



AN BILLE UM CHLÁRÚ SIBHIALTA 2003
CIVIL REGISTRATION BILL 2003

EXPLANATORY MEMORANDUM

Introduction

The Civil Registration Bill 2003 provides for the reorganisation, modernisation and naming of the system of registration of births, stillbirths, adoptions, marriages and deaths to be known as the Civil Registration Service or, in the Irish language, an tSeirbhís um Chlárú Sibhialta. It also provides for the extension of the system to decrees of divorce and decrees of nullity of marriage granted by the courts. This Bill will underpin the development of a modern service that responds to the needs of modern society.

Civil registration is concerned with the recording of all life events — births, stillbirths, adoptions, marriages, deaths — which occur in the State and therefore plays a vital role in society. There are approximately 111,000 events registered, 500,000 certificates produced and 1.2 million searches/enquiries carried out each year.

Civil registration records form a basic, continuous source of information about the population. Apart from providing a record of vital events in relation to persons living in the State, these records also:

- satisfy the need for evidence which has a bearing on rights, entitlements, liabilities, status and nationality;
- are used with other data sources for many purposes — the planning of schools, hospitals and housing and for medical research into the causes of and prevention of disease;
- provide a rich source of information for people tracing their family history and compiling ‘family trees’.

The present system for civil registration was set down over 150 years ago. While the registration procedures have remained largely unchanged since first introduced, there have been significant changes in society, developments in technology and in people’s expectations in their dealings with public services.

The main objectives of the Bill are to:

- rationalise the procedures for registering births, stillbirths and deaths;
- give an tArd-Chláraitheoir responsibility for the overall policy for the Civil Registration Service, including maintaining standards of service;

- assign responsibility for the management, control and administration of the Civil Registration Service at local level to health boards;
- streamline the existing procedures governing the registration of adoptions;
- establish new registers of divorce and nullity of marriage;
- reform the procedures governing the registration of marriages.

The Bill contains 8 parts

Part 1 (Sections 1 to 6) contains the usual provisions for short title, definitions and commencement.

Part 2 (Sections 7 to 17) outlines the organisational structure for the administration of the new Civil Registration Service.

Part 3 (Sections 18 to 30) deals with the registration of births and stillbirths.

Part 4 (Sections 31 to 35) provides for the introduction of a single register of adoptions including foreign adoptions.

Part 5 (Sections 36 to 44) outlines the arrangements for the registration of deaths.

Part 6 (Sections 45 to 50) provides for a number of reforms to the existing procedures for the notification and registration of marriages.

Part 7 (Section 51) provides for the registration of decrees of divorce and decrees of nullity of marriage.

Part 8 (Sections 52 to 65) includes a number of miscellaneous provisions dealing with the introduction of an appeals mechanism, searches of the registers, the corrections and cancellation of entries in the registers, the giving of information to specified Departments and Agencies, the payment of fees by the public, the prosecution of offences, penalties and the collection of statistical data on life events.

PART 1

PRELIMINARY AND GENERAL

(Sections 1 — 6)

This Part is concerned with the provisions for the short title, commencement of the Act, definitions, regulations, transitional provisions and expenses of the Ministers for Health and Children and Finance.

Section 1 provides for the short title and commencement of the Bill. It is intended that the new registration provisions will be brought into effect on different dates.

Section 2 contains the definition of key terms used in the Bill.

Section 3 contains standard provisions for the making of regulations by the Minister for Health and Children.

Section 4 provides for the repeal of certain provisions of the current law i.e. the Births and Deaths (Registration) Acts 1863 to 1996 and the Marriage Acts 1844 to 1972.

Section 5 contains a number of transitional provisions to facilitate the introduction of the new civil registration system.

Section 6 provides for the expenses of the Minister for Health and Children and the Minister for Finance in the administration of the Bill.

PART 2

ADMINISTRATION

(Sections 7 — 17)

This Part outlines the organisational structure for the administration of the new Civil Registration Service.

Section 7 provides for the continuation of the existing office of an tArd-Chláraitheoir to be renamed the office of an tArd-Chláraitheoir an tSeirbhís um Chlárú Sibhialta. An tArd-Chláraitheoir shall be appointed by the Minister for Health and Children from one of his or her officers for a fixed period of 7 years and may be re-appointed for a further period.

