' relationship with Ministers. OPCS' main regular contact with Ministers is in the provision of draft answers to Parliamentary Questions on statistical matters. Beyond that the degree of contact

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appears to have varied somewhat depending on the priorities of individual Ministers, but, given the many other demands on the time of DHSS Ministers, generally to have been confined to "firefighting" when a difficulty arises. In the follow up to the Efficiency Scrutiny of the Registration Service OPCS has not always been delivering what Ministers want, and Ministers have not always asked OPCS to do what was required; this lack of clarity has been compounded where DHSS officials have become involved in advising Ministers on OPCS business.

(ii) unclear relationship between policy and implementation. OPCS devotes the vast bulk of its time to, and appears to see its main role as, the performance of executive tasks (e.g. Census, registration) and the production of statistics. Its role in relation to policy is much more limited. In some cases it is clear that policy responsibility lies with other Departments - the Home Office for example are responsible for the law on marriage, which is the basis for the marriage part of the registration function. But in other areas it is not at all clear where policy responsibility lies - we were unable to establish clearly a similar policy interest in relation to births and deaths.

One consequence is that for some issues a number of Departments as well as OPCS may have an interest. We understand that NHSCR and DHSS officials have given some consideration to the possibility of using NHS numbers for National Insurance purposes. This unification seems worthy of further consideration, and could have longer term implications for a number of other Departments such as the

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Home Office (crime prevention, passports) and D/Transport (driving licences). The introduction of a single identity number could offer considerable benefits, but might also raise fears of excessive State control.

Another consequence is that OPCS sometimes has difficulty identifying the political and policy implications which arise from its work. OPCS faces a demanding task in ensuring that Ministers have adequate opportunity to consider the policy implications of OPCS activity because, although the Secretary of State for Social Services has overall responsibility for OPCS, the work also impinges on the responsibilities of Ministers in a number of other Departments. We became aware of two instances during the review where arrangements between OPCS and the Departments concerned failed to give Ministers time to prepare in advance for the potential implications of figures produced by OPCS.

(iii) Handling change Change does not appear to come readily in OPCS. The move towards much greater involvement of the private sector in ad hoc social surveys recommended in the Rayner and subsequent Merchant reviews has in practice been limited. The Efficiency Scrutiny of the Registration Service was completed in February 1985 but decisions from Ministers on the major recommendations and the preparation of an Action Plan for implementation are still awaited (though during the review the prospects for progress brightened). Where change is contemplated, OPCS' isolation can sometimes be an impediment. OPCS plans to computerise the NHSCR but

- in arranging the finance for the project neither DHSS nor OPCS took account sufficiently early of the implications for running cost controls

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- there does not seem to be a single clear view between OPCS and DHSS (or even within DHSS) about the precise long term future of the NHSCR. Its purpose in assisting the transfer of medical records will be less once the computerisation of Family Practitioner Committee records is complete, but account also needs to be taken of the NHSCR's medical research function.

- initial plans for the computerisation in England and Wales are not consistent with the computer system already installed at the Scottish NHSCR.

(iv) lack of customer control. Because, as noted above, OPCS' main functions are executive and statistical, rather than policy, it can be seen as a Department whose prime purpose is to provide a service in areas that are the policy responsibility of other Government Departments. But the "customer" Departments appear to have inadequate control over the product, or the priorities in allocating resources within OPCS between one activity and another. Customer Departments admire the high quality of Social Survey Division's work but are unable to influence the trade-off between quality on the one hand and time and cost on the other (where Departments need fast results, or judge a less thorough and hence cheaper survey to be adequate in a particular case, they go to the private sector).

(v) resource allocation problems Cyclical fluctuations in resource requirement are that much more difficult to handle in a small Department. For instance in the year in which the Census is carried out OPCS' normal annual gross expenditure is more than doubled. There is also a considerable staff build up which cannot be contained within the Departments staff ceiling by offsetting

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reductions on other work. We also considered that a relatively high proportion of OPCS staff (22%) were engaged on Establishments and Finance work. This is partly because of the geographical split, but also we believe because of its size.

V OPTIONS FOR CHANGE

5.1 We considered three main options for change:

- (i) transfer OPCS as a whole into another Department, so that OPCS ceased to be a separate Department but became a Division of some larger whole;
- (ii) transfer some or all of OPCS' constituent activities to the most appropriate new location;
- (iii) preserve OPCS as a separate Department containing the present grouping of activities but introduce administrative measures to improve links with Ministers and other Departments.

5.2 These options, which are not necessarily mutually exclusive, are discussed in the following three chapters. Some variants on the main options are also considered.

5.3 It is of course possible to identify yet further options for change. In particular consideration has been given in the past to a merger of OPCS with the CSO and the Business Statistics Office to produce a single centre within Government for the production of both social and business statistics. The analysis in the previous chapter, however, indicates a need to strengthen OPCS' relationships with other Departments which this option would not assist that objective, and given the time available for the review, we did not examine this option in detail.

5.4 Another option, put to us by the OPCS Trade Union Side, was to expand OPCS by bringing within it work on "social" statistics currently carried out by policy Departments such as DHSS, DOE and DES. Again, however, this approach would not assist the

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objective of strengthening the links between OPCS and other Departments; it also appeared to risk taking away too much of policy Departments' statistical capability, leaving them without a source of in-house and readily available expertise and advice.

5.5 One further option would be to establish OPCS as a non-departmental public body. This would require legislation, which would need to spell out the relationship between OPCS and Minister. It would therefore have the advantage of clarifying that relationship. But it would do nothing to improve the relationship with customer Departments, and it is not the only way to clarify the relationship with Ministers. We concluded that making OPCS a quango would yield no advantages which could not also be obtained by the option of administrative measures described in Chapter VIII, and that option is less costly and disruptive in not requiring legislation.

VI OPTION I: TRANSFER OPCS INTO ANOTHER DEPARTMENT

6.1 Transferring OPCS into another Department would promote a clearer relationship with Ministers in the receiving Department, and similarly strengthen the link between the policies of that Department and related executive work done within OPCS. As part of a larger group the process of change within OPCS would be subject to scrutiny by peer organisations within the Department and the overall guidance of the department's top management systems. To the extent that OPCS' customers were located within the receiving Department their ability to influence OPCS would be enhanced, and to the extent that there would be economies from combining OPCS in some larger unit, merger into another Department should achieve these.

6.2 At first glance there is therefore an attractive case for taking OPCS as a whole into some other Department, and it appears this could be done without any need for new legislation (there is nothing to prevent the appointment as Registrar General of a person who is also an official in some existing Government Department).

6.3 There would however be difficulties with this approach. First, because a number of Departments have an interest in OPCS' work, there is no one Department which is the obvious candidate to absorb OPCS. Whichever Department were selected, OPCS would still need to communicate across Departmental boundaries to Ministers and officials in other Departments. They in turn might perceive a danger that the transfer would yield them less rather than more satisfactory service, on the ground that once OPCS became part of one of the Departments it serves, that Department's needs and priorities would naturally take priority within OPCS over the requirements of its other "customer" Departments.

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6.4 Secondly, there are specific objections to each of the three Departments which appear most suitable as possible recipients of OPCS:

(i) DHSS appears to have more interest in OPCS than any other single Department, and its Ministers already have responsibility for OPCS. But

- DHSS is already a very large Department presenting Ministers and top officials with a difficult span of command. Other DHSS issues would be bound to continue to dominate Ministers' thinking; some parts of OPCS would not have strong links to forge with other parts of DHSS and there would be a risk that OPCS would therefore continue in practice to be more of a distinct body than a fully integrated part of DHSS
- there would be vociferous (albeit possibly unmeritorious) objections from the medical profession to that sensitive clinical data currently going to OPCS (primarily Medical Statistics Division) henceforth going to DHSS. The sensitivities here have been recently recognised by the Korner report. Following that report DHSS had to initiate complex negotiations to reach agreement on management information flows.
- the public too might provide e.g. census data less readily if OPCS were part of DHSS, because of DHSS' social security interest in personal information.

(ii) CSO is at first sight a suitable home for a unit producing much of its output in statistical form and serving a number of policy Departments. But

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- Ministerial responsibility for CSO rests with the Prime Minister, and there seems little to be gained by adding the considerable number of routine statistical PQs handled by OPCS, and relatively minor Ministerial functions on registration, such as approval of local schemes, to the immense volume of paper already arriving at No. 10.
- CSO is itself a provider of statistical output rather than a policy Department, so location there might do little to enhance contacts with policy Ministers and officials.
- absorbing OPCS work into CSO would be difficult in practice because of the nature, scale and location of OPCS. Not all OPCS work is statistical - Registration Division and the NHSCR are both labour intensive executive operations. OPCS with over 2,000 staff is much larger than CSO (some 200 staff), and whereas CSO is London based OPCS has three locations and a need to deal with local registrars, around the country.

(iii) DOE's responsibility for local authorities would sit well with local delivery of the Registration Service, (as Sir Claus Moser noted in 1978) and the case has been strengthened by the Efficiency Scrutiny recommendation to give local authorities a greater role in registration. DOE is probably also the Department most interested in the output from the Census.
But

- it has not been the practice to put into DOE all functions in which local authorities are involved (e.g. education).

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- some OPCS activities (e.g. Medical Statistics, the NHSCR, central registration activities) have almost nothing in common with the DOE group of functions.
- the regional population estimates and projections produced by OPCS have an important role in the calculation of Rate Support Grant, and local authorities sometimes dispute the figures. If these figures were produced within DOE it seems likely that there would be a particular risk that DOE would be alleged to have distorted the figures to its own advantage.

6.5 A variant of this option would be transfer Ministerial responsibility for OPCS from the Secretary of State for Social Services to another Minister. A prime candidate would appear to be the Secretary of State for the Environment, as Sir Claus Moser envisaged in 1978. But this would raise some of the difficulties identified in para 6.4 above, moreover there is nothing to suggest that it would address the difficulties identified in Chapter IV. We therefore have not considered it further.

6.6 Of these three options location in DHSS appears to be the only one worthy of further consideration. It would have good prospects of improving with Ministers and achieving clearer accountability. It is, however, likely that it would provoke a hostile reaction from the NHS, medical profession and perhaps the general public, because of concerns about access to data. We think such concern would be misplaced, particularly as within DHSS the Registrar General would continue to have his present degree of statutory independence. But this might be difficult to convey, and handling objections from the medical profession is

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therefore likely to be time consuming for Ministers and top officials in DHSS. At a time when there are already major issues to be addressed, it is not clear whether DHSS Ministers and top officials would have time readily available.

6.7 These difficulties would carry much less weight if a division of DHSS into separate Health and Social Security Departments were ever to be contemplated: locating OPCS in a Health Department would then be more attractive. In the absence of this the arguments are finely balanced: locating OPCS in DHSS could bring a number of benefits but there would also be risks that other priorities might impede the realisation of these benefits and that controversy with the medical profession would launch the transfer on the wrong foot.

VII OPTION II: TRANSFER OF OPCS' ACTIVITIES

7.1 This chapter considers one-by-one the six functional activities within OPCS and whether their purposes might best be served by locating some or all of them elsewhere within Government, or in the private sector.

Registration, Marriage and Local Services

7.2 The 1985 Efficiency Scrutiny concluded that there was a continuing need for some form of registration service and we have seen nothing to cast doubt on that judgment. The Scrutiny did however recommend a number of changes, and it is necessary to consider the likely future implementation of those in order to define what will be the nature of the registration service in future.

