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GENERAL COMMITTEES

Public Bill Committee

REGISTERS OF BIRTHS AND DEATHS BILL

First Sitting

Wednesday 27 January 2021

(Morning)

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CLAUSES 1 TO 7 agreed to.
SCHEDULE agreed to.
Bill to be reported, without amendment.

No proofs can be supplied. Corrections that Members suggest for the final version of the report should be clearly marked in a copy of the report—not telephoned—and must be received in the Editor’s Room, House of Commons,

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Sunday 31 January 2021

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The Committee consisted of the following Members:

Chair: ESTHER McVEY

- | | |
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| † Baynes, Simon (<i>Clwyd South</i>) (Con) | † Mitchell, Mr Andrew (<i>Sutton Coldfield</i>) (Con) |
| † Britcliffe, Sara (<i>Hyndburn</i>) (Con) | † Pursglove, Tom (<i>Corby</i>) (Con) |
| Bryant, Chris (<i>Rhondda</i>) (Lab) | † Sambrook, Gary (<i>Birmingham, Northfield</i>) (Con) |
| Champion, Sarah (<i>Rotherham</i>) (Lab) | † Spellar, John (<i>Warley</i>) (Lab) |
| Creasy, Stella (<i>Walthamstow</i>) (Lab/Co-op) | Webb, Suzanne (<i>Stourbridge</i>) (Con) |
| Grady, Patrick (<i>Glasgow North</i>) (SNP) | † Wilson, Munira (<i>Twickenham</i>) (LD) |
| † Harris, Rebecca (<i>Lord Commissioner of Her Majesty's Treasury</i>) | Wood, Mike (<i>Dudley South</i>) (Con) |
| † Holmes, Paul (<i>Eastleigh</i>) (Con) | Adam Mellows-Facer, <i>Committee Clerk</i> |
| † Loder, Chris (<i>West Dorset</i>) (Con) | |
| † McGovern, Alison (<i>Wirral South</i>) (Lab) | † attended the Committee |

Public Bill Committee

Wednesday 27 January 2021

[ESTHER McVEY *in the Chair*]

Registers of Births and Deaths Bill

9.25 am

The Chair: Welcome to the Public Bill Committee on the Registers of Births and Deaths Bill. Before we begin, I remind hon. Members to observe social distancing and sit only in places that are clearly marked with a tick. I also remind Members that Mr Speaker has stated that masks should be worn in Committee whenever you are not speaking. Notes should be passed only electronically. The *Hansard* Reporters would be most grateful if Members emailed all copies of their notes to hansardnotes@parliament.uk. The selection and grouping list for today's sitting is available in the room and online. In this case, no amendments have been tabled and I have grouped all the clauses and the schedule together, in a single debate. Formal decisions on the clauses and schedule will be taken at the end. There will, however, be no further debate.

Clause 1

FORM IN WHICH REGISTERS ARE TO BE KEPT

Question proposed, That the clause stand part of the Bill.

The Chair: With this it will be convenient to discuss the following:

Clauses 2 to 7 stand part.

That the schedule be the schedule to the Bill.

Mr Andrew Mitchell (Sutton Coldfield) (Con): May I first say, on behalf of the whole Committee, what a pleasure it is to serve under your benign chairmanship, Ms McVey, and welcome you to the Chair? May I also express my admiration and gratitude to hon. Members from all parts of the House who have physically made the journey to the Committee today? Under the rules of the House, we all have to be here physically to conduct the Committee stage, and I am immensely grateful to all those who have made the journey, whose names will be recorded in *Hansard*.

I also thank colleagues from both sides of the House for their co-operation in working on the Bill and, in particular, the Opposition for their support. That includes the hon. Member for Croydon Central (Sarah Jones), who unfortunately cannot be with us today, but who led for the Opposition on Second Reading.

The Under-Secretary of State for the Home Department, my hon. Friend the Member for Torbay (Kevin Foster), cannot be here today either, for reasons that the Committee will readily understand and accept, but in his absence we are joined by my hon. Friend the Member for Corby, who is double-hatting—of course, a Government Whip is also a Minister. We are extremely grateful to him for, at short notice, taking on this speaking part, which is somewhat unusual for the Government Whips Office or, indeed, any Whips Office. I believe I am right in saying that, before he was a Government Whip, he was a very distinguished vice-chairman of the youth wing of our party. That was my first parliamentary job when I first

came into the House at, I think, about the time when my hon. Friend was born, so we are very grateful indeed to him for being here today and helping to take this Bill through Committee.

