POLICY NOTE

THE REGISTRATION OF BIRTHS, STILL-BIRTHS, DEATHS AND MARRIAGES (PRESCRIPTION OF FORMS) (SCOTLAND) AMENDMENT REGULATIONS 2023

SSI 2023/4

The above instrument was made in exercise of the powers conferred by sections 44(4) and 54(1)(b) of the Registration of Births, Deaths and Marriages (Scotland) Act 1965. 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 makes minor adjustments to the form of an insertion in the Register of Corrections Etc. as a consequence of the register being held electronically in future.

Policy Objectives

This SSI relates to 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. The project is aimed at ensuring that registers of life events (i.e. births, deaths, still births, marriages, civil partnerships and the Register of Corrections Etc.) can be held electronically rather than on paper.

This SSI relates specifically to the Register of Corrections Etc. ("RCE"). Original entries in the registers of life events cannot be altered but sometimes an error is noted or additional information comes to light. These amendments are recorded in the RCE.[1]

The Registrar General has powers in section 32(1A) of the Registration of Births, Deaths and Marriages (Scotland) Act 1965[2] to determine that the RCE, and other registers, be held electronically rather than be paper-based[3]. The Registrar General is using these powers and, as a result, NRS have considered that the form of an insertion in the RCE needs to be changed.

The current form of an insertion in the RCE is prescribed in schedule 25 of the Registration of Births, Still-births, Deaths and Marriages (Prescription of Forms) (Scotland) Regulations 1997 (SI 1997/2348) ("the 1997 Regulations")[4]. At the bottom of this form, there is a note saying "This page is to be placed in the binder provided and carefully preserved". This reflects arrangements for a paper-based register and is no longer appropriate now the register will be held electronically. As a consequence, this SSI removes this note.

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[1] Information on the RCE is at: Register of Corrected Entries (now the Register of Corrections Etc) | National Records of Scotland (nrscotland.gov.uk)

[2] Registration of Births, Deaths and Marriages (Scotland) Act 1965 (legislation.gov.uk)

[3] Section 29 of the Coronavirus (Recovery and Reform) (Scotland) Act 2022 (legislation.gov.uk) extends powers to determine that registers be held electronically to cover the civil partnership register as well. Section 29 is being commenced by the Coronavirus (Recovery and Reform) (Scotland) Act 2022 (Commencement No. 2) Regulations 2023, which are currently being made and laid.

[4] The Registration of Births, Still-births, Deaths and Marriages (Prescription of Forms) (Scotland) Regulations 1997 (legislation.gov.uk). The original version of these Regulations has subsequently been amended.

The opportunity has also been taken to remove at the bottom of the form prescribed in schedule 25 of the 1997 Regulations an outdated reference to "General Register Office" and replace it with "National Records of Scotland".

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, 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.

National Records of Scotland
January 2023

[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)