7.3 We understand that there are now good prospects for securing local authority support for the implementation of the main Scrutiny recommendation (no.1) - greater devolution of responsibility for registration to local authorities. There seems now to be almost unanimous support for that approach, and we do not challenge it, though we think it essential that there be sufficient reserve powers for the Registrar General to safeguard a national standard of service, that Scrutiny recommendation no. 4 (on merging the present different types of registration officers) be implemented at the same time as recommendation no.1, and that the duties of registration officers continue to be laid on them personally by statute.

7.4 We also understand that a White Paper is planned for later this year. This would cover proposals for implementation of the Scrutiny recommendations and also, if the Home Office agree, for

implementation of the Law Commission's recommendations on marriage law (including for example the introduction of universal civil preliminaries). Home Office Ministers will therefore need to be closely involved in deciding the way forward.

7.5 Against this possible future for the registration service we have considered whether the activity might better be located elsewhere than in OPCS. At present OPCS is responsible for registration but the Home Office has an interest because of its underlying responsibility for marriage law. There seems to be no parallel responsibility for births and deaths - while a number of Departments have an interest in the facts of birth and death, none appears to have a policy interest. Given the need for legislation to implement the Scrutiny, there would be advantage in locating responsibility for the registration service clearly under a single Minister. Home Office Ministers appear to be best placed for this role, given their existing responsibility for policy on marriage law and their ability to keep under review the links between registration and other identity-related work e.g. immigration, passports. The disadvantages of transferring the registration service to the Home Office would however be that

- (i) because of the Home Office's wider responsibilities there could be a civil liberties concern about the provision of information which at present the public provides willingly to OPCS, and
- (ii) registration data is a major input to other OPCS work. Moving registration to the Home Office would thus create difficulty in maintaining present flows of confidential data. This could be reduced if at least the Vital Statistics part of Population Statistics went with registration to the Home Office - but the Home Office interest in Vital Statistics is no greater than that of many other Departments.

7.6 One further possible future development concerns the scope for making the most of interest from the public and genealogists in registration data as the source of family trees, etc. The existing public search room is often busy, but it is spartan; more generally, while some measures have been taken or are under consideration, a civil service Department may not be best placed to maximise the commercial potential of demand for registration information e.g. by introducing higher value products, more spacious/luxurious premises, additional locations, marketing to increase demand still further. We recommend that the Registrar General commission a study on the scope for further exploitation of registration data by involving private sector finance, perhaps involving the contracting out of the public search room function, and submit recommendations to Ministers by March 1987.

Census

7.7 We did not consider it part of our review to question the continuing need for a Census. However if a Census continues we consider that it must continue to be a public sector activity; given the nation-wide and obligatory nature of the Census privatisation would risk increased refusal to provide information, or the provision of false information.

7.8 Resources are largely built up and run down for each Census, with few staff retained midway through the inter censal decade. This highly cyclical pattern appears to pose particular difficulty for Computer Services Division who need to invest heavily in additional computer capacity for each Census. We recommend that the possibility of contracting out some of the computer processing and data preparation work to private bureaux be considered. This might enable the cost of providing that capacity to be spread more evenly over the Census period. It would of course be necessary to have regard to the statutory bar on disclosure of Census information other than in the normal

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course of employment in taking a Census, but given that over one hundred thousand enumerators are recruited on a casual basis to distribute and collect the Census forms themselves it is not clear to us that matters could not be so arranged as to render employees of a private computer bureau also "employed in taking a Census" for the duration of their work in processing Census data. Alternatively it might be possible to code census data in such a way that it could be passed to private firms without enabling them to identify individuals.

7.9 The advantage of relocating the Census would be to increase customer control over that part of the Census in which the receiving Department had an interest. DOE, both directly and through its responsibility for local government, is the Department most interested in the Census: in 1981 a number of questions were solely for their purposes and DOE had some interest in nearly all questions. The Welsh Office has parallel territorial interests. The difficulty would be that precisely because of this strong Departmental interest other Departments who use the Census could suspect that their interests were not always given full weight and that DOE priorities prevailed. There are also data linkages between the Census and other OPCS work (such as the Longitudinal Study) which it would be difficult to continue if the Census were located in another Department.

7.10 The only alternative location would seem to be the CSO. As a "neutral" location this would overcome the first of these problems, but not the second, of data linkages. Moreover locating the Census in CSO would place responsibility for the management of the Census activity itself with the Prime Minister, and this does not seem appropriate.

Population Statistics

7.11 As noted in Chapter III there are a number of components within Population Statistics. Most Population Statistics staff are concerned with Vital Statistics, the processing and aggregation of data from the registration service. This work could not be separated from the registration service so would have to follow it in any transfer to the Home Office. Vital Statistics provides an important input to population estimates, fertility, mortality and some social statistics. Although theoretically it would be possible to distribute these functions among a number of Departments, subject to some legislative changes to continue data flows, we do not think this would make logistical sense. Equally keeping all these functions together with registration in the Home Office would have disadvantages as some e.g. mortality statistics have more affinity with DHSS than with Home Office.

Medical Statistics

7.12 The value of OPCS' statistical analyses of public health, which are focussed on the Medical Statistics and NHSCR Divisions though drawing more widely on data from other parts of OPCS and from the NHS, was emphasised by a number of those to whom we spoke, in particular the Chief Medical Officer at DHSS. If Medical Statistics Division were to be removed from OPCS, the two main possible locations would be DHSS or the NHS. In either case the transfer would be of the work relating to morbidity; the Division's work on mortality is closely linked with the registration service and would be best located with it.

7.13 DHSS is the Department whose responsibilities Medical Statistics work most closely supports. Locating the work in DHSS would thus secure direct lines of accountability and an overall view comprehending the statistical work already carried out within DHSS. (Broadly DHSS handles the "management" and OPCS the

"clinical" statistics, but this very broadbrush distinction leaves an unclear boundary between the two.) The difficulty in locating Medical Statistics within DHSS would be the concern of the medical profession about passing data to DHSS noted in Chapter III. The negotiations to establish flows of management information on the NHS to DHSS illustrate the considerable sensitivities that arise. While the basis of some of the concern may be suspect there seems little advantage in opening up controversy if an alternative arrangement were possible.

7.14 The alternative would be to locate Medical Statistics work in the NHS itself, as in Scotland. There is no English parallel to the NHS Common Services Agency in Scotland, but there are arrangements whereby one Regional Health Authority acts as a processing point for management information from Health Authorities, thereby avoiding objections which would be raised if this information were to be passed to DHSS in unaggregated form. It might be possible to attach Medical Statistics to an individual RHA on a similar basis. Alternatively a new central NHS body could be created, on the model of the present NHS Training Agency, to handle medical statistics. Either approach should avoid difficulty in maintaining the flow of NHS data to Medical Statistics Division, but could create some difficulty in securing continued access to data currently held in other parts of OPCS, such as the NHSCR and the Vital Statistics derived from registration.

National Health Service Central Register (NHSCR)

7.15 Somewhat similar considerations apply to DHSS and the NHS as locations for the NHSCR. What is needed is an arrangement which will permit

- a clear view of the future of the NHSCR, both as a register for locating patient records and as a means of carrying out medical research.

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- coordinated development of the NHSCR for England and Wales with that for Scotland.

7.16 DHSS is the point at which the two limbs of the Health Service, the Health Authorities and the Family Practitioner Committees, come together. It would thus provide a location with the potential for developing a clear managerial accountability for the NHSCR covering both the patient records and medical research functions which does not exist within DHSS at present. But here again there would be objections from the medical profession (strongly held if not wholly logical) to the provision of data to DHSS, and to ignore this could jeopardise the functioning of the system as a whole.

7.17 Locating the NHSCR within the NHS is at first sight attractive. But below DHSS there is no overall body coordinating the interest of Family Practitioner Committees (FPCs) and it seems doubtful whether the NHSCR could successfully be grafted on to one of the existing FPCs - the size of the managerial task would be too great. A new central unit in the Family Practitioner Committee structure, modelled on the Training Agency in the Health Authority structure, would provide an answer.

7.18 But with either of these options there would be difficulties in continuing the provision of data from other parts of OPCS: information on births and deaths from the registration service is not confidential so could continue to flow to an NHSCR within the NHS or DHSS, but access to confidential data would be lost unless present statutory constraints were amended. It would also be necessary to consider whether any legislative cover would be required to remove the NHSCR records from the Registrar General. In 1952 lawyers advised that the Registrar General had no power to part with the records but it is not clear to what extent this advice took account of the repeal of the National Registration Act in 1953.

Social Survey

7.18 Our discussions with OPCS and with staff in Departments that commission social survey work from Social Survey Division (SSD) led us to a number of conclusions about the present arrangements.

7.19 There is no doubt that SSD are capable of carrying out large and complex surveys to a very high standard. The concentration in one Division of experience and expertise in carrying out all of the more complex surveys for Government makes SSD especially adept at interpreting the underlying policy interest and designing the survey to provide meaningful data to inform those policy interests. The maintenance of an experienced and well-trained field-force and the status of SSD within OPCS as part of Government, yet independent from major policy Departments, help it to achieve high response rates to its surveys.

7.20 Whilst happy generally with the service they receive from SSD, however, we did find that Departments were sometimes critical of the time taken to process and report data once collected and of substantial cost variations. There was also widespread recognition that the present repayment arrangements for social survey work need changing. They do not impose on commissioning Departments any real discipline to review their survey requirements critically and to ensure that maximum value for money is achieved. Nor do they provide any discipline within SSD for controlling expenditure on ad hoc surveys, since Vote provision for ad hoc surveys covers 100% of expected expenditure, without any allowance for repayments to be received.

7.21 We have therefore considered a number of options for changing the present arrangements for conducting Social Survey work on behalf of Government Departments. This has involved discussions also with private sector firms operating in this field.

7.22 The first and most obvious option for achieving customer control is to disband SSD, distribute its staff amongst the customer Departments and leave them to carry out surveys direct. But this would leave no central service for Departments who may not be regular users of social surveys, and would diffuse the present core of expertise which provides the current advisory capability (we think this important). It is also difficult to see how the present field force, generally recognised to be better trained than any in the private sector, would be retained.

7.23 Location in the Department which seems to be its major customer - D/Employment - would overcome some of these difficulties, but would offer no advantages over present arrangements in respect of surveys for which Employment is not the only or main customer. It would suffer from the disadvantage that D/Employment priorities would prevail over the needs of other customers.

7.24 Another option we have considered is whether social survey work could be left entirely to the private sector to undertake. We conclude that there is nothing to indicate that social survey work has to be conducted within Government, and indeed a substantial amount is already contracted to the private sector. Simply disbanding SSD and leaving existing private firms to bid would run the risk that the expertise would be diffused. Also the quality of the work, particularly in relation to response rates, might decline unacceptably, thus impairing the credibility of key output such as the RPI. Privatisation of SSD as a going

concern would appear to be a better approach: the present core of expertise would be preserved. There would still be some risk that response rates might fall, and there would no longer be an in-house source of advice for Departments on contracting-out work (SSD would be one of those bidding for the work). Initially at least, a privatised SSD would be almost entirely dependent on Government for work, and without assurances as to the level of future work for some years ahead it might be difficult for potential buyers of SSD to see an attractive commercial proposition. Currently there is no means of judging whether privatising SSD in this way would result in the work being carried out at a price which would give Government value for money. We do not recommend privatisation at this stage. We consider however that there is greater scope for using the private sector, and our proposals for that are in Chapter VIII. It is possible that the measures recommended there will later permit the judgment to be made that privatisation of SSD as a whole would be both feasible and cost-effective. Privatisation would of course have implications for staff and relevant consultation agreements should be followed if evidence from the measures recommended in Chapter VIII were to point in that direction.