Section 8 outlines the main functions of an tArd-Chláraitheoir. These include being responsible for the management of the Civil Registration Service, monitoring its operation, maintaining registers and indexes of registers, advising the Minister for Health and Children on matters which help maintain the efficiency of the service, publishing guidelines on the operation of the service for registrars and initiating proceedings for offences under the Act. The current office holder may continue to act in that capacity following the commencement of the Act.

The Minister for Health and Children may also make regulations conferring on an tArd-Chláraitheoir additional functions to those outlined in this Section.

An tArd-Chláraitheoir will act independently in the performance of his or her duties and he or she will do what is necessary or expedient in order to perform his or her functions under the Act and delegate his or her functions, as appropriate, to any officer of Oifig an Ard-Chláraitheora.

Section 9 provides for the appointment, by the Minister for Health and Children, of an tArd-Chláraitheoir Cúnta from among his or her officers who shall be subject to the general control of an tArd-Chláraitheoir. The current office holder may continue to act in that capacity following the commencement of the Act.

Section 10 deals with the appointment, by the Minister for Health and Children, with the consent of the Minister for Finance, of staff of an tArd-Chláraitheoir. It also provides for the continuance in office of the current staff of the office.

Section 11 provides for an annual report on the Civil Registration Service to be prepared by an tArd-Chláraitheoir and submitted to the Minister for Health and Children. This report shall contain such information as the Minister directs and it shall be laid before the

Houses of the Oireachtas. The Minister may also request that an tArd-Chláraitheoir prepare other reports concerning the Civil Registration Service.

Section 12 provides for the continuation of Oifig an Ard-Chláraitheora established under the Marriages (Ireland) Act 1844 and the Registration of Births and Deaths (Ireland) Act 1863. It also provides that any registers maintained by an tArd-Chláraitheoir be kept at Oifig an Ard-Chláraitheora and that that office provide itself with a seal.

Section 13 provides for the maintenance of registers of births, stillbirths, adoptions, deaths, marriages and for the introduction of new registers of decrees of divorce and decrees of nullity of marriage. New electronic registers will replace the existing paper-based registers used by registrars in registering life-events. All future life-events will be registered on a national life-event database. *Subsection (2)* provides that the existing registers of births, stillbirths, adoptions, deaths and marriages will form part of the new registers. *Subsection (4)* provides that evidence of an entry in a register may be given on production of a legible copy of an entry duly certified by an tArd-Chláraitheoir, an authorised officer of Oifig an Ard-Chláraitheora or a local registration authority, a Superintendent Registrar or a registrar.

Section 14 requires each local registration authority to submit to the Minister for Health and Children for approval, a formal “scheme” setting out in detail the structure of the Civil Registration Service within its area. The scheme will outline the number of registrars and other staff required for the administration of the service, the terms and conditions of their employment, the location of offices in its area and arrangements for the delivery of services to the public. Any changes to the local service structure will require a formal amendment of the scheme.

The Minister for Health and Children may approve, refuse or recommend an amendment to a scheme or provide for a scheme to be reviewed by him or her. Once a scheme is approved, the authority’s functions shall be performed in accordance with the provisions of the scheme from the date the scheme comes into operation.

Section 15 provides for the establishment of local registration authorities for the administration of the Civil Registration Service at local level and that the health boards will be these authorities. Each local registration authority shall operate under the management and control of an tArd-Chláraitheoir and shall administer the service in its functional area through the Superintendent Registrar appointed by the authority. It shall also comply with a direction of an tArd-Chláraitheoir in relation to the expenditure, management and control of the service in its functional area. In addition, local registration authorities must submit annual estimates of income and expenditure as well as audited accounts to the Minister for Health and Children.

Under existing legislation, health boards act as superintendent registrars and are responsible for the appointment of local registrars. Accordingly, they have local responsibility for the registration of births, stillbirths, deaths and Roman Catholic marriages. The registration of all other marriages is the responsibility of civil registrars who operate under the general direction of an tArd-Chláraitheoir and are appointed by the Minister for Health and Children. The majority of registrars are health board employees but there are a number of private registrars.