This is a very difficult time. I therefore hope that you will allow me, Ms McVey, to express a couple of thanks to those who put together the arrangements for this morning so that the Committee could take place: from the Clerks Department, Adam Mellows-Facer, and Yohanna Sallberg from the Committee of Selection; Linda Edwards and Saskia Molekamp from the Home Office; and of course Jonathan Carter, who drafted the Bill and whom I should have mentioned on Second Reading. I am also very grateful that our former colleague Lord Lancaster of Kimbolton has generously agreed to take the Bill through the House of peers, should it get assent in this House.

The Second Reading debate made clear—at least I hope it did—that the Bill was conceived in the Royal Town of Sutton Coldfield, my constituency, where the registry office was closed back in 2014. As a result of that, many of my constituents, at a difficult time in their lives, had to make the long journey from Sutton Coldfield into Birmingham to register a birth or a death. A day like today, the day after we have all had to come to terms with the terrible news about the scale of covid deaths in our country, brings it home to us that at a difficult time, of great sadness often, having to go physically into a registry office to register a death or, indeed, a birth is a hardship. Of course, as a result of the Bill, that will all be able to be done online. In addition, of course, as I made clear on Second Reading, the Bill will save the taxpayer—the Treasury—some £200 million over 10 years, which is an important point to bear in mind.

While the Bill was conceived in the Royal Town of Sutton Coldfield, it was definitely born in the Home Office, which strongly supports it. Indeed, the Home Office has been enormously helpful and, as I say, I pay particular tribute to Linda Edwards for the time and effort that she has taken, both in briefing me and ensuring that we get the terms of these seven clauses and the schedule right today.

I will now address the clauses and the schedule in granular detail. As I am sure members of the Committee will understand, we are changing the law of the land, and therefore it is most important that we set down what is intended in this very technical area. Therefore, I hope that I will be relatively brief but also extremely clear.

Currently, under the Births and Deaths Registration Act 1953, the Registrar General for England and Wales provides the local registration service with paper birth and death registers, and paper forms for making certified copies of the register entries, which are more commonly known as birth and death certificates. The registers have been paper-based since 1837. Since 2009, registrars in England and Wales have also recorded the birth and death registration information electronically, in parallel with the paper-based system, due to the existing outdated legislation requiring the paper-based system, which is a duplication of effort for registrars.

Clause 1(2) amends the 1953 Act and substitutes section 25 with a new section 25. The new section allows the Registrar General to determine how registers of live births, stillbirths and deaths are to be kept, and contains

additional provision that is appropriate for registers being in electronic form only. This will allow the duplication of processes to be removed, by allowing the Registrar General to remove the requirement for paper registers and to move to electronic birth and death registers. Subsection (2) allows the Registrar General to require that registrars keep information in a form that will allow the Registrar General and the superintendent registrar to have immediate access to all birth and death entries as soon as the registrar has entered the details in the electronic register.

In the case of stillbirths, subsection (2)(b) of proposed new section 25 allows only the registrar to have immediate access to the entries in the register. Currently, the superintendent registrar and Registrar General would have access to the birth and death entries only upon receipt of the quarterly returns.

Subsection (3) of proposed new section 25 provides that

“where a register is kept in such form”,

for example in electronic form, any information in that register made available to the Registrar General and superintendent registrar is deemed to be

“held by that person (as well as by the registrar)”

when carrying out that person’s functions—in other words, for the issuing of certified copies and for data-sharing powers. Subsection (4) provides that is required for the purpose of creating and maintaining the birth and death registers, for example providing registrars with the electronic system, is the responsibility of the Registrar General. Subsection (5) also places a responsibility on the Registrar General to provide the required forms to produce certified copies of entries, for example birth and death certificates.

Sections 26 and 27 of the 1953 Act set out the requirements for quarterly returns. Currently, copies of all the entries of live births, stillbirths and deaths made in the paper registers are transmitted by the registrar to the superintendent registrar. The superintendent registrar is required to certify the entries as a true copy and deliver them to the Registrar General on a quarterly basis. The process of quarterly returns is completed electronically. The Registrar General holds a central repository of all births and deaths that have been registered in England and Wales, from which certificates can be issued.