Conclusion on Option II

7.25 We conclude from the above analysis that there would be advantages to be obtained from transferring some OPCS activities to other parts of Government - registration to the Home Office, the NHSCR and Medical Statistics to DHSS. But there are serious objections to any of these moves. In particular any transfer of one of OPCS' main activities would interrupt present data flows; preserving data flows would in a number of cases require legislation and in all cases would open up awkward discussion on the extent to which it would be right for data to continue to flow. We therefore do not recommend Option II.

VIII. OPTION III: ADMINISTRATIVE MEASURES

8.1 Even if there is no change in the present grouping of activities within OPCS, there are a number of administrative measures which would be worthy of consideration. The purpose of these would be

- to achieve greater clarity in OPCS' relationships with Ministers
- to provide a closer relationship between OPCS' executive functions and related policy responsibilities
- to enable change to proceed on a more co-ordinated basis
- to improve customer control

All these measures concern communication between those within OPCS and those outside it.

8.2 Position of Head of OPCS in relation to Ministers In relation to each of the activities of OPCS there needs to be a clear statement of the respective roles of the Head of OPCS and Ministers reflecting the degree of independence provided in the relevant statutory provisions. This should set out those matters on which he, as Registrar General, is expected to carry out his functions independent of Ministers and those matters on which he acts under their direction and control either under statute or as with any other civil servant. This statement needs to be formulated and agreed between Ministers and the Head of OPCS and should form the basis of working relationships for the future.

8.3 Ministerial Responsibility Although the previous chapter concluded that there would not be net benefits from transferring particular OPCS activities to other Departments, the relationship between some of the activities and related policy responsibilities would be strengthened by a change in Ministerial responsibility. We believe there would be advantages if the powers and duties of the Secretary of State for Social Services in relation to the registration service were transferred to the Home Secretary. This would bring all policy responsibility for marriage under one Minister, offering the benefits envisaged in paragraph 7.5 without the disadvantages. We recommend that implementation of this proposal be discussed with the Home Office (and Welsh Office, whose Ministers already exercise some responsibilities in relation to registration). We also recommend that consideration be given to the possibility of including in the legislation to implement the Efficiency Scrutiny some redefinition of the relationship between the Registrar General and Ministers on the registration service. At present Ministers have only certain specific powers; there is no general power of direction as in the Census and Population (Statistics) Acts. Some such general power, if appropriate with specific exceptions, would bring registration into line with other OPCS activities and might complement Ministers' role in providing the resources for OPCS' registration work.

8.4 We believe similarly that, whilst retaining Census activities within OPCS, there would be some advantages if the Registrar General were to carry out this function under the direction of the Secretary of State for Environment rather than the Secretary of State for Social Services. The case is less clear than for the registration service since there is a risk that DOE interests would be given undue priority. However local authorities have a considerable interest in Census data, and if there were moves to introduce customer funding for the Census (see below), DOE would be best placed to ensure a local

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government contribution. We recommend that this proposal be considered along with the recommendation at paragraph 8.9 below; if customer funding is introduced, Ministerial responsibility for the Census should pass to the Secretary of State for the Environment.

8.5 For all of the remaining activities within OPCS, including overall coordination of the OPCS statistical and survey programme, responsibility should remain with the Secretary of State for Social Services.

8.6 Develop Top Management System The Top Management System now being formalised within OPCS should be developed further with the objectives of

(i) establishing overall Departmental aims and objectives for OPCS with related targets and systems for reporting results to Ministers;

(ii) producing a short annual Plan on OPCS output, for discussion with Departments and approval by the Secretary of State for Social Services. This would concentrate particularly on the programme for social surveys and the statistical work of OPCS. (Consultation in respect of the Census is already covered by a complex Committee structure.) It would review the justification for continuing existing work and for introducing possible new work, analyse priorities, and outline proposed publication arrangements.

8.7 More Repayment As many activities as possible should be placed on a repayment basis as the best means of ensuring that the work undertaken reflects Departments' needs and priorities. DHSS already pay for that part of NHSCR expenditure related to the tracing of patient records and indirectly for some medical

researchers' use of the NHSCR. In the longer term consideration should be given to the financing of all medical research projects using the NHSCR flagging system being routed through DHSS to ensure that the projects supported in this way take account of the research priorities of DHSS. But this depends on the way the recently established Research Management Group in DHSS, and its relationship with the Medical Research Council, develop in future.

8.8 Fees for registration services already cover a large proportion of costs; and as recommended in paragraph 7.6 above the scope for making commercial use of registration data should be further explored.

8.9 The Census is at present carried out on an allied service basis, but we understand that consideration is being given to whether Departments should contribute to the costs of this activity. We believe that this would increase customer control over the content of the Census, reinforcing the consultation arrangements, and we recommend that this be discussed further between OPCS, Treasury, and DOE, whose Minister we recommend at paragraph 8.4 above should have overall responsibility for direction of the Census.

8.10 We have considered whether the statistical activities of OPCS should be funded by customer Departments. This would reinforce the arrangements recommended in paragraph 8.6 (ii) above. But a lot of the statistics are a by product of other activities e.g. Vital Statistics are derived from the registration service, and the attribution of costs between customer Departments would be even more difficult than in the case of the Census or the General Household Survey. It would be easier in relation to morbidity statistics than population

statistics, for example, but even here we are not convinced that the complex allocation arrangements that would be needed would be justified on top of the arrangements proposed in paragraph 8.6 (ii).

8.11 Social Survey The Rayner review of the Government Statistical Service (1980) recommended that the aim should be to contract out all ad hoc social surveys where private sector costs were less than those of OPCS' Social Survey Division (SSD), and that surveys done by OPCS should be on payment terms from existing Departmental budgets. This recommendation was pursued in the Merchant review (1981) of the commissioning of ad hoc social surveys, and subsequent inter-departmental consideration. Only limited progress has been made, however: SSD does not compete with private sector companies (it being argued that this would be incompatible with SSD's role in advising Departments on the selection of private survey companies), and the complex "soft" repayment system, introduced following Merchant and now under review, means that much survey work is still funded by OPCS (in 1985/86 repayments covered some 55% of the cost of ad hoc surveys).

8.12 Departments do make use of private survey firms, particularly for simpler surveys where quick results are needed. But most staff that we spoke to (in other Departments as well as OPCS) considered that firms in the private sector would not be capable of conducting the largest and most complex Government surveys to the standards required.

8.13 There seems to be a chicken and egg position here. From our discussions with private sector firms we believe that private companies could undertake a higher proportion of social survey work, including some of the larger and more complex projects. For example some firms now use the probability sampling technique favoured by OPCS, and there is an existing practice of firms joining together in consortia to tackle projects too large for

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any single firm. But these foundations are likely to be developed only when the full range of Government work is open to the private sector. This is unlikely to happen, however, as long as the present "repayment" arrangement offers the prospect that work placed with OPCS will sometimes be performed at nil cost to the customer. Our first recommendation is therefore that a genuine repayment scheme be put in place requiring repayment from sponsoring Departments for all surveys, both continuous and ad hoc, undertaken by SSD.

8.14 What seems to have inhibited such an arrangement in the past is the argument that SSD (as part of a Government Department) is less able to expand and contract its manpower to meet fluctuating demand than is a private concern, and SSD's ability to undertake the most complex surveys might be lost forever if SSD were forced to shed specialist staff during a temporary downturn in demand. This argues for a mechanism whereby SSD's forward work programme is agreed with its various customer Departments, so that its staffing can be planned accordingly. This should not be a problem for the continuous surveys, which are relatively stable from one year to another, and the relevant PES allocation could be transferred to the sponsoring Department - CSO in the case of the General Household Survey, where allocation to the individual commissioning Departments would otherwise be excessively complicated. It has been argued that for ad hoc surveys the position is less straightforward, especially for smaller Departments which may not regularly commission surveys. But an analysis of ad hoc surveys since 1983/84 shows negligible use of SSD by small Departments, and the sums involved - about £40,000 each - should not cause insuperable problems.

8.15 Finally we recommend that steps be taken to test the ability of private sector firms successfully to perform a wider range of Government surveys. Not every piece of contracting out

in this area has been a success - part of the National Travel Survey was contracted out, but the sponsoring Department is now returning the work to OPCS because it was not satisfied with the standards achieved by its private contractors. A gradual approach is therefore called for, with careful monitoring of results. In the case of ad hoc surveys undertaken by the private sector a comparison needs to be made with costs and response rates achieved by SSD in comparable surveys; for larger surveys, including continuous surveys, the work should be shared between SSD and one or more private sector firms, and their respective costs and achievements compared, so that the sponsoring Department can more readily decide whether the private sector offers better value for money.

8.16 Staffing Arrangements We have considered whether there would be advantage in the establishment of common staffing arrangements between the OPCS and DHSS. The purpose of this would be

- (i) forging closer links between the two Departments and giving OPCS staff wider experience particularly of working closely with Ministers;
- (ii) greater efficiency in establishment work (as was achieved in Scotland).

The recommendations that we have made earlier for Ministerial responsibility for some of OPCS' activities to be transferred from the Secretary of State for Social Services would limit the advantages of such a move. Many of the senior OPCS staff already have some experience in other Departments, and it is not clear that such an arrangement would work to OPCS' benefit. We do not therefore recommend it.

8.17 As to efficiency in establishments work, the staff numbers may be distorted by the inclusion of a large number of staff engaged on reprographic work. Even so, the proportion of staff engaged on establishments and finance work looks high (see para. 2.2) and we recommend that this should be the subject of a more detailed review, including comparison of the position in OPCS with that in other Departments.

8.18 More liaison with Scotland Two areas of OPCS activity have a particular need to be well coordinated with the equivalent operations in Scotland, because in both cases there is strong GB-wide dimension. The NHSCRs north and south of the border must work in harmony to handle those who migrate across the border. At present the computerisation plans for the two registers are not consistent although discussions are now in train between Southport and GRO (Scotland) to remedy this. It is outside our remit to recommend on which basis the registers should be computerised but we regard it as important that this issue is resolved before decisions on the Southport system are finalised. There is already substantial liaison between OPCS and GRO (Scotland) on the Census, and we support the intention to achieve greater commonality in the 1991 Census. There may be scope for efficiency savings in the joint processing of Census data and we recommend that this be explored further between the two Departments.

IX CONCLUSIONS AND RECOMMENDATIONS

9.1 Each of the three main options that we have examined in the previous three chapters offers the prospect of some improvements in relation to the difficulties identified in Chapter IV.

9.2 Under Option I the Department best placed to absorb OPCS would be DHSS. But this is already a very large Department and its major policy and executive activities are undergoing developments that will continue to demand priority attention from Ministers and top management in the Department for several years. Absorption of OPCS would be likely to meet considerable opposition from within the NHS and the medical profession, an unwelcome addition to the pressures on DHSS, and would not in fact address all of the problems noted in Chapter IV. We therefore recommend that OPCS should remain a separate Department.

