



AN BILLE UM CHLÁR SIBHIALTA (LEASÚ), 2014 CIVIL REGISTRATION (AMENDMENT) BILL 2014

EXPLANATORY AND FINANCIAL MEMORANDUM

Introduction

This Bill will amend the Civil Registration Act 2004 by providing for a wide range of issues relating to the registration of life events in the State. Representations and recommendations have been made by various groups and organisations since the enactment of the Act and this Bill seeks to address these issues. Furthermore, the General Register Office which administers the Civil Registration Service, has identified areas where legislative amendments are required to streamline the service to the general public.

Main Provisions

Section 1 — Short title, collective citation and commencement

Section 1 establishes the short title and collective citation of the Act. It further stipulates that the Act may come into force on such day or days as the Minister for Social Protection, by commencement order, may determine.

Section 2 — Definition

Section 2 defines the “Principal Act” as the Civil Registration Act 2004.

Section 3 — Amendment of section 2 of Principal Act

Section 3 inserts definitions relating to the amendments into section 2 of the Principal Act.

Section 4 — Amendment of section 17 of Principal Act

Section 4 provides that a Superintendent Registrar may designate a registrar to perform the functions of a Superintendent Registrar where an absence occurs.

Section 5 — Amendment of section 19 of Principal Act

Section 5 provides that an tArd-Chláraitheoir may, in exceptional circumstances, direct a Superintendent Registrar to register a birth without the qualified informant signing the register.

Section 5 provides that a child over 18 is listed as a qualified informant in relation to specific sections.

Section 6 — Amendment of section 22 of Principal Act

Section 6 provides that it is the duty of both parents to comply with the registration of the birth of a child notwithstanding that they are not married to each other.

Section 6 provides that where the mother of the child attends alone she must provide information as to the father's name and contact details.

Section 6 provides that where exceptional circumstances exist that may exempt the mother from providing the father's details she must complete a statutory declaration stating the reason(s) she is claiming exemption.

Section 6 provides that a birth may be registered by a mother, father or child over 18 whose birth is concerned on foot of a court order granted under section 35 of the Status of Children Act, 1987.

Section 6 provides that a birth may be registered by a child over 18 whose birth is concerned on foot of a court order granted under section 45 of the Status of Children Act, 1987.

Section 6 provides that where the mother furnishes evidence and a statutory declaration that her spouse is not the father of the child, the registrar must make reasonable efforts to contact the spouse.

Section 6 provides that an tArd-Chláraitheoir may, in exceptional circumstances, direct a Superintendent Registrar to register a birth without the qualified informant signing the register.

Section 7 — Re-registration of birth

Section 7 provides that a mother may re-register the birth to include the name of the father on production of a statutory declaration and evidence to show that she has been living apart from her spouse during the 10 months immediately preceding the birth.

Section 7 provides that an tArd-Chláraitheoir may, in exceptional circumstances, direct a Superintendent Registrar to re-register a birth without a qualified informant signing the register.

Section 8 — Re-registration on foot of court order

Section 8 provides that a mother, father or a child may apply to re-register a birth on foot of a court order granted under section 35 or section 45 of the Status of Children Act, 1987.

Section 8 provides that the registrar will notify all persons with an interest or the person who is named as the father already on the register.

Section 8 provides that an tArd-Chláraitheoir may, in exceptional circumstances, direct a Superintendent Registrar to re-register a birth without the qualified informant signing the register.

Section 9 — Failure to agree surname and subsequent registration of surname

Section 9 provides that where parents fail to agree on the surname to be registered a registrar may complete the registration by leaving the surname field blank or where a surname is already registered leaving that surname in place.

Section 9 provides for the subsequent registration of the surname.

Section 10 — Amendment of section 28 of Principal Act

Section 10 provides for the extension of the period in which a stillbirth may be registered by removing the requirement to register a stillbirth within 12 months.

Section 11 — Amendment of Section 37 of Principal Act

Section 11 provides that cohabitants, persons nominated as next of kin by the deceased prior to death, personal representatives and religious superiors shall be considered qualified informants for the registration of a death.

Section 11 provides that it shall be the duty of a qualified informant to attend a registrar's office to provide the required particulars of a death and to sign the register.

Section 11 provides that an tArd-Chláraitheoir may, in exceptional circumstances, direct a Superintendent Registrar to register a death without the qualified informant signing the register.

Section 12 — Notification of early neonatal deaths

Section 12 provides that where a child born alive dies during the first 7 days of life ("early neonatal deaths") that the death is notified to the Superintendent Registrar of the area where the death occurred.

Section 13 — Part 5A of Principal Act

Section 13 provides for a record of deaths of Irish citizens who die abroad while on holiday, while on temporary work contracts or during short term absences from the State.