Section 16 provides for the prior approval of an tArd-Chláraitheoir and the Minister for Health and Children for any expenditure by an authority and that where an authority's expenditure exceeds income the Minister may, with the consent of the Minister for Finance, make a grant to the authority to meet the shortfall in expenditure. It also includes standard provisions relating to the preparation of audited accounts.

Section 17 deals with the appointment of staff of local registration authorities. An authority shall have powers to appoint a chief officer to be known as the Superintendent Registrar and such number of registrars and other officers as it considers necessary for the administration of the Civil Registration Service in its area. The main function of the Superintendent Registrar under *subsection (3)* is to manage and administer the service on behalf of and subject to the direction and control of the authority. The registrars appointed under this section shall be responsible for the registration of births, stillbirths, marriages and deaths within the functional area of the authority and shall be subject to the control of the Superintendent Registrar.

Subsection (10) provides for the appointment by an authority of authorised officers to perform certain specified functions under the Act, (e.g. provision of certificates).

PART 3

REGISTRATION OF BIRTHS AND STILLBIRTHS

(*Sections 18 — 30*)

This Part deals with the registration of births and stillbirths.

Section 18 defines the word 'register' to mean the register of births or the register of stillbirths.

Section 19 provides for the registration of all births in the State by a registrar of any local registration authority. The present restriction on the registration of events which occur in a particular geographic area to a specified office, which was necessary in a system based on manuscript registers, is being abolished. Persons will be able to register births and stillbirths at a convenient office, thus making the best use of the technology.

Existing legislation specifies precisely which persons have a duty to give information to a registrar about a particular birth. These persons are known as "qualified informants". The primary duty for registering a birth shall continue to rest with the parents. This Section also lists other qualified informants including a person present at the birth or an authorised member of hospital staff. The qualified informant(s) will be required to register the birth within three months and sign the register in the presence of the registrar. The existing time limit is 42 days. This Section replaces the provisions of section 1 of the Births and Deaths Registration Act (Ireland), 1880.

Section 20 provides that births registered after 12 months require the written consent of the Superintendent Registrar. This authority is currently vested in an tArd-Chláraitheoir under section 5 of the Births and Deaths Registration Act (Ireland), 1880.

Section 21 requires a person finding an abandoned newborn child or a person put in charge of such a child to register the birth within three months of the finding of the child. This Section replaces the provision contained in section 3 of the Births and Deaths Registration Act (Ireland), 1880.

Section 22 sets out the procedural formalities for the registration of a father's details where the parents of a child are not married to each other or were not married to each other ten months prior to the date of birth of the child. These procedures are currently set out in section 7 of the Births and Deaths Registration Act (Ireland), 1880 (as amended by section 49 of the Status of Children Act 1987). *Subsection (4)* allows the registrar to notify the other person concerned of a request for such a registration being made on foot of a court maintenance order. *Subsection (6)* provides for the same procedural formalities for recording the father's name in the case of a stillbirth.

Sections 23 and 24 provide for the re-registration of a birth to allow for the entry of paternity details in certain circumstances. At present, there are two types of re-registration allowed under the Acts. The first type of re-registration provides for the situation where the child's parents are not married to each other and the child's father is not shown on the original register entry. In this case the birth can be re-registered to add paternity details under *section 23*. *Subsection (8)* provides for the same procedural formalities in the case of a stillbirth.

The second type of re-registration is currently provided for in the Legitimacy Act 1931 which requires the parents of a child legitimated by his or her parents' marriage to have the child's birth re-registered. This situation is being provided for under *section 24*.

Both Sections provide that all future requests for re-registrations shall be dealt with by the local Superintendent Registrar instead of an tArd-Chláraitheoir as at present.

Section 25 allows for the registration or alteration of the forename(s) of a child in certain circumstances.

Section 26 replaces the provisions of section 4 of the Births, Deaths and Marriages Registration Act 1972 which provides for the registration of births, other than those to which *section 27* applies, of Irish citizens occurring outside the State where a system of registration does not exist or where it is not possible to obtain copies of the relevant civil registration record.