9.3 Under Option II clearer accountability and customer control would certainly be achieved by transferring some of OPCS' activities to the Departments with the major related policy activities. But the complex network of flows of confidential and other sensitive personal data between different activities would be broken by Departmental boundaries, impairing the effectiveness of some activities and the efficiency of others; the willingness of the public as well as the medical profession to provide data to Government could be inhibited; and legislation would be required to separate functions that are statutorily imposed on the Registrar-General. As to privatisation, we have considered whether the work of Social Survey Division should be transferred to the private sector. Whilst we believe that more Social Survey work should be undertaken by the private sector, there is insufficient evidence at present to show that carrying out all social surveys in this way would lead to satisfactory results or

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that it would offer the Government better value for money. We therefore recommend that the current grouping of activities within OPCS should continue.

9.4 Under Option III a series of measures, most of which can be introduced administratively, offer improvements in OPCS' accountability whilst retaining the benefits of the current grouping of related activities. Achievement of these improvements depends on clarifying the relationship between the Head of OPCS and Ministers and their respective roles, closer coordination between OPCS' executive functions and related policy activities in Departments and greater customer control over OPCS' service activities. Detailed proposals for securing these improvements including greater use of the private sector on social surveys are contained in Chapter VIII and we recommend that they be implemented after more detailed discussions with the Departments concerned (primarily DHSS, Home Office, DOE, Welsh Office, GRO(Scotland) and Scottish Office, CSO and Treasury as well as OPCS itself).

X. IMPLEMENTATION

10.1 The recommendations in this report can (with a few exceptions) be implemented by administrative means, once they have been discussed and agreed with the relevant Departments and subject in some instances to consultation with the unions. Other than possible changes in relation to the control and direction of the registration service (which can be covered in the legislation to implement the efficiency scrutiny), no changes in the statutory functions of the Registrar General are proposed; and no changes in statutory restrictions on data are required, except possibly in relation to the processing of census data by the private sector. The proposed transfers of Ministerial responsibility for certain matters appear not to require a Transfer of Functions Order, since the responsibilities are vested in the Secretary of State at large, although this would need to be confirmed with solicitors.

10.2 Certain of the proposals, primarily the increased use of the private sector for social surveys and possibly for data preparation and computer processing for the census, could have considerable implications for some of the staff of OPCS. These should be the subject of consultation with the Trade Unions following relevant existing national and departmental agreements, including guidelines recently agreed by the Treasury in relation to proposals for privatisation etc.

10.3 As the present Head of OPCS is due to retire shortly, the task of implementing recommendations from this review will fall largely to his successor. Whichever of the options set out in the report were to be chosen, implementation will clearly be a major management task. We conclude therefore that, taking account of the balance of the duties of the Head of OPCS duties between work requiring professional statistical

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expertise, managing the Department and serving Ministers, he needs above all to be an experienced manager of people and their work.

MG DIVISION

CABINET OFFICE (MPO)

AUGUST 1986

DATA LINKAGES BETWEEN OPCS DIVISIONS

The attached chart shows the main types of data flows and linkages between the separate divisions of OPCS. There are five distinct types of linkage. These are:

- a Statutory flows of public information - eg. the transfer of registration data from local registrars to the legal record held at OPCS;
- b Statutory flows of confidential information - eg. the transfer of adoption data to the confidential register at OPCS;
- c Non statutory flows of confidential information - eg. medical enquiries/research which make use of census information;
- d Non statutory flows of sensitive information - eg. cancer registries transfer of information to Medical Statistics.
- e Non statutory flows of aggregate data - eg. the use of GHS data from social survey division by Population Statistics 1 division in compiling fertility statistics.

Only the first 4 types of flow are shown on the chart. Flows of aggregate data not covered by statute (e) do not constitute any binding links between OPCS divisions, and could be conducted across Departmental boundaries, and are not shown. Population Stats. division 2 which deals solely in non statutory flows of aggregated statistics is shown in the chart unconnected to any other OPCS division.

Registration Division

This is a core function of OPCS. Registration division receives, processes and distributes data of types a, b, and c to other divisions in OPCS. Before a live birth, stillbirth or death is entered in the permanent public register, a draft of the particulars is entered on a standard form. This comprises statutory public information - obtained under the Registration Acts, statutory confidential information - under the Population Acts, and voluntary confidential information. All of this information of types a, b, and c flows to the Vital Stats branch of Population Stats 1 division for statistical processing; the statutory public information of type a also flows to the permanent public register.

For marriages, a similar process is followed; a draft of particulars is entered on a standard form comprising statutory public information only, and this information (type a) flows to the permanent public register. The same information flows on to the Vital Stats branch of Population Stats 1 division for statistical processing. For adoptions, data of type b is sent to the confidential register at OPCS (to cross reference it to the original birth entry), and then on to the local registrar (to change the original birth entry), and then on to the NHSCR (to change the NHSCR record).

Medical Statistics

Medical Statistics division covers five main areas of work: Mortality, cancer, medical research projects, hospital activity and abortions

Mortality

Although aggregated statistics on mortality and births are compiled from registration data, Medical Stats. division has a need from time to time to have access to the confidential information - statutory or voluntary - from individual records. This information is type b and c.

Cancer Registrations

Regional cancer registries submit regular notifications of registered cancer patients to OPCS. The information of type d comprises the patients name and other clinical details and it is considered sensitive.

Medical Research Projects

Some medical research projects in OPCS are undertaken using confidential named data from census returns in conjunction with corresponding personal data from NHSCR records. The data from census division flows to Med. Stats (type c), and from NHSCR to Med.Stats. (type d).

Abortions

The Abortion Act 1967 provides for abortions performed in England and Wales to be notified in confidence to the Chief Medical Officers of the Health Departments of England and Wales. Personal information of type c ie. name, address, marital status etc. is transferred from DHSS to OPCS for processing, and for the production of statistical tables etc.

GOVT MACH

OPCS

9/83



cf.
pp's please.
MEAT 22/5

Prime Minister ①

Sir Robin Ibbes is content with these arrangements for the review. The terms of reference will be amended to mention privatisation. This therefore looks alright.
Content? MEAT 20/5

Ref. A086/1479

MR ADDISON

Office of Population Censuses and Surveys

Thank you for your minute of 12 May.

Yes not

2. I have discussed with Sir Robin Ibbes the mechanism for carrying out this review. He agrees that the review team should be led by the Assistant Secretary in charge of the Machinery of Government Division in the Cabinet Office, supported by a Principal from that Division, a Principal from the Management and Efficiency Division of the Cabinet Office (MPO) who has experience of statistical work and a Principal from the Efficiency Unit of the Office of Population Censuses and Surveys (OPCS).

3. Sir Robin Ibbes does not think it necessary for the Prime Minister's Efficiency Unit to be included in the team: indeed, he tells me that the Unit does not have spare capacity for that purpose. But he has agreed that the Efficiency Unit should provide guidance to the work of the team: the Unit will be consulted about the methodology of the review and about the draft conclusions and recommendations before they are finalised.

4. As I indicated in my minute of 8 May (Ref. A086/1395), it is envisaged that options to be considered should include privatisation for some of the functions (though not, I think, the registration service itself). I am amending the terms of

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MANAGEMENT IN CONFIDENCE

reference to make this clear, by adding at the end of B in the terms of reference "and the scope for privatising activities at present performed by the OPCS".

5. I am sending a copy of this minute to Sir Robin Ibbs.

RA

ROBERT ARMSTRONG

19 May 1986

Govt
MATH



OPCS

9/83

COMPTROLLER
GENERAL

1983

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file



10 DOWNING STREET

From the Private Secretary

SIR ROBERT ARMSTRONG

OFFICE OF POPULATION, CENSUSES AND SURVEYS

The Prime Minister has seen your minute of 8 May. She has endorsed your proposal for a thorough review of OPCS. She has, however, asked if you would consider with Sir Robin Ibbs the best mechanism for carrying out that review, and in particular the most appropriate way of making use of the Efficiency Unit's expertise, bearing in mind at the same time the need for the investigation to be conducted speedily. She has also asked if you would consider including privatisation (at least partial privatisation) in the terms of reference as one of the options to be weighed up.

I am sending a copy of this minute to Sir Robin Ibbs.

Mark Addison

12 May 1986

087

PRIME MINISTER

OPCS

Sir Robert Armstrong's minute proposes that the Office of Population, Censuses and Surveys should now be subject to a thorough review, before you are asked to approve a recommendation for the successor to the present Director.

It seems that the time is certainly right for a radical fresh look at what OPCS does, and how it does it. But there is a question about whether the right mechanism for the review is the machinery of Government route, rather than an efficiency scrutiny conducted under the aegis of Sir Robin Ibbs.

The terms of reference might also include an explicit reference to the option of privatisation.

Content to

- (i) endorse the proposal for a thorough review of OPCS;
- (ii) ask Sir Robert Armstrong to consider with Sir Robin Ibbs the best mechanism for carrying out that review, and in particular the most appropriate way of making use of the Efficiency Unit's expertise, bearing in mind at the same time the need for speed; and
- (iii) that Sir Robert consider including privatisation (at least partial privatisation) in the terms of reference as one of the options to weigh up?

Martin Sawyer

pp. (Mark Addison)

9 May 1986

*Y
L.S.*

Ref. A086/1395

PRIME MINISTER

Office of Population, Censuses and Surveys (OPCS)

In considering with Sir Kenneth Stowe and others possible candidates to succeed the present Director (Grade 2) of OPCS and Registrar General of Births, Marriages and Deaths, Mr Roger Thatcher, who is due to retire in October, I have reached the conclusion that the whole organisation and structure of OPCS need a thorough review before you are asked to approve a recommendation for a new appointment.

2. OPCS was formed in 1970 by a merger of the Registrar General's Office and the Government Social Survey Department. From the start the merger seems to have failed to achieve the cohesion that was intended. This is perhaps not surprising, since, although most of OPCS's activities have a statistical content, the various tasks really are quite different. The present responsibilities of OPCS comprise:

- a. administering the registration of births, marriages and deaths - a task shared with local authorities; the 1985 Scrutiny recommended giving more of this responsibility to local authorities;
- b. carrying out censuses of population and related statistical work;
- c. maintenance of the NHS Central Register on behalf of DHSS;
- d. conducting various social surveys on behalf of Departments.

3. The 1975 efficiency scrutiny was critical of a Registration Service that is creaking with age, and made some fundamental proposals for improving it. From comments that Sir Peter Middleton and others have made, I suspect that a review of the rest of OPCS might similarly show a need for radical change. Options might include privatising some activities, and transferring some, if not all, of OPCS's activities to other Departments.

4. I have therefore agreed with Sir Kenneth Stowe and others terms of reference (copy attached) for a Machinery of Government review that I would like to set in hand straight away. It should report in September and I would then let you have my recommendations for any Machinery of Government changes that might be proposed, and for the consequential senior staff appointments.

5. The DHSS Ministers share the concern about the OPCS, and welcome the proposal for a review. I should be grateful for your approval.

RTA

ROBERT ARMSTRONG

8 May 1986

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DRAFT TERMS OF REFERENCE

I OBJECTIVES

A. To analyse the tasks carried out by the Office of Population Censuses and Surveys (OPCS) and the purposes served by its activities, including, where appropriate, tasks and activities carried out by other Departments on its behalf or in related fields.