Clause 1(3)(a) and (b) omit sections 26 and 27 of the Act, which set out the requirements for the quarterly returns made by a registrar and superintendent registrar, as they will no longer be needed, due to the entries for all births and deaths being held on a single electronic register, which will give the superintendent registrar and the Registrar General immediate access to the records, as provided for by subsection (2). Clause 1(3)(c) omits section 28 of the Act, which sets out how paper birth and death registers need to be stored by registrars, superintendent registrars and the Registrar General. With the introduction of an electronic register, this provision will no longer be required. The requirements for the retention and storage of existing paper registers are covered in clause 4, which I will cover later.

Clause 2 inserts a new section 11A into the 1953 Act. Subsections (1) and (2) set out how the council of every non-metropolitan county and metropolitan district, subject to the provisions of local scheme arrangements, must provide and maintain equipment or facilities that the

Registrar General considers necessary for a superintendent registrar or registrar to carry out their functions—for example, the IT equipment needed to host the electronic register. It should be noted that this equipment is already in place in register offices, as births and deaths are currently registered electronically in parallel with the paper registers. This requirement applies across each register office or sub-district of a registrar.

Clause 3 makes provision for the signing by the informant of registers of births and deaths that are not kept in paper form, as we move towards digital methods of registering births and deaths, and the introduction of an electronic register. Currently, numerous sections of the Act require the paper registers of births and deaths to be signed by an informant, when attending to register a birth or death. The Act places a duty on the informant to provide the particulars required to be registered through a registrar and in the presence of the registrar to sign the register.

Clause 3(2) inserts a new section 38B in the Act, entitled “Requirements to sign register.” This section empowers the Minister to make regulations in relation to registers of births and deaths not kept in paper form. New section 38B(1)(a) provides that a duty to sign the paper birth or death register

“at any time is to have effect as a duty to comply with specified requirements”.

“Specified” means specified in regulations made under this section. New section 38B(1)(b) provides that a person who complies with these specified requirements “is to be treated...as having signed the register...and...to have done so in the presence of the registrar”.

Under new section 38B(2)(a) and (b) provisions that may be made by regulations include

“requiring a person to sign something other than the register,”

and

“requiring a person to provide...evidence of identity”

to be specified in the regulations when attending to register a birth or death. New section 38B(3) clarifies that:

“In this section ‘specified’ means specified in regulations under this section.”

Clause 3(3) inserts a new subsection (6) in section 39A of the Act. Subsection (6) states that regulations made by the Minister under section 38B are subject to the affirmative procedure. The regulations may not be made unless they have been laid before and approved by both Houses of Parliament. I reassure hon. Members that this will ensure full parliamentary oversight of the content, as the Committee will understand.

John Spellar (Warley) (Lab): May I seek clarity about whether the right hon. Gentleman envisages that, under future regulations, people would be able to register online? Might that make the process more open to fraud than a requirement to attend in person?

Mr Mitchell: The right hon. Gentleman raises an important point. There is no doubt an overwhelming benefit for our constituents to be able to do this online, but there are provisions for checking and following up on fraud. I shall come to some of them during my remarks.

I have completed the detailed coverage of clause 3, so I turn to clause 4, which covers the treatment of the existing registers of births, stillbirths and deaths records. Currently, under section 28 of the Act, registrars are

[Mr Mitchell]

required to keep safely all registers of live births, stillbirths and deaths in their custody. When not in use, they must keep the registers securely in the register box provided by the Registrar General.

When a registrar fills the register of births or deaths, the registrar must deliver it to the superintendent registrar. The register is then kept in perpetuity, with the records of the office. It is from these paper registers that all certified copies, for example birth and death certificates, are issued. This will continue to be the case in the future. When a register of stillbirths is filled, the registrar delivers it to the superintendent registrar, who forwards it to the Registrar General to keep in the General Register Office, from which all requests for certified copies are issued.

The registrar provides the superintendent registrar with copies of all the birth and death registrations, known as quarterly returns. The superintendent registrar certifies them as true copies of the entries in the registers and forwards them to the Registrar General. These are kept at the General Register Office to create a national record of all births and deaths. These returns used to be paper-based and completed quarterly, but with the introduction of the electronic register in 2009, these returns are now done electronically within seven days. As we discussed earlier, sections 26, 27 and 28 are repealed by clause 1, as the process of quarterly returns and the custody of paper registers will no longer be required with the move to an electronic system.

