

**CORPORATE AFFAIRS COMMITTEE**

**8 FEBRUARY 2006**

**REGISTRATION MODERNISATION: BIRTHS, DEATHS, MARRIAGES  
IN MIDDLESBROUGH**

**RICHARD LONG, DIRECTOR OF LEGAL & DEMOCRATIC SERVICES**

**1. PURPOSE OF THE REPORT**

This report is to inform members of the Government's position and consultation paper on the delivery of the local registration service in England and Wales. Responses are sought by the Government by 20<sup>th</sup> February 2006.

**2. RECOMMENDATIONS**

Members are asked to agree:-

- a) to the proposal regarding a revised legal framework, which will give greater ownership of, and responsibility for the delivery of the registration service.
- b) the responses as outlined in paragraph 5.

**3. BACKGROUND**

3.1 The registration service in England and Wales has its roots in Victorian legislation. The most recent consolidating legislation, which organises the service, is the Births and Deaths Registration Service Act 1953. The Act requires the Council to agree to a Scheme, which is a statutory instrument effectively determined by the Registrar General for England and Wales. The Scheme provides for a number of statutory officers deemed sufficient for a minimum service delivery. These officers are not in the employment of the Council, and are directed in their duties by the Registrar General. The Council is obliged to pay operational costs – accommodation and salaries. Those costs are offset by 50%, by the receipt of statutory fees from customers.

3.2 For twenty years, successive governments and local authority organisations have criticised the present structure. The demands and challenges for public service

provision have changed substantially, the registration service by no means being an exception, and the current arrangements have been an obstacle to appropriate modernisation. There has been a consensus for many years that the service should be transferred to local authorities; that registration officers should become Council employees, with a proper management structure; that this modernisation process should consequently encourage flexibility, entrepreneurship and imaginative service delivery.

- 3.3 The principal barrier to change has been the lack of opportunity allocated to Ministers to lay these proposals before Parliament. During 2004 considerable effort was made, following extensive consultation, to effect changes using the Regulatory Reform Act 2000. Two Orders were prepared, the first for structural change, and for births and deaths legislation, the second for marriage and records. The first Order failed, on the grounds of scope and complexity; the second has been consequently set aside.
- 3.4 The Government has been formulating its strategy following this failure. Its first tactic is to revise the interpretation of the Registration Service Act. If local authorities are in agreement, the new interpretation will come into effect later in 2006. For all districts, this will mean that a nominal Superintendent Registrar and Registrar will be in place, with all remaining officers becoming deputies. In practice, all staff will become subject directly to the management of the authority. The Council will have a much larger role in the service provision, and a new management structure will underpin improvements in service delivery.
- 3.5 Registration officers will no longer be subject to individual technical inspection and audit by the Registrar General. Local authorities' performance will be monitored in the context of a prescribed Code of Practice.
- 3.6 The Government has also supported a Private Member's Bill by Bryan Iddon MP, which proposes the transfer totally of registration officers to the local authority. This Bill is currently experiencing a difficult passage.
- 3.7 Attached to this report are Annexes 1 to 3 of the Consultation document.

#### **4. IMPLICATIONS FOR THE REGISTRATION SERVICE IN MIDDLESBROUGH**

- 4.1 Consideration will need to be given to a new staffing structure, contracts of employment and job descriptions.
- 4.2 The pressure for a review of the service has been in place for some time due to a number of factors: the increasing workload of statutory duties, particularly certificate issue; the designation of Middlesbrough as a regional centre for certain marriage preliminaries; and the of the registration service in respect of civil partnership, a duty allocated to local authorities in December 2005.
- 4.3 The Superintendent Registrar for Middlesbrough has put forward a range of new and improved customer services, which he would like to pursue in the near and medium term.
- 4.4 The Superintendent Registrar and the Head of Legal and Democratic Services are currently consulting on a business plan in this respect.

## 5. QUESTIONS FOR CONSULTATION

Q1. *Do you agree that a new governance framework is needed for the delivery of the local registration service?*

A1. Members are recommended to reply yes.

Q2. *Do you agree with the proposed revised framework?*

A2. Members are recommended to reply yes.

Q3. *Do you have any comments on the code of practice or draft model scheme?*

A3. Members are recommended to reply no.

Q4. *Do you have any other comments or views on this subject?*

A4. Members are recommended to request that the Government seeks an alternative legislative route to achieve the objectives of Mr Iddon's Bill.

Q5. *Authorities who "sign up" to the new model scheme and code of practice will benefit from the new governance arrangements. In principle would you wish your authority to do so?*

A5. Members are recommended to reply yes.

*If yes, please give an approximate date (no earlier than July 2006) when you would wish such a scheme change to take effect?*

Members are recommended to reply that they would wish such a scheme to take effect by July 2006.

**R G Long**  
**Director of Legal & Democratic Services**

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## BACKGROUND PAPERS

Background papers: Registration Modernisation – Consultation document