B. To make recommendations as to how these purposes might be better served in future, having regard to the need for clear lines of accountability to Ministers and senior officials, potential improvements in efficiency, and relationships between the work of OPCS and that of other parts of Government and of local authorities.

II. TIMETABLE (see Annex 1 for outline work plan)

Start date	6 May
Study plan	23 May
Interim Report	11 July
Final Report (see Annex 2 for outline structure)	30 September

Note: this timetable makes a limited allowance for the probability that team members and interviewees will have existing work commitments and a two/three week summer holiday.

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ANNEX 1

OUTLINE WORK PLAN

<u>Work</u>	<u>Method</u>	<u>Timing</u>
A. Assimilate previous studies and background	Study of OPCS internal review, Moser study, Efficiency scrutiny, other relevant papers	2 weeks
B. Produce study plan		1 week
C. Analysis of OPCS and purposes served	Identification of the objectives of OPCS and of its "customers" through discussion with OPCS and DHSS senior officials; Head of Govt. Stat. Service; Treasury. (10 meetings, say 5 days) Analysis of work done in OPCS: 3 days on registration 2 days on NHS Central Register " Medical Statistics " Population Statistics 1 day on Social Survey " Census " Est and Fin " Computer	5 weeks
D. Initial Consideration of Options		1 week

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<u>Work</u>	<u>Method</u>	<u>Timing</u>
E. Interim Report on OPCS tasks and purposes served, proposed further study		1 week
F. Discussion with Permanent Secretary Group (week beginning 14 July)		1 week
G. Further study on OPCS relationship with other parts of Government, any further work required on OPCS itself and its customers	3 day visit to CSO 3 day visit to BSO/DTI Comparative study of General Register Office (Scotland)(3 days) OPCS further work (3 days) OPCS "customers" (3 days) sample of statistical work in some other Department (2 days)	4 weeks
H. Final Consideration of Options		1 week
I. Report		3 weeks

Note: In practice the review will have to be planned so that these sections of work overlap e.g. in weeks 1 and 2 the team will be arranging the visits required in stage C as well as undertaking stages A and B.

V. OUTLINE REPORT STRUCTURE

Main Report and Recommendations

Annex A - OPCS general and support services

B - General Register Office

C - NHS Central Register

D - Medical Statistics

E - Population Statistics

F - Census

G - Social Survey

H - CSO: general and links with OPCS, BSO

J - BSO: general

K - General Register Office (Scotland)



DEPARTMENT OF HEALTH AND SOCIAL SECURITY

Alexander Fleming House, Elephant & Castle, London SE1 6BY

Telephone 01-407 5522

From the Parliamentary Under Secretary of State for Health

16pm
DMS
21/4

Barney Hayhoe Esq MP

16
November 1983

OPCS: REGISTRATION SERVICE

Many thanks for your letter of 7 November. I was glad to see that you have not yet formed any clear view on the future of the Registration Service.

I fully agree that the best way forward is for Richard Wilding to hold a meeting to clear up the misunderstandings and I gather that this has now been arranged to take place on 24 November. On this occasion the Registrar General can also describe the latest developments vis-a-vis the local authorities, with whom I have had an interesting recent meeting.

While scrutinies are invariably stimulating, we shall in this particular case need to distinguish rather carefully between proposals which would be easy to implement and those which would require legislation in a most complex area.

I am copying this letter as before.

Yrs. ever,
John

JOHN PATTEN

Good Mach SEPT 83

Registration Service



100 NOV 1983





NBPM
D AT

Treasury Chambers, Parliament Street, SW1P 3AG

John Patten Esq MP
Parliamentary Under Secretary of
State for Health
Department of Health & Social Security
Alexander Fleming House
Elephant and Castle
LONDON SE1 6BY

7th November 1983

Ian John,

OPCS: REGISTRATION SERVICE

Many thanks for your letter of 14th October.

I would like to assure you that I have not formed any view on the future of the Registration Service. I very much agree with you that we should not form views on the basis of incomplete information. It was for that reason that Robin Ibbs and I have suggested a Scrutiny. A Scrutiny would, as Robin says, offer the chance to look at basic questions about the Registration Service quickly and economically.

As I do not want to form a view now on the future of the Registration Service, I do not think there is any call for us to meet. However, I agree with you that there are still some misunderstandings which need to be put straight. I hope you will agree that the best way forward now is for Richard Wilding to meet and discuss them with the Registrar General and Ian Beesley from the Efficiency Unit so as to clear up these misunderstandings quickly.

Copies go as before.

John Patten
Barney

BARNEY HAYHOE

Cost. Machinery : Management & Financing of the Regist
Service

8 NOV 1983

Sept. 83





NBPM
AT 25/10

DEPARTMENT OF HEALTH AND SOCIAL SECURITY

Alexander Fleming House, Elephant & Castle, London SE1 6BY

Telephone 01-407 5522

From the Parliamentary Under Secretary of State for Health

Barney Hayhoe Esq MP
Minister of State
Treasury
Parliament Street
LONDON
SW1P 3AG

27 October 1983

OPCS: REGISTRATION SERVICE

Thank you for your letter of 14 October. I am afraid that there are still some quite serious misunderstandings, which need to be put straight.

First, although the trade-off between accuracy and cost is a perfectly proper question to consider in a system which produces statistics, and although the registers are used to produce statistics as a by-product, nevertheless this is not their main function. Their prime purpose is to provide legal evidence, and the standard of accuracy has to be that required by the Courts. This is why the procedures are laid down in such detail in the Marriage and Registration Acts. You say that even then they do not achieve absolute accuracy and of course some people occasionally give inaccurate information or even commit perjury; but the information is elicited by trained registration officers from specified informants who are required to sign the register and who are personally responsible in law for the accuracy of the statements. I would not have thought that there is much scope for changes which would reduce the accuracy of legal evidence. There may, of course, be scope for economies by mechanisation etc, but this is a different matter from changing the law.

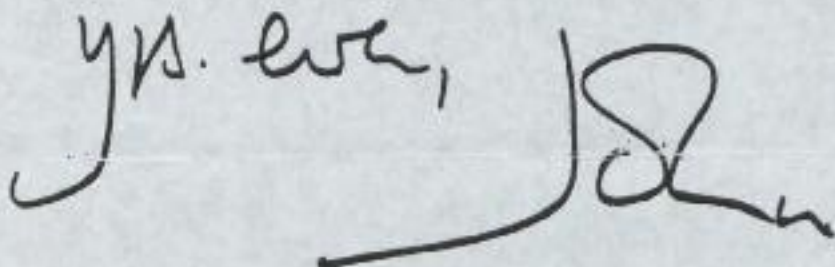
You also return to the question of costs and say that you have considerable doubts about the total cost shown in Annex 3. This annex was discussed in detail with the ACC, AMA, DOE and your own officials. Although the local authorities argued about the split between rates and the rate support grant, nobody challenged the total cost of the service. This figure was supplied by DOE and it is taken from returns by the local authorities.

Neither of your letters has mentioned that the registration officers conduct civil marriages, deal with the churches and have other functions too, including the referral of deaths to Coroners. Surely we should pause to consider what would be the consequences of changes in this system.

E. R.

I am really rather concerned that views on this matter should not be formed on the basis of incomplete information, and I think that we and the Registrar General really must meet to discuss the issue in full. I hope that we can arrange a fairly early meeting and I will ask my office to contact yours to see if we can find a convenient date.

I am copying this letter as before.

Yrs. lve,


JOHN PATTEN

Gaut Mack
Sept '63
Registration Service



NBPM
BT 14/11

Treasury Chambers, Parliament Street, SW1P 3AG

John Patten Esq MP
Parliamentary Under Secretary
of State for Health
Department of Health and
Social Security
Alexander Fleming House
Elephant and Castle
LONDON SE1 6BY

14 October 1983

Dear Mr Patten,

OPCS: REGISTRATION SERVICE

Thank you for your letter of 29 September. I have now seen Robin
Ibbs' letter to me of 13 October. *will request
if required*

I fear your letter rather misses the point of what I had in mind
in suggesting a Scrutiny. You argue that the options available
really relate to the employment and status of registration
officers. You then argue that the only alternative to the status
quo and the options identified in the Report of the Working Party
on the Management and Financing of the Registration Service is to
bring all the registration officers under direct central government
control. Because you consider this alternative unacceptable (and
in principle I would agree), you suggest that we are therefore left
with either the status quo or the Working Party's options.

I cannot accept this analysis without the further evaluation that
the Scrutiny is intended to provide and I see Robin Ibbs comes to
the same conclusion. It seems to me that we must consider the
fundamental question, which is whether we need a registration
service at all in its present form. This fundamental review is
surely essential before you become involved in negotiations with
local authorities which assume the status quo or something like it.
I should add that the Scrutiny will obviously have to consider the
trade-off between accuracy of information and the effort put into
securing that accuracy. The present system appears to be designed
to seek absolute accuracy: yet even then, it does not achieve it.
It may be that the necessary registration functions can be achieved
at substantially lower cost, with only slight deterioration in the
accuracy of information. This may be a perfectly acceptable trade-
off.

I still have considerable doubts about the true total costs of the service. As you say, Annex 3 of the Working Party's Report shows a set of figures which purport to identify the cost in 1980-81. But I am advised that these figures may not stand close scrutiny and that it is impossible to disaggregate that cost at local level and to compare costs with standard of service at that level. It seems to me important, and fully in accordance with the principles of the Financial Management Initiative, to know cost and standards of service, comparing one area with another. But this is secondary to the fundamental question of whether or not the present organisational structure, or something like it, is to be retained.

Given all this, I do not see how you can enter negotiations with the Local Authority Associations on the basis of the Working Party's Report without pre-empting the outcome of the Scrutiny and I believe Robin Ibbs would agree. For this reason, I think you should conduct your meeting with the Associations in such a way as not to prejudice a radical approach to the future of the registration service.

I am sending copies of this letter to the recipients of yours.

Yours sincerely

Michael Portman

for

BARNEY HAYHOE

(Approved by the Members of State
and signed in his absence)

Govt Mach.
Sept 83,
Registration Service.

1+ OCT 1983



→



DEPARTMENT OF HEALTH AND SOCIAL SECURITY

Alexander Fleming House, Elephant & Castle, London SE1 6BY

Telephone 01-407 5522

From the Parliamentary Under Secretary of State for Health

Barney Hayhoe Esq MP
Minister of State
The Treasury
Parliament Street
London
SW1P 3AG

Handwritten initials and scribbles

29th September 1983

Handwritten signature: Barney

OPCS: REGISTRATION SERVICE

Thank you for your letter of 23 September about the report of the working party on the management and financing of the registration service. As you say, consideration of the three options in the report was delayed by the general election and later by difficulties in finding a convenient date for a meeting with the ACC and AMA, but I shall be seeing them on 17 October to discuss the report. This will fulfil a commitment given by my predecessor and will enable me to hear the views of the ACC and AMA at first hand.

I am somewhat concerned at your suggestion that the three options in the report should not be considered until there has been yet another review of the role of the registration service, because I do not think that matters are as complicated as you suppose. Perhaps I could set out the position, as I see it, in some detail.