Clause 4(1)(a) specifies that the repeal of section 28 of the Act does not affect the existing requirement under section 28(2) for every superintendent registrar to continue to keep any registers of live births or deaths in their custody with the records of the office immediately before the repeal comes into force.

Clause 4(1)(b) specifies that the repeal of section 28 of the Act does not affect the existing requirement under section 28(4) for the Registrar General to continue to keep any certified copies that he has received under section 27 in the possession of the Registrar General, and any registers of stillbirths forwarded to the Registrar General before the coming into force of the repeal.

Subsection (2) requires all registrars to send any unfilled paper registers of births and deaths in their possession to the superintendent registrar to be kept with the records of the office. In the case of stillbirths, subsection (3) of the clause requires all registrars to send any unfilled paper registers of stillbirths in their possession to the Registrar General, who will keep them at the General Register Office in such order and manner as he or she thinks fit.

Subsection (4) allows the Registrar General to dispose of any certified copies of stillbirth entries in any register of stillbirths, as the Registrar General will also hold the completed paper registers of stillbirths. Subsection (4) also allows the Registrar General to dispose of any paper stillbirth records that are held in electronic format by virtue of section 27 of the 1953 Act.

Since 1 July 2009, registrations of births and deaths have been held in both paper and electronic format. The Bill removes the requirement for birth and death entries to be held in paper format, removing the duplication in the process.

Subsection (5) specifies how copies of birth and death records that have been held in a format other than hard copy paper form, such as electronically, are to be treated on and after the day on which clause 1 of the Bill comes into force. Subsection (5)(a) provides that those copies of birth and death registers held in electronic form are to be treated as the register for the sub-district on and after the day that clause 1 of the Bill comes into force.

Subsection 5(b) provides that where a copy of a register of births or register of deaths was kept otherwise than in a hard copy form during the period of 1 July 2009 until immediately before the day that clause 1 comes into force, the register is to be treated for the purposes of section 25(3) of the Act as being kept in the form in which the copy was kept—for example, in electronic form.

Subsection (5)(c) provides that any entry in the register signed by a person before clause 1 comes into force is to continue to be regarded as having been signed by the person for the purposes of the Act. Subsection (5)(d) allows the Registrar General to dispose of any certified copies of births and deaths received under section 27 of the Act, and any information contained in those entries that is kept in electronic form. This will negate the need for the Registrar General to hold entries of births and deaths in both paper and electronic form. Subsection (6) outlines the period previously mentioned in subsection (5) as beginning on 1 July 2009 and ending immediately before the day clause 1 comes into force.

Clause 5 introduces the schedule, which contains minor and consequential amendments to primary legislation as a consequence of the move from paper registers to the registration of births and deaths in an electronic register. It includes amendments to the Births and Deaths Registration Act 1953, the Registration Service Act 1953, and minor amendments to other Acts.

Clause 6 delegates to the Secretary of State the power to make further consequential provisions by regulations on any provision of the Bill. Regulations that amend, repeal or revoke any provision of primary legislation must be made according to the affirmative procedure. Regulations that do not amend, repeal or revoke any provision of primary legislation are to be made according to the negative procedure. I am sure the Committee will agree that that gets the balance right in this case.

Clause 7 covers extent, commencement and short title. Clause 7(1) sets out that clauses 1 to 4 extend to England and Wales only, except as provided in any amendments or repeals set out in the schedule. The remaining clauses extend to England and Wales, Scotland and Northern Ireland. The clause sets out the coming into force dates and the way in which the Bill may be cited.

That is a run-through of the granular details of what the Bill will do. I very much hope it will secure the approval of the Committee.

9.45 am

Tom Pursglove (Corby) (Con): It is a great pleasure to serve under your chairmanship, Ms McVey. You will know that it is a bit of a novelty for a member of the Government Whips Office to perform these duties, but I feel in good company with a former Chief Whip, a former deputy Chief Whip, a former Comptroller of the Household, and Lord Lancaster of Kimbolton,

who was my Whip for about five minutes when I was first elected in 2015, before he went on to greater things at the Ministry of Defence.