Section 14 — Amendment of section 46 of Principal Act

Section 14 provides that couples who produce a court order exempting them from giving three months' notice of intention to marry will be required to pay the marriage notification fee.

Section 14 provides that, where one or both of the people giving notice of intent to marry is a foreign national, they must provide documents and information regarding their immigration status.

Section 15 — Amendment of section 58 of Principal Act

Section 15 provides for the procedures when a registrar forms an opinion that a proposed marriage is a marriage of convenience.

Section 15 provides that the Superintendent Register who makes the decision that a marriage constitutes a marriage of convenience shall notify the Minister for Justice and Equality.

Section 16 — Marriage ceremonies performed at certain embassies

Section 16 provides for the validation of certain marriages carried out at foreign embassies in the State.

Section 17 — Amendment of section 59B of Principal Act

Section 17 provides that couples who produce a court order exempting them from giving three months' notice of their intention to enter into a civil partnership will be required to pay the prescribed fee as set out in regulations.

Section 17 provides that, where one or both of the people making a notification of their intention to enter into a civil partnership is

a foreign national, they must provide documents and information regarding their immigration status.

Section 18 — Amendment of section 59C of Principal Act

Section 18 amends the validation period of a Civil Partnership Registration Form to six months from the date of the proposed ceremony in order to align it with the validation period for a Marriage Registration Form.

Section 19 — Amendment of section 59D of Principal Act

Section 19 provides that the registrar is no longer required to issue a copy of the document signed by the parties to the civil partnership.

Section 20 — Amendment of section 59F of Principal Act

Section 20 provides for the procedures when a registrar forms an opinion that a proposed civil partnership is a civil partnership of convenience.

Section 20 provides that the Superintendent Registrar who makes a decision that a civil partnership constitutes a civil partnership of convenience shall notify the Minister for Justice and Equality.

Section 21 — Civil Partnership ceremonies performed at certain embassies

Section 21 provides for the validation of certain civil partnerships carried out at foreign embassies in the State.

Section 22 — Amendment to section 61 of the Principal Act

Section 22 provides for the issue of certificates at a reduced cost should these certificates be required to prove age, civil status or death of a person in dealings with Government Departments.

Section 22 provides that the Minister for Arts, Heritage and the Gaeltacht may keep electronic records of certain registers.

Section 22 provides that the Minister for Arts, Heritage and the Gaeltacht may consent to searches of the electronic registers.

Section 23 — Amendment of section 64 of the Principal Act

Section 23 provides for the cancellation of an entry in the register of births, stillbirths or deaths when an t-Ard Chláraitheoir is satisfied that false or misleading information has been provided.

Section 23 provides for the cancellation of an entry in the register of marriages when a marriage has been annulled by an Irish Court for reasons other than there was an impediment to marriage.

Section 23 provides for the cancellation of an entry in the register of civil partnerships when a civil partnership has been annulled by an Irish Court for reasons other than there was an impediment to civil partnership.

Section 24 — Amendment of section 66 of the Principal Act

Section 24 provides for technical amendments following the commencement of the Social Welfare (Consolidation) Act 2005.

Section 24 provides for the addition of the Road Safety Authority as a body with which information may be shared for the purposes of issuing learner permits and driver licences.

Section 24 provides for technical amendments following the transfer of responsibilities from the Minister for Health to the Minister for Social Protection.

Section 24 provides that information can be shared with the Minister for Education and Skills for the purposes of school planning and co-ordination.

Section 25 — Amendment of section 67 of the Principal Act

Section 25 provides that the Minister for Social Protection may set the fee for the issue of a certificate at a lesser amount than that prescribed.

Section 25 provides that a fee shall be payable to the Minister for Arts, Heritage and the Gaeltacht in respect of his or her functions under section 61 of the Act.

Section 26 — Amendment of section 68 of the Principal Act

Section 26 provides that where an t-Ard Chláraitheoir has directed that an entry be registered or re-registered without the register being signed by a qualified informant the entry shall be deemed to be valid.

Section 27 — Amendment of section 69 of the Principal Act

Section 27 provides that a person who fails to furnish evidence when requested to do so by a registrar shall be guilty of an offence.

Section 28 — Amendment of section 70 of the Principal Act

Section 28 is a technical amendment consequential to the insertion of the new subsection 69 (5A).

Section 29 — Amendment of First Schedule to the Principal Act

Section 29 provides for the deletion of the “age next birthday” of a deceased person in the register of deaths.

Section 30 — Amendment of Immigration Act 2003

Section 30 provides for the inclusion of the Civil Registration Act 2004 in section 8 of the Immigration Act 2003 to allow the exchange of information between the Minister for Social Protection and the Minister for Justice and Equality.

Financial Implications

It is not expected that there will be any significant costs to the exchequer as the majority of amendments are technical in nature.

An Roinn Coimirce Sóisialaí,
Iúil, 2014.