First, I do not understand why you say in your letter that it is impossible to establish the total cost of the local registration service. The cost is already given in Annex 3 of the working party's report. This shows that in 1980-81 the total cost was £20.0 million (we now have a later figure of £21.8 million for 1981-82) and it shows how this was financed by fees paid by the public for weddings and certificates, by rates contributions, rate support grant and payments by OPCS. It is true that individual local authorities have a choice on how much to spend on the standard of accommodation and siting of register offices, and that they can argue about how much of their expenditure was met from rate support grants and how much fell on the local ratepayers; but we still know the total cost to public funds.

You also mention the divided responsibilities of registration officers. The registration officers are accommodated, recruited and paid by the local authorities but their duties are defined by the regulations which are issued by the Registrar General, after approval by the Secretary of State, in conformity with the Marriage and Registration Acts. Since Parliament has decided that the system of birth and death registration and civil marriages should be uniform across the country, it is inevitable that there should be regulations to tell the registration officers what to do. The present arrangement has worked for a long time and it is economical.

E. R.

The only serious alternative to the status quo and the three options in the working party report is the course which was favoured by the previous working party on this subject in 1975-7, namely to bring all the registration officers under direct central government control. This, however, would have increased the number of civil servants and would also have increased total public expenditure, because it would have become necessary for central government to undertake certain tasks (such as the siting and purchase or renting of local accommodation) which can often be done better and more economically by the local authorities. When this proposal was considered the government of the day decided not to pursue it at that time.

My predecessor, in framing the terms of reference of the present working party, ruled out any option which would increase the number of civil servants because he did not think that this would be acceptable. If we were to suggest to the local authorities that central government might take over the registration service, I am sure that many of them would leap at the offer; but it would be highly undesirable to raise their expectations by such a suggestion unless it is a serious possibility. I am bound to say that I had not thought that this would be an acceptable solution.

Assuming that this is ruled out, we are left with the three options given by the working party. You will see that two of them would involve major legislation and I really cannot see that this would be justified. I am therefore proposing to tell the ACC and AMA that, in my judgement though of course subject to further consideration by colleagues if necessary, the practical choice is likely to lie between Option 2 and the status quo and that it would be helpful if they would give me their considered views on these.

As you will gather, I think that there may have been some misunderstanding about the nature of this problem. My predecessor's meeting with the ACC and AMA, which led to the setting up of the working party, was triggered off by the pay dispute in 1981-82 between NALGO and the local authorities. This in turn had grown from a particular cause (the abolition of the registration officers' separate pay scales) which has now been resolved by an arbitration award. There is no reason to expect a recurrence and I therefore think that we need to keep matters in perspective. Changing the whole system would be using a sledgehammer to crack a nut.

For these reasons I should like to see how I get on with the ACC and AMA on 17 October before we consider any further reviews. If the local authorities press very hard for changes beyond Option 2 then a review by the Efficiency Unit might indeed be helpful, but there could be difficulties in this too and we need to consider the problems very carefully before deciding how to proceed.

As you have copied your letter to the Prime Minister, Irwin Bellwin, Grey Gowrie and Robin Ibbs I am copying this reply to them too, though I had not originally intended to trouble colleagues about this matter until after I had met the ACC and AMA and knew whether there was really a problem. I am also sending a copy to Norman Tebbit because of the industrial relations aspects and in particular the question of the right to strike in essential services (see para 20 of the report).

Ever yrs.
John

JOHN PATTEN

GOVT WACH Registration Service
Sept-83



30 SEP 1983



Treasury Chambers, Parliament Street, SW1P 3AG

John Patten Esq MP
Parliamentary Under Secretary
of State for Health
Department of Health and
Social Security
Alexander Fleming House
Elephant and Castle
LONDON SE1 6BY

KBP
his share
WJ
28/9
23 September 1983

John Patten

OPCS: REGISTRATION SERVICE

Attached

My officials have drawn to my attention the report of March 1983 of the Working Party on the Management and Financing of the Registration Service.


I understand that following the General Election, further consideration of the three options identified in the report has been delayed. In my view, one clear point to come out of this report is the confusion of the Registration Service, not only the divided responsibilities of registration officers but the true total cost of the Service seems almost impossible to establish. This problem is no doubt being considered by OPCS in the context of the FMI.

Decisions about the Registration Service can best be taken in the context of a wider assessment of its structure and future role. This the Working Party was not asked to cover. In my view the quickest and most effective way forward would be a scrutiny of the Registration Service under the auspices of the Efficiency Unit. I would welcome Robin Ibbs' reaction to this, as well as your own.

I am copying this letter to the Prime Minister, Irwin Bellwin, Grey Gowrie and Robin Ibbs.

Barney Hayhoe

BARNEY HAYHOE

 IN CONFIDENCE

**MANAGEMENT AND FINANCING OF THE
REGISTRATION SERVICE**

Report of the Working Party

March 1983

IN CONFIDENCE

Working Party on the Management and Financing of the Registration Service

REPORT

Membership and terms of reference

MANAGEMENT OF THE REGISTRATION SERVICE

Background

Legal status of registration officers

Options for a change of status

Consideration of the three options

Attendance at marriages

The right to strike

Consultation with staff associations

FINANCING OF THE REGISTRATION SERVICE

Background

Cost of the local registration service

National or local service

The setting of registration fees

Options for the future

OTHER MATTERS

SUMMARY

- Annex 1 Composition of Working Party
- Annex 2 Disciplinary measures used in local government
- Annex 3 Income and expenditure, local registration service, 1980/81
- Annex 4 Analysis of local authority income
- Annex 5 Current registration fees
- Annex 6 Comparison of marriage fees and costs

March 1983

IN CONFIDENCE

Membership and terms of reference

1 The Working Party on the Management and Financing of the Registration Service, under the chairmanship of the Registrar General, consisted of representatives of the Association of County Councils, the Association of Metropolitan Authorities and the General Register Office (see Annex 1). In addition representatives from the Department of the Environment and HM Treasury attended a discussion on finance.

2 The terms of reference were as follows:

The Working Party will examine critically the existing arrangements for the management and financing of the Registration Service. It will examine both the options that exist for improvements within the present law, and improvements that may be achieved by changing the law. Any solution that involves the absorption of the Registration Service into the Civil Service is specifically excluded.

The Working Party will set out the facts and the options and will report to Ministers by March 1983.

3 The ACC wishes to record regret that the terms of reference specifically excluded the option of absorbing the Registration Service into the Civil Service.

MANAGEMENT OF THE REGISTRATION SERVICE

Background

4 During 1981 and 1982 some registration officers in England and Wales were engaged in an industrial dispute aimed at securing an upgrading of their jobs and thus more pay. They took limited industrial action which included refusing to attend marriages on Saturdays and refusing to send in returns to the Registrar General. During this dispute the local authorities were unable to take the sort of disciplinary action they would have wished because of the peculiar status of registration officers. The dissatisfaction felt by local authorities led the ACC and AMA to take up the matter with Ministers. As a result Mr Finsberg, Parliamentary Under Secretary of State (Health) held a meeting in September 1982 at which it was decided that this Working Party should be set up. The composition of the Working Party was agreed in November 1982 and the first meeting was held in December 1982.

Legal status of registration officers

5 Registration officers are office holders with personal responsibilities under statute for the performance of their statutory duties; they are subject to penalties under the Registration Acts if they fail to perform these duties. Registration officers are appointed and paid by local Councils but work in accordance with the instructions of the Registrar General who alone has the power to dismiss them. They do not work under any contract of employment; their terms and conditions of service are embodied in local schemes made by the appointing local authority and approved by the Secretary of State. In law they are office holders, not employees.

IN CONFIDENCE

6 Throughout this report the term 'registration officer' is used to cover the following grades:

Superintendent registrars	}	Principal officers
Additional superintendent registrars		
Registrars of births and deaths		
Additional registrars		
Registrars of marriages		

and

Deputy officers employed by the principal officer;
an allowance is paid by the Council to reimburse
the principal officer for payment of his deputy.

7 The 'allowance' deputies described above are gradually being phased out in favour of 'designated' deputies, who are appointed on the instructions of the Proper Officer and are paid direct by the Council. They are local government employees covered by the normal local government conditions of service.

8 The system of divided responsibility has been a cause of some dissatisfaction. Registration officers feel aggrieved because they have no clear employer and in effect have no right to strike (because of the statutory penalties that exist). The local authorities feel aggrieved because they have responsibility for the local running of the service but have no effective power to discipline officers if they fail in the performance of their work. The Registrar General has responsibility for the registration service as a whole but must rely on the goodwill of the officers and the local authorities for the day-to-day running of the service; he has no standing on matters of pay which are negotiated by the National Joint Council for Local Authorities' Administrative, Professional, Technical and Clerical Services.

9 The recent industrial action by some registration officers has highlighted the difficulties. The only sanction available to the Registrar General is dismissal. However, it is not a practical proposition to dismiss officers wholesale for working to rule; and in any case the Registrar General was unable to take such action because the officers had not clearly breached the statutes and he might have been open to legal action for unfair dismissal. The power available to local authorities to discipline the officers was far from clear; some local authorities deducted pay from officers who did not carry out their full range of duties, but this action was then challenged by NALGO and is currently being considered by the Courts.

Options for a change of status

10 One way to improve the management of the registration service is to change the status of the officers. The following options were discussed by the Working Party:

Option 1 Registration officers to be made employees of the local authority. This would mean that registration officers would no longer have personal responsibility under the statutes. Either particular local government officers (such as the Proper Officer) or the authorities as such would then become responsible for implementing the regulations which are issued by the Registrar General in accordance with the Marriage and Registration Acts.

IN CONFIDENCE

Option 2 Maintain the statutory position of registration officers but amend the local schemes so that disciplinary powers similar to those that local authorities at present apply to their employees would in future apply also to registration officers.

Option 3 Registration officers to be both employees of the local authority and statutory officers. Thus a statutory officer would retain his personal responsibility under the law but statutory provision would be required to ensure that registration officers would be employees of the local authority.

Consideration of the three options

Option 1

11 It is the primary view of the ACC and AMA that registration officers should become employees of local authorities (option 1). They would then be subject to the usual disciplinary measures which are applied to local government (see Annex 2). Registration would be wholly a function of local government and would be funded on the same basis as other local authority activities. Management of registration officers would then be no less effective than it now is for local government employees.

12 This option has similarities to the system already existing in Scotland. There, officers are appointed, paid and dismissed by the local registration authority, though the Registrar General for Scotland is consulted about dismissals under retirement age. However local government in Scotland is based on a regional structure and the Registrar General for Scotland liaises with only 12 regional authorities. In England and Wales, for registration purposes, there are 117 authorities divided into three types (non-metropolitan county, metropolitan district and London borough).

13 Such a fundamental change in the registration service would entail wholesale changes of primary legislation which could not be effected quickly and would need further detailed consideration.

Option 2

14 Option 2 would not impinge on the central control by the Registrar General of the registration service and would not entail changes in primary legislation. The local scheme which is made by the Local Council with the approval of the Secretary of State already vests in the Proper Officer a power of general supervision. The model scheme could be modified to clarify his powers.

15 It would be for each local Council to make an amendment to its local scheme to put option 2 into effect. It seems likely that some Councils would want to effect the change immediately; others might prefer to include the new article when next the local scheme is being amended; others may decide to make no change. There seems no objection to this piecemeal introduction. The modification to the model scheme would be by way of a new article to the effect that the Council's disciplinary rules and procedures should apply to each principal officer but that in any matter affecting the carrying out of duties imposed by legislation, the Registrar General's agreement to the disciplinary action proposed should be obtained.

