POLICY NOTE

THE CORONAVIRUS (RECOVERY AND REFORM) (SCOTLAND) ACT 2022 (COMMENCEMENT NO. 2) REGULATIONS 2023.

SSI 2023/3 (C. 1)

The above instrument was made in exercise of the powers conferred by section 59(4) of the Coronavirus (Recovery and Reform) (Scotland) Act 2022**.** The instrument is laid in the Scottish Parliament in accordance with section 30 of the Interpretation and Legislative Reform (Scotland) Act 2010.

Summary Box

This SSI commences sections 28 and 29 of the Coronavirus (Recovery and Reform) (Scotland) Act 2022 ("the 2022 Act")[1], which are the remaining sections of that Act to be commenced.

Section 28 makes provision to ensure that regulations made by the Registrar General for Scotland under the Registration of Births, Deaths and Marriages (Scotland) Act 1965 ("the 1965 Act")[2] may make different provision for different cases or circumstances.

Section 29 makes provision so that the civil partnership register may, if the Registrar General so determines, be electronic rather than paper based.

Policy Objectives

These commencements help implement a project known as "Calling in the Register Pages". This project is being carried out by National Records of Scotland ("NRS") with local authority registrars. It is aimed at ensuring that registers of life events (i.e. births, deaths, still births, marriages, civil partnerships and the Register of Corrections Etc.[3]) can be held electronically rather than on paper. The project also aims to remove requirements for signatures on the registers to be traditional "wet" manual signatures, to help with the move towards electronic registers.

This SSI commences sections 28 and 29 of the 2022 Act.

Section 28 makes provision to ensure that regulations made by the Registrar General for Scotland under the 1965 Act may make different provision for different cases or circumstances. That is already the case for the marriage register. The ability to make different provision for different cases or circumstances will help to future proof the legislation. In the future, there may need to be different formats for birth registration forms and death registration forms within the registers, depending on whether the forms are electronic or are manually signed and scanned into the electronic register.

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[1] Coronavirus (Recovery and Reform) (Scotland) Act 2022 (legislation.gov.uk)
[2] Registration of Births, Deaths and Marriages (Scotland) Act 1965 (legislation.gov.uk)
[3] Information on the Register of Corrections Etc. is at: Register of Corrected Entries (now the Register of Corrections Etc) | National Records of Scotland (nrscotland.gov.uk)

Section 29 provides that a civil partnership register may, if the Registrar General so determines, be electronic rather than paper based. There is existing provision at section 32(1A) of the 1965 Act[4] that registers of births, still births, deaths, and marriages and the Register of Corrections Etc. may, if the Registrar General so determines, be electronic rather than paper based. Section 29 extends that to the civil partnership register. The Registrar General intends to determine that all of these registers will be electronic rather than paper based.

Consultation

The Scottish Government held a 12-week public consultation on the Bill which led to the 2022 Act between 17 August and 9 November 2021[5]. This consultation did not include the Calling in the Register Pages project. However, paragraph 37 of the Policy Memorandum for the Bill noted that the Scottish Government might lodge amendments at Stage 2 about the project and this was duly done[6].

Impact Assessments

No Impact Assessments have been prepared specifically for this SSI. However, the Scottish Government carried out a number of Impact Assessments for the Bill for the Coronavirus (Recovery and Reform) (Scotland) Act 2022[7]. NRS are carrying out a Data Protection Impact Assessment (DPIA) for the Calling in the Register Pages project and this DPIA will be published once the project is implemented.

Financial Effects

No significant costs are expected to arise as a consequence of this SSI. In the longer term, savings may accrue from the Calling in the Register Pages project generally as it will reduce the need to transport and store paper records.

Scottish Government
Justice Directorate

January 2023

[4] Section 32(1A) of the 1965 Act is at: Registration of Births, Deaths and Marriages (Scotland) Act 1965 (legislation.gov.uk)
[5] The consultation is at Covid recovery: a consultation on public health, public services and justice system reforms - Scottish Government - Citizen Space
[6] The Policy Memorandum for the Bill is at Policy memorandum (parliament.scot)
[7] The Impact Assessments for the Bill are available at Coronavirus (COVID-19) legislation - gov.scot (www.gov.scot)