Section 27 provides for the registration of certain other births occurring outside the State i.e. the birth of a child on board an Irish aircraft or an Irish ship, the birth of a child to an Irish citizen on board a foreign aircraft or ship and the birth of a child to a member of the Permanent Defence Forces and Garda Síochána while serving abroad. The latter is currently provided for under sections 6(1) and 6(2) of the Defence (Amendment) (No. 2) Act 1960 and section 4(1) and (2) of the Garda Síochána Act 1989 respectively. The registration of births at sea is currently provided for in sections 254 and 339 of the Mercantile Marine Act 1894.

This section also gives the Minister for Health and Children power to make regulations outlining the arrangements for the recording and registration of such events and for the correction of errors in registration records.

Section 28 provides for the registration of stillbirths and replaces section 6 of the Stillbirths Registration Act 1994. At present either parent of a stillborn child can register the event within 42 days with the local registrar. Where the stillbirth has not been registered after 3 months, the medical practitioner or the hospital is required to register the stillbirth.

Subsection (1) provides an option for the parents to register the stillbirth if they wish. This subsection also allows a relative of either parent to act as a qualified informant for this purpose. If the parents do not choose to register the stillbirth within the 12 month period, then the duty to do so falls to the relevant hospital or, where no hospital is involved, to the relevant medical practitioner or midwife as provided for under *subsection (4)*.

Section 29 provides for the registration of stillbirths that occurred before 31st December, 1994. This Section replaces the provisions of section 7 of the Stillbirths Registration Act 1994 which provides for the registration of stillbirths occurring before the commencement of that Act.

Section 30 requires a hospital or other relevant institution to notify the local registration authority of the required details of births and stillbirths for the purpose of facilitating the registration of such events. A similar requirement is being imposed on doctors and midwives in the case of home births.

PART 4

REGISTRATION OF ADOPTIONS

(*Sections 31 — 35*)

This Part is concerned with the registration of adopted children. At present adoptions effected within the State are governed by the Adoption Act 1952.

Section 31 provides for definitions and meanings of terms used in *Part 4*.

Section 32 provides for an authorised officer of the Adoption Board to register the adoption of a child pursuant to an adoption order made under the Adoption Act 1952. This Section also provides for the amendment and cancellation of relevant entries in the register.

Section 33 provides for the registration of foreign adoptions by an authorised officer of the Adoption Board. This Section replaces the provisions of section 6 of the Adoption Act 1991. This Section provides an option to adopters and adopted persons to apply to the Adoption Board to have their foreign adoptions entered in the register. The persons concerned are required to furnish the Board with the required particulars and once the adoption is registered, they are entitled to obtain a certified copy of the entry in the register. This certificate is similar to a birth certificate and can be produced, when ever required, as evidence that the foreign adoption is recognised in the State.

Section 34 provides for the High Court to direct the Adoption Board to enter, cancel or correct a registration in respect of a foreign

adoption. This Section replaces the provisions of section 7 of the Adoption Act 1991.

Section 35 provides that information held in the register of adoptions shall not be accessible to the public and that such information shall only be made available on foot of an order of the Adoption Board or a court order and such court order will only be made if it is in the best interests of the adopted person concerned.

PART 5

REGISTRATION OF DEATHS

(Sections 36 — 44)

This Part is concerned with the registration of deaths.

Section 36 provides for the definition of “the register” used in *Part 5*.

Section 37 allows a death to be registered by any registrar of a local registration authority instead of the current procedure which only allows a death to be registered by the registrar of the district in which the death occurred. In addition, the list of qualified informants is being extended to include specified staff of a hospital or institution in which the death occurred and an undertaker. Also the time limit for registering a death is being extended from 5 days to 3 months.

Section 38 replaces the provisions of section 4 of the Births, Deaths and Marriages Registration Act 1972 which provides for the registration of deaths, other than those to which *section 39* applies, of Irish citizens occurring outside the State where a system of registration does not exist or where it is not possible to obtain copies of the relevant civil registration record.

Section 39 provides for the registration of certain deaths occurring outside the State other than those to which *section 38* applies. Such deaths shall include the death of a person on board an Irish aircraft or an Irish ship, the death of an Irish citizen on board a foreign aircraft or ship and the death of a member (including specified members of his or her family) of the Permanent Defence Forces and Garda Síochána while serving abroad. The latter is currently provided for under sections 6(1) and 6(2) of the Defence (Amendment) (No. 2) Act 1960 and section 4(1) and (2) of the Garda Síochána Act 1989 respectively. The registration of deaths at sea is currently provided for in sections 254 and 339 of the Mercantile Marine Act 1894.