IN CONFIDENCE

16 Two points need to be made about the suggested modification. Firstly, registration officers hold office at the pleasure of the Registrar General; he alone has the power to dismiss them and that power cannot be given to local authorities under current legislation. Thus the disciplinary rules and procedures so applied would need to fall short of dismissal, or constructive dismissal, because dismissal is reserved to the Registrar General. If a local authority considered that an officer was unsuitable to remain in post, it would have to advise the Registrar General accordingly and he would then take the final decision on dismissal. Secondly, any disciplinary measures that a local authority wished to take in respect of statutory duties would need to be approved by the Registrar General. (At least in theory there could be a conflict: for example, a local authority might take the view that a registrar was carrying out a duty inadequately while the Registrar General was satisfied that the duty was being performed correctly.) However in all other cases of general conduct such as bad timekeeping, absence without permission, failure to take due care of property or premises together with more serious failings eg falsification of claims, sexual offences, unauthorised removal of property, the local authority would be free to discipline officers without consultation with the Registrar General. The present liaison and cooperation between the local authority and the Registrar General via the local Inspector of Registration would continue.

17 The ACC have suggested that the modification to the scheme might go further, to cover all aspects of conditions of service, but in the time available we have not been able to assess the full ramifications of this suggestion.

Option 3

18 The option of maintaining the statutory position of registration officers while making them employees of the local authority would meet one of the objectives of the Local Authority Associations. In practice the results would be much the same as under Option 2. However the legal position would be more complicated and further consideration of this option, which could not be implemented without changes in primary legislation, would be needed.

Attendance at marriages

19 As mentioned earlier, part of the registration officers' industrial action was to refuse to attend marriages on a Saturday. The law states that an officer must register a marriage which he attends in his official capacity but the legislation does not require an officer to attend. The Registrar General's legal advisers think it is likely that a regulation can be framed to require an officer to attend a marriage within specified times; such a regulation would probably need to be accompanied by an amendment to the schemes.

The right to strike

20 It should be remembered that one of the main reasons why the recent limited industrial action did not turn into a full strike was the statutory system which imposes penalties on officers who fail to carry out their registration duties. If such a system had not existed, the effects of the industrial action could have been far greater. It is the Registrar General's view (and it may be shared by the ACC and AMA) that this safeguard against strikes should not be underestimated. It is a matter for political judgement how far a value can be put on the absence of a right to strike.

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Consultation with staff associations

21 The views of registration officers have not been represented on this Working Party. Consideration would need to be given to consultation with the staff representatives if any modification to the conditions of service is to be proposed.

FINANCING OF THE REGISTRATION SERVICE

Background

22 The registration service was set up in 1837 as a local service. National uniformity was ensured through the register offices being run by statutory officers in accordance with regulations issued by the Registrar General. The officers received no salary but retained the fees paid for their services. When responsibility was transferred from the Board of Guardians to the local authorities under the Local Government Act 1929, it was provided that the service would be financed by the local authorities but that they would pay a salary to the officers and receive in return the fees for the marriage services and the sales of certificates. They would also receive a grant from the Exchequer. The result of the arrangements under the 1929 Act was that about one quarter of the total cost of the local registration services fell on the rates, which is much the same as the proportion today. The income which local authorities receive from central Government has, since 1954, included a consolidated payment from OPCS for services rendered by registration officers to other central Government departments.

Cost of the local registration service

23 The total cost of the local registration service (LRS) for 1980/81 is estimated to be £19,972,000. Estimates of the income and expenditure are at Annex 3. The RSG figure is calculated at national level using the relevant grant percentages published by DOE. Apart from fees and two other minor items the local rates contribution provides the balance of income.

24 Thus, the LRS is financed from three sources - fees and other income, the rate fund and rate support grant. The chart at Annex 4 shows fees, local rates and rate support grant as a proportion of total costs and how the proportions have changed since 1968. (The Public Expenditure and Receipts Act 1968 allowed certain fees embodied in statute to be amended by subordinate legislation; registration fees were reviewed and returned to a realistic level.)

25 The fees charged to the public for the issue of certificates and for services connected with marriage are set down in law. Overall the fees broadly cover the expenditure on these two items taken together, with the loss on marriages being covered by a profit on the sale of certificates.

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26 Using the notional calculation of RSG paid in support of the LRS, it is estimated that over the country as a whole about one-third of the total cost of the service is met by the Exchequer and about one quarter is met from the rate fund. However, those proportions will vary significantly between authorities. How money is spent between services is the responsibility of each authority and indeed the services on which the RSG is spent cannot be identified within each area. It should also be noted that not all authorities receive rate support grant.

27 In addition to these three main items of income, local authorities receive from OPCS a payment designed to cover specific services for other central government departments which are performed by registration officers in the course of their registration work. The full cost of these services, which cover a range of items (eg the notification of deaths of teachers to HM Paymaster General) is repaid annually to local councils; the payment is based upon a unit fee per event registered, currently set at 42p per event. The Registrar General also provides registration officers with all statutory forms and certificates.

National or local service

28 The network of register offices was set up primarily to provide a service to the public in their locality. Thus facilities for marriage, other than the Established Church procedures, were introduced; and the establishment of statutory registration of births, deaths and marriages provided a legal record of events for personal and archival use. All the original registers are retained locally in the register offices provided by the local authorities.

29 The actual registration of events (births, deaths and marriages) must be performed free of charge by specific provision of the Registration Acts and, together with duties concerned with preparation of quarterly copies used for the accumulation of the central records at GRO, accounts for 63% of the total cost of the LRS.

30 It is a matter for political judgement how much of the non-recoverable cost should be met by central government and this depends on a judgement as to the extent of true local discretion. The main aim of the ACC is to minimise the contribution from the local rates because, in their view, this is essentially a national service which happens to be administered by local authorities under the control of the Registrar General. They take the view that unless registration is made, wholly, a function of local government, then a larger proportion of the costs of the LRS should be met from central government funds or from the fees paid by the public. The AMA, however, might oppose a proposal to make large increases in marriage fees simply in order to reduce the local rates contribution. From the point of view of central government, it is difficult to reconcile a view that no contribution should come from local rates with the way in which the service is organised locally; the location of offices and standard of accommodation provided, the staffing and related expenditure are all matters for the local authorities, and their decisions will be influenced by local opinion made through local political representatives. The service must be controlled nationally for the sake of uniformity within the bounds of legislation, but local choice in the amenities cannot reasonably be granted unless local authorities bear at least a proportion of the costs. The ACC would say that local choice is illusory;

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schemes require the approval of the Secretary of State and the way in which the service is performed and its content is closely controlled by legislation. On the other hand, GRO believe that the effects of local choice are self evident.

31 The management consultants Messrs Coopers and Lybrand, in their report 'Service provision and pricing in Local Government', commented on the Essex registration service that 'We do not see why this service should be a charge on the rates. It should be possible to devise a scale of charges so that the registration service breaks even, taking the country as a whole.' It should be noted, however, that the present Registration Acts specifically forbid the charging of fees for registration itself, as distinct from marriages and the sale of certificates.

The setting of registration fees

32 The fees paid by the public for the issue of certificates and for services connected with marriage, which are set down in law, are amended by the laying of an Order made by the Secretary of State for Social Services under the provisions of the Public Expenditure and Receipts Act 1968. Section 5 of this Act requires the fees for a particular service to be set to recover as nearly as possible the full costs of providing the service. Current fees are shown at Annex 5.

33 Present policy is that the fees for similar services should be the same throughout the country. The statutory fees relating to the issue of certificates from the local records are therefore the same as those charged for certificates, issued on a personal application, from the records held centrally at GRO. The fees for certificates issued at the time of registration are lower, however, because the cost of providing this service is lower. The current approach is aimed at measuring the total national cost of providing the fee-bearing services and setting the fees so that the overall cost is fully recovered by the overall revenue.

34 Wherever possible the fees set for England and Wales are coordinated with those in Scotland. In recent years, where changes have been made annually and the method of constructing the fees account has been made more complicated, the parliamentary timetable required to bring fees into effect has precluded any adequate consultation with the local authorities and other interested parties.

35 The fees charged for the issue of certificates produce a net profit locally whereas the fees charged in connection with marriage result in a net loss. The ACC recognise that the current level of fees for certificates is approaching the maximum that the market will bear but contend that further increases in marriage fees should be contemplated in order to provide additional revenue to local authorities. (Income from marriage fees as a proportion of total expenditure has fallen since 1979/80, from 20% in that year to 18% in 1980/81.) The AMA might not support this ACC view. It should also be borne in mind that Ministerial policy in the past has been averse to increasing marriage fees to a level that might discourage people, especially the young, from marrying altogether.

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36 The table at Annex 6 shows the relative changes of marriage fees and costs (as measured by the Index of Average Earnings). The level of marriage fees has more than kept pace with the level of costs, as measured from 1968 when the Public Expenditure and Receipts Act came into force.

Options for the future

37 The ACC have suggested that each local authority should have the discretion to set its own charges for marriages since the standard of marriage rooms is an area where true local discretion exists. However members of the AMA would probably not wish to see local variations in charges for what is a necessary service. Legal advice is that the Public Expenditure and Receipts Act 1968 would not allow different fees to be paid for the same service in different areas; neither does it allow for a minimum fee to be set nationally in order that local authorities may charge above that minimum. Changes in primary legislation would therefore be needed to implement the ACC proposal.

38 The ACC have pointed out that a discretion in the level of marriage fees would not necessarily mean that every local authority would choose to increase fees in order to reduce the rates contribution. It is accepted local government policy that the allocation of expenditure among the various services and the fixing of discretionary fee levels is strictly a matter for local decision. Moreover such additional revenue, by reducing the net expenditure, may result in a further diminution of the RSG block grant. Each local authority could make its own decision in the light of its own circumstances and policies towards the registration service.

39 Provisional figures from the Department of the Environment indicate that the forthcoming Rate Support Grant payment will cover 53% (notional figure) of net local authority expenditure. This represents a marked fall compared with current figures, and if other factors remain constant this will lead to an increase in the contribution to be made by local rates towards the cost of the registration service. If the local rates contribution is to be reduced or even maintained at the current level, then either the fees paid by the public will need to be increased (but see paragraphs 30 and 35) or the OPCS payment, made to cover specific services to central government, will have to be increased. This is a matter for Ministers to decide.

OTHER MATTERS

40 During the course of the Working Party meetings, a number of issues were raised which could not be given appropriate consideration because of the time constraints imposed by the terms of reference. It was agreed that liaison between the ACC, the AMA and the GRO should be continued in the future. The following items in particular were recommended for further discussion.

- (1) New technology
- (2) Location of marriage rooms
- (3) Administrative duties and allowances for SRs
- (4) Local accommodation

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SUMMARY

41 Ministers are invited to consider:

(a) whether one or more of the three options set out in paragraph 10 should be pursued further

(b) whether the share of the local authority contribution to the costs of the registration service should be reduced, either by increasing the marriage fees, or by increasing the OPCS payment on behalf of central government, or in any other way.