I thank my right hon. Friend the Member for Sutton Coldfield for his continuing support in bringing forward changes to the way in which births and deaths are registered. The Government are supportive of his Bill and delighted that it has reached this stage. I noted yesterday from reading the Second Reading debate that this is only his second private Member's Bill outing since March 1991, but he is recording an impressive personal best here and leading the charge for his Bill with great passion and skill.

Under the present legislation, all births and deaths must be registered by an informant through personal attendance at the register office and the signing of the register in the presence of the registrar, as has been the case since 1837. This situation is outdated. The Bill will reform how births and deaths are registered, removing the requirement for paper registers and moving to digital methods of registration that will enable all births and deaths to be registered in a single electronic register. It will move the registration of births and deaths into the 21st century, which is a step I am sure all members of the Committee will see the benefit of, particularly in the present circumstances.

As my right hon. Friend said, the electronic register is already in place and has been since 2009. However, primary legislation still requires a paper record of the event to be kept. We need to rectify this anomaly as it is a duplication of effort for registrars. As well as creating a simpler, more efficient process, it will make the registration of births and deaths much more secure than it is today with the reliance on paper registers. It should be noted that when civil partnerships were introduced in 2005, the opportunity was taken to modernise the process of registration and an electronic register was introduced with no requirement for a separate paper copy to be held. Similar plans are also in place for marriages to move to electronic means of registration.

The covid-19 pandemic has clearly highlighted the limitations and inflexibility of the now outdated primary legislation. There is a need to be able to offer more flexibility in how births and deaths are registered by removing the requirement for face-to-face registration. The Bill removes the requirement for the signing of a birth or death register by an informant in the presence of a registrar if specified requirements are met. That paves the way for the introduction of online registration in which informants would be able to register an event online at a time to suit themselves from the comfort of their own home. That will provide more choice and convenience for informants, particularly in difficult and upsetting times such as when registering a death. However, the provision to attend personally at the register office will remain if that is the informant's preferred option. The current legislation is restrictive and does not reflect modern society.

John Spellar: Once again, the Minister says, "If that is the informant's preferred option." If a registrar cannot see the individual in person, and perhaps form an impression as well, does that not at least raise the possibility of fraud?

Tom Pursglove: I am grateful to the right hon. Gentleman for his question. He is right that the intention remains that people will be able to register in person, but we want to give people the choice of registering from the comfort of their own home, depending on the circumstances. Of course, the regulations, which will follow, will set out a lot of this information and address the requirements to be met for people to be able to register remotely. I am sure he will want to be part of that debate when we reach it.

John Spellar: May I reinforce that point to the Minister? The Department for Transport and the Driver and Vehicle Licensing Agency moved to electronic registration and did away with the paper licence. They are saving a few million pounds a year in printing and dispatching, but they are losing something like £100 million a year through increases in evasion. Sometimes the simplistic move to digital and electronic recording does not always bring benefits and can be much more expensive than what may seem, on the face of it, to be a more cumbersome system.

Tom Pursglove: I am grateful for the intervention and will relay that to the Minister responsible, and my right hon. Friend the Member for Sutton Coldfield has heard those comments as well.

Mr Mitchell: In view of what the right hon. Member for Warley has said, it is worth clarifying that issues of fraud when registering births and deaths are different from registering car ownership. The point made about the DVLA is clear and right. On Report and at Third Reading, we may explain to the House the additional steps available to the registrars for combating fraud. It is up to them to determine the steps taken, and if they require secondary legislation, the Minister will look favourably on that.

Tom Pursglove: I am grateful to my right hon. Friend—the Member in charge—for setting out that position. The current legislation is restrictive and does not reflect on society. I know that right hon. and hon. Members recognise the importance of the changes to modernise the process of registering births and deaths. The Government are supportive of this Bill and look forward to it passing today. I wish my right hon. Friend well in its speedy passage.

Mr Mitchell: I hope, Ms McVey, that you feel the issues that should have been raised in this Committee have been, and that we can proceed to vote on the various clauses.

Question put and agreed to.

Clause 1 accordingly ordered to stand part of the Bill.

Clauses 2 to 7 ordered to stand part of the Bill.

Schedule agreed to.

Bill to be reported, without amendment.

9.52 am

Committee rose.