Section 40 provides that a registrar shall not register a death after more than 12 months from the date of death without the written authority of the Superintendent Registrar of the local registration authority. This Section replaces the provisions of section 15 of the Births and Deaths Registration Act (Ireland), 1880.

Section 41 provides that, in certain circumstances, a coroner shall furnish the registrar with the required particulars of a death for registration purposes. This Section replaces the provisions of section 50 of the Coroner’s Act 1962.

Section 42 provides for a certificate of cause of death to be given to a registrar for the purpose of registering a death where the deceased person was attended to by a medical practitioner prior to

his or her death. The relevant details of the cause of death shall be entered in the register.

Section 43 provides for the registration of a death, where the place of death is unknown, by a registrar of the local registration authority where the body is found. This provision also covers persons who are found dead in the sea or other area of water. In these cases a registrar of the local registration authority where the body is landed shall register the death.

Section 44 gives a coroner the power to authorise the disposal of a body in certain circumstances prior to the registration of the death. This Section replaces the provisions of section 17 of the Births and Deaths Registration Act (Ireland), 1880 and section 51 of the Coroner's Act 1962.

PART 6

NOTIFICATION AND REGISTRATION OF MARRIAGES

(*Sections 45 — 50*)

This Part provides for a number of reforms to the existing procedures for the notification and registration of marriages.

Section 45 contains definitions of certain terms used in Part 6.

Section 46 replaces the provisions of section 32 of the Family Law Act 1995 which provides that where a couple intend to marry they must both notify a registrar, in writing, of their intention to do so at least 3 months prior to the date of the intended marriage or otherwise obtain a court exemption from the notification requirement under this Section. In addition, this Section introduces a new procedure whereby the couple will be required to attend at the registrar's office or such other specified place at least 5 days prior to the date of the intended marriage and sign a declaration that there is no impediment to their intended marriage. Both of these conditions shall be substantive requirements for a valid marriage.

Subsections (2) and (3) respectively provide that the marriage notification must be delivered in person by both parties except in certain circumstances set down by the Minister for Health and Children and must be accompanied by a fee and such other specified documentation. *Subsection (5)* requires the registrar to issue an acknowledgement of receipt of the notification to both parties and to the marriage solemniser. *Subsection (7)* gives a registrar the power to require persons submitting notifications of marriage to provide him or her with specified evidence in relation to each person. *Subsections (8) and (9)* deal with transitional arrangements for the introduction of the new provisions.

Section 47 re-enacts section 33 of the Family Law Act 1995 which currently provides for exemptions to the notification requirements. It provides that the Circuit Family Court or the High Court may, in certain circumstances, grant a couple an exemption from the notification requirement outlined in *section 46* on foot of an application by both parties to the intended marriage. However, both parties will still be required to attend before a registrar to sign the declaration referred to in *section 46(1)(b)* that there is no known impediment to the marriage.

Section 48 provides that where the registrar is satisfied that the requirements set down in *sections 46* and *47* have been complied with he or she shall complete a marriage registration form in the prescribed form and give it to one of the parties to the intended marriage. A marriage cannot be solemnised unless the marriage registration form is produced to the person solemnising the marriage. Where a marriage has not been solemnised within three months following the intended date of marriage the couple must submit a new marriage notification or another copy of an exemption to a registrar who shall issue a new marriage registration form.

Section 49 deals with the registration of a marriage. It provides that when the marriage has been solemnised, the parties to the marriage, the solemniser and two witnesses to the ceremony shall sign the marriage registration form. *Subsection (2)* provides that one of the parties to the marriage (i.e. the husband or the wife) must give the completed marriage registration form to a registrar within one month of the marriage. *Subsection (3)* provides that the registrar must register the marriage as soon as practicable upon receipt of the marriage registration form. *Subsection (4)* provides that where the registrar does not receive a completed marriage registration form he or she cannot register the marriage.