COMPOSITION OF WORKING PARTY

Chairman

Mr A R Thatcher, Registrar General

Association of County Councils

Mr C Grenyer
Mr A V du Sautoy
Mr R C Sawtell

Association of Metropolitan Authorities

Mr A G Gronow

General Register Office

Mr S C Boxer
Mr G P Barnes
Mr J V Ribbins
Mr P Gibson
Mr W Jenkins

Mr R A Sanders, Legal Adviser

Secretary

Miss D M Pace, General Register Office

In addition Mr N Digance, Department of the Environment and Mr E Yeo, HM Treasury attended discussions on Finance.

DISCIPLINARY MEASURES IN LOCAL GOVERNMENT

The disciplinary measures most commonly used in local government are:

1. Warnings - oral and written
2. Suspensions - with or without pay

Suspension with pay is normally used in the case of serious matters where it would be an hindrance or embarrassment to have the member of staff on the premises while investigations were carried out.

Suspensions without pay are much more rare. They would not be appropriate during the investigation stage of an offence unless an employee had been caught so red handed in a serious criminal matter as to make it blatantly obvious that he was about to be dismissed. Apart from this a suspension without pay amounts to a fine or a salary deduction and these are not commonly used in Local Government at the present time.

3. Stoppage of Increments

This is always available to the employer where he is dissatisfied with an employee's progress but it is, of course, a sanction that can only be used during the early years of an employee's service being useless once he has reached his maximum

4. Transfer to another post
5. Dismissal

The procedures involved (including appeals) are usually set out in a Code of Practice and apply to all employees of the local authority.

LOCAL REGISTRATION SERVICE
ESTIMATES OF LOCAL AUTHORITIES EXPENDITURE AND INCOME FOR
1980-81

<u>EXPENDITURE</u>	<u>£000</u>	<u>INCOME</u>	<u>£000</u>
Marriage Services	4,538	Fees from Weddings	3,499
Certificate Issue	2,792	Fees from Certificates	4,070
Registration of Births, Deaths and Marriages	10,665	Rates contribution	4,577
Quarterly Copies (Preparation and checking: Collection from Churches)	1,977	Rate Support Grant	7,158
		OPCS Payment (for services for other government departments)	431
		Stationery and Printing supplied by OPCS	237
	<hr/>		<hr/>
TOTAL	19,972*	TOTAL	19,972
	<hr/>		<hr/>

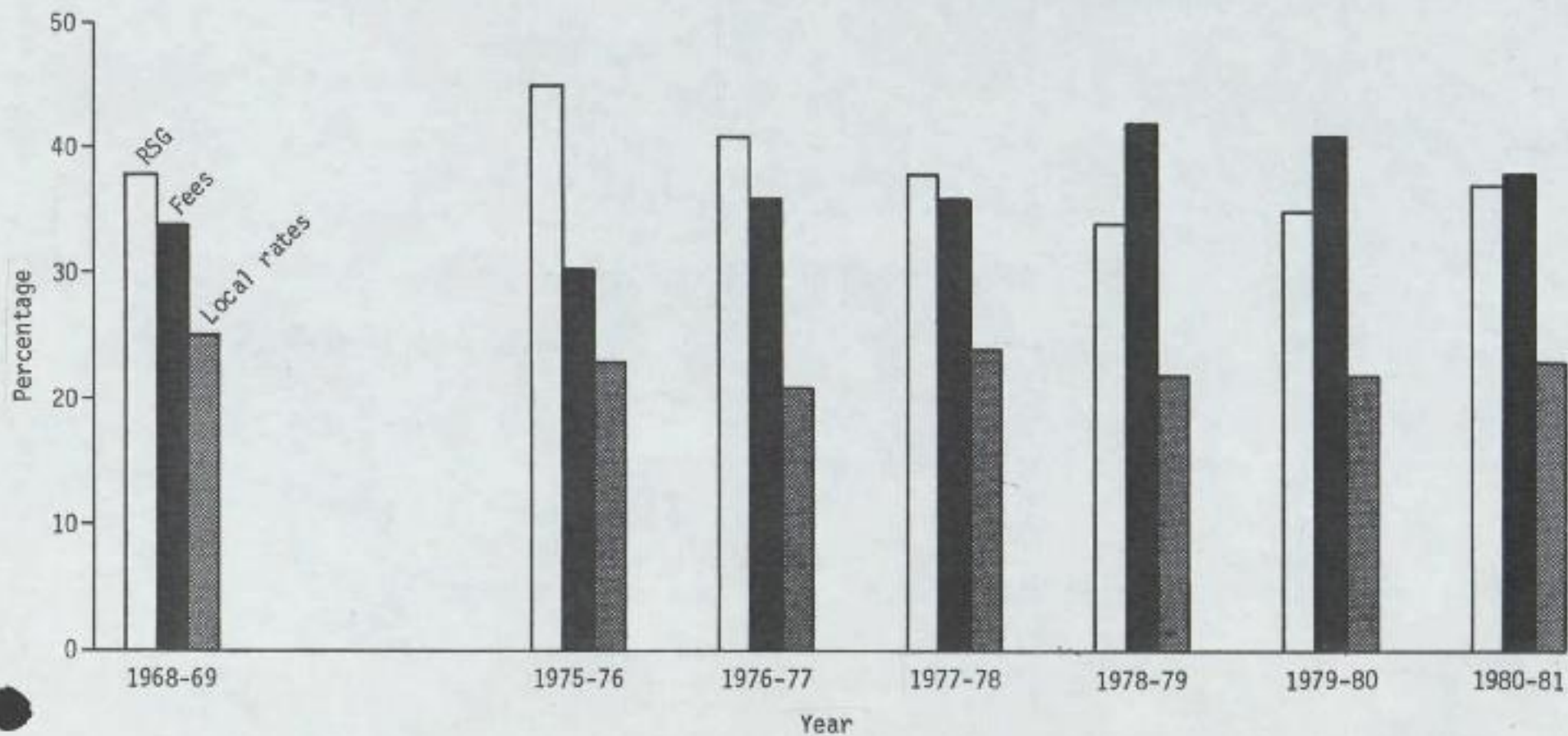
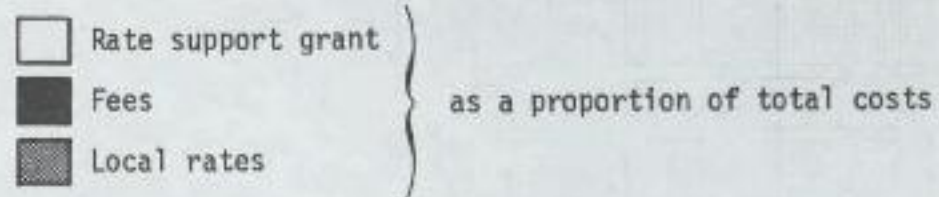
*Expenditure derived from:

	<u>£000</u>	
Salaries	11,656	
Superannuation	699	
Employers NI	<u>1,166</u>	13,521
Running expenses	6,034	
Stationery and Printing	237	
Other costs	180	
	<hr/>	
TOTAL	19,972	
	<hr/>	

Based on latest information supplied from DOE

Finance Branch
OPCS
16 August 1982

Analysis of Local Authority Income



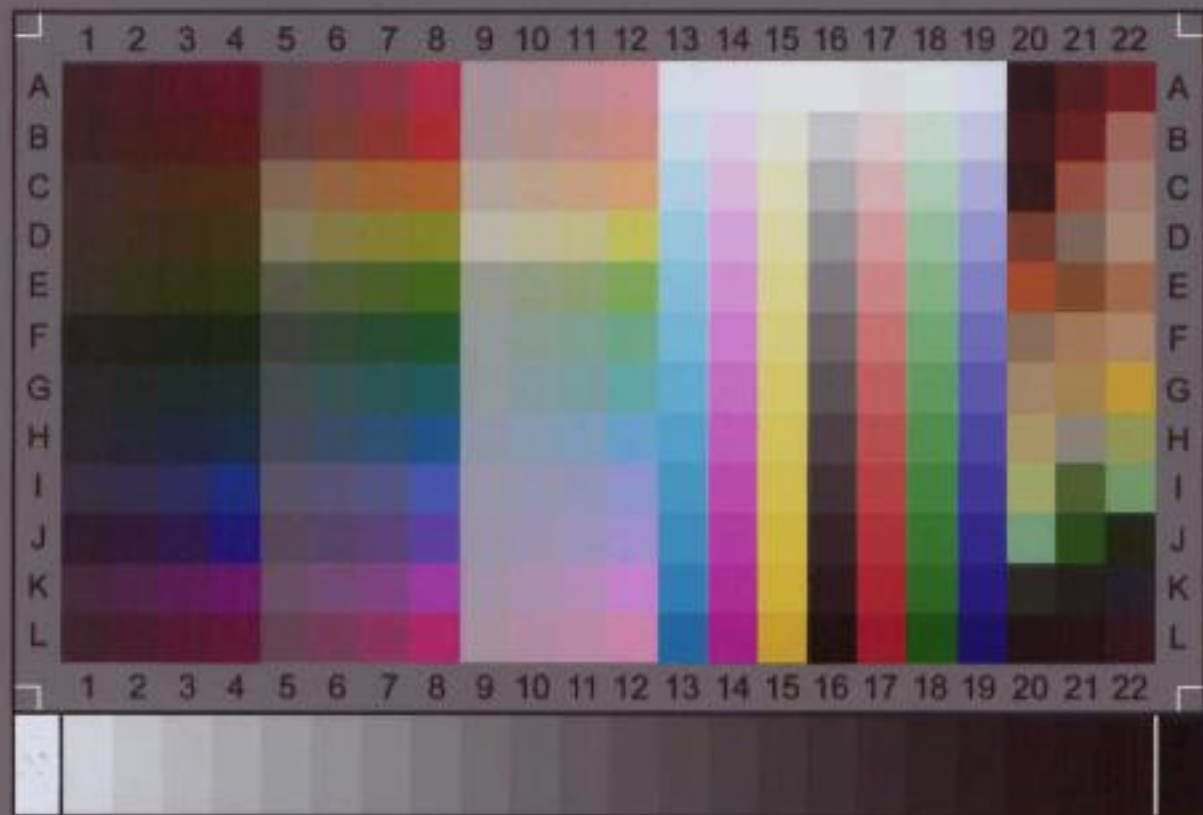
COMPARISON OF MARRIAGE FEES*AND COSTS

	Actual marriage fee (£)		Index of Average Earnings 1968=100	Marriage Fee Index 1968=100		Theoretical Marriage fee (£) if kept in line with Earnings	
	Minimum	Maximum		Minimum	Maximum	Min	Max
	(1)	(2)	(3)	(4)	(5)	(6)	(7)
1 Oct 1968	1.75	4.00	100	100	100	1.75	4.00
1 Oct 1972	2.50	7.50	152	143	188	2.70	6.10
1 Oct 1975	5.00	13.00	261	286	325	4.60	10.40
1 Jan 1978	8.00	20.00	349	457	500	6.10	14.00
1 April 1979	9.50	23.50	415	543	588	7.30	16.60
1 July 1980	11.50	30.50	532	657	763	9.30	21.30
1 July 1981	13.50	36.50	597	771	913	10.45	23.90
1 July 1982	16.00	43.00	662	914	1075	11.60	26.50

*Marriage Fees

Minimum = Marriage by certificate, one notice (register office, post 1979)

Maximum = Marriage by Licence (registered building, post 1979)



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