Subsection (5) provides that a marriage can be registered if an tArd-Chláráitheoir is satisfied that a properly solemnised marriage has taken place and the marriage registration form has been lost, destroyed or damaged. An tArd-Chláráitheoir may direct the registrar to make arrangements insofar as is possible, for the couple, the witnesses and the solemniser to sign a copy of the original form and then register the marriage.

Subsection (6) provides that regulations may specify the procedures for the correction of entries in relation to marriages in the register. *Subsection (7)* provides that an entry in the register of marriages of a void marriage may be cancelled by an tArd-Chláráitheoir through a direction to a registrar and that he or she shall notify the parties concerned of his or her direction.

Subsections (9) and *(10)* provide for the registration of certain marriages which occurred prior to the commencement of *section 49* but which had not been registered.

Section 50 provides that where 56 days have elapsed since the intended date of marriage and the registrar has not received the completed marriage registration form he or she may serve a notice on either of the parties requiring them to arrange for the completed form to be given to him or her within 14 days of the notice being served.

Subsection (2) provides that if the party served with the notice fails to comply with that notice a second notice may be served requiring the person to attend personally at the registrar's office and to produce the completed marriage registration form.

PART 7

REGISTRATION OF DECREES OF DIVORCE AND DECREES OF NULLITY

(Section 51)

This Part provides for the registration of decrees of divorce and decrees of nullity of marriages.

Section 51 provides for the registration of divorces and decrees of nullity of marriages granted by the courts. Currently each court holds

its own records of decrees of divorce and decrees of civil nullity of marriages. There is no central database or repository of decrees of divorce and decrees of nullity within the courts system. Persons wishing to remarry following the granting of such decrees must provide a copy of the decree to the registrar from the relevant court.

It is proposed to establish a central register of all decrees of divorce and decrees of nullity granted in the State. This section provides that the registration of these events will be effected by the Courts Service which shall act as registrar for this purpose. Access to this data will be provided via the new civil registration system.

PART 8

GENERAL

(Sections 52 — 65)

This Part provides for a number of miscellaneous matters and includes the establishment of a formal appeals procedure, arrangements for searching the indexes, the correction of errors in entries in the registers, the cancellation of entries in registers and the sharing of information for specific purposes. It also provides for the admissibility of register entries as evidence, for the prosecution of offences and for the collection of statistics by the Central Statistics Office.

Section 52 provides for the introduction of a new appeals system to enable persons to appeal decisions in relation to the registration of life events. Currently, if a person is unhappy with the decision of a registrar he or she may request a review of the matter by an tArd-Chláraitheoir and may also seek a judicial review by the High Court.

This Section provides that, in future, a qualified informant must be notified in writing of the reasons for a refusal by a registrar to register an event or to correct an error in an entry in the registers. The person concerned may appeal the decision in the first instance to the local registration authority within 28 days. If he or she is dissatisfied with the appeals officer's decision he or she may then appeal the case to an tArd-Chláraitheoir. A person also has the right to appeal a decision of an tArd-Chláraitheoir to the High Court on a point of law.

Section 53 provides that a person may, subject to certain conditions, search the indexes to the registers other than the stillbirths' register. *Subsection (2)* requires an tArd-Chláraitheoir, a Superintendent Registrar, a registrar or an authorised officer to search the registers and provide a certified copy of an entry in such registers at the request of an individual on payment of the appropriate fee. The certified copy shall include details of the particulars registered other than the person's personal public service number.

Section 54 outlines the arrangements for searches of the stillbirth register and for the provision of certified copies of entries in the register and replaces the provisions of section 8 of the Stillbirth Registration Act 1994.

Section 55 replaces the provisions of section 27 of the Births and Deaths Registration Act (Ireland), 1880 and provides for the correction of clerical errors and errors of fact in the registers relating to births, stillbirths and deaths at the request of persons having an interest in such matters. Decisions in relation to such matters are

being vested in the Superintendent Registrar instead of an tArd-Chláraitheoir as at present.

Section 56 outlines the arrangements for the correction of entries in the registers of births and deaths which are discovered by local registrars and introduces a specific statutory provision for the cancellation of entries in registers by an tArd-Chláraitheoir.

Section 57 gives new powers to an tArd-Chláraitheoir to conduct enquiries into the proper registration of life-events. Where an tArd-Chláraitheoir is satisfied that an event occurred that should be registered under the legislation, he or she may authorise its registration.

Section 58 allows an tArd-Chláraitheoir to give information, for specific purposes, in respect of births, marriages, decrees of divorce or decrees of civil nullity registered under the Act to the Minister for the Environment, Heritage and Local Government, the Revenue Commissioners, the Minister for Social and Family Affairs, the Minister for Foreign Affairs, the Minister for Health and Children, the Minister for Defence, the Minister for Justice, Equality and Law Reform, the Minister for Transport, the health boards and the housing authorities.

Currently, some 500,000 certificates are produced annually. Over a period of time the new system will remove the need for certificates for most official purposes. It is proposed to share civil registration data held on the new national database with relevant Government Departments/Agencies who have a proven requirement for such data. Such sharing will be facilitated through the use of the personal public service number which shall be collected at the point of registration. This sharing of data will significantly reduce the need for certificates for accessing key public services and will bring about greater efficiency in the use of resources and reduce the need for a person to provide the same information to several public service agencies.

Section 59 This Section provides for the charging of fees for searches of indexes relating to entries in the registers of births, deaths, marriages, divorces and civil nullities of marriage and for the provision of copies, including certificates, of entries in those registers. This Section replaces the provisions under section 25 of the Births and Deaths Registration Act (Ireland) 1880, sections 50 and 52 of the Registration of Births and Deaths (Ireland) Act 1863, sections 68, 69 and 70 of the Marriages (Ireland) Act 1844 and sections 18 and 19 of the Registration of Marriages (Ireland) Act 1863.

Section 60 provides that an entry in the register of births, stillbirths, or deaths, duly authenticated, shall be sufficient evidence of the birth, stillbirth or death as the case may be. This Section replaces the provisions of section 28 of the Births and Deaths Registration Act (Ireland), 1880.

Section 61 provides for offences under the Bill.

Section 62 specifies the maximum penalties for offences referred to in Section 61.

Section 63 deals with the prosecution of offences under the Bill.

Section 64 deals with the servicing of documents on persons under the Bill.

Section 65 provides for the compilation and publication of statistics relating to events registered under the provisions in this Bill. This Section replaces the provisions of section 2 of the Vital Statistics and Birth, Deaths and Marriages Registration Act 1952. The application of this provision is being extended to decrees of divorce and decrees of nullity of marriage.

SCHEDULES TO THE BILL

First Schedule

Part 1 sets out the required particulars which shall be registered in respect of a birth. Additional information will be required to be registered including the personal public service numbers of the child and his or her parents, dates of birth and birth surnames of both father and mother, marital status of mother and birth surnames in respect of both the father's mother and the mother's mother.

Part 2 sets out the required particulars which shall be registered in respect of a stillbirth. The additional information to be registered is similar to that for births.

Part 3 sets out the required particulars which shall be registered in respect of an adoption. The personal public service numbers of the child and of the adopter(s), the birth surname(s) of the adopter or adopters and the former surname(s) of the adopter or adopters is additional information required to be registered.

Part 4 sets out the required particulars which shall be registered in respect of a foreign adoption. The additional information to be registered is similar to that for adoptions in Part 3 above.

Part 5 sets out the required particulars which shall be registered in respect of a death. The following additional information will be required to be registered — the date of birth, birth surname, address, marital status, occupation and personal public service number of the deceased person, the date of certificate of cause of death, forename, surname, registered qualification, daytime telephone number and business address of registered medical practitioner who certified the cause of death and the forename, surname, office of coroner and date of inquest or post-mortem as appropriate.

Part 6 sets out the required particulars which shall be registered in respect of a decree of divorce. The register of decrees of divorce is being introduced for the first time.

Part 7 sets out the required particulars which shall be registered in respect of a decree of nullity. The register of decrees of nullity is also being introduced for the first time.

Second Schedule

This Schedule provides for the repeal of certain provisions of the existing Acts governing the registration of births, stillbirths, adoptions, marriages and deaths.

*An Roinn Gnóthaí Sóisialacha agus Teaghlaigh,
Iúil, 2003.*