

## **Cabinet – 14 April 2010**

### **Scheme Under Section 14 of the Registration Service Act 1953**

<b>Portfolio:</b>	Councillor Flower, Environment
<b>Service:</b>	Neighbourhood Services, Bereavement and Registration Services
<b>Wards:</b>	All
<b>Key decision:</b>	No
<b>Forward plan:</b>	No

#### **1. Summary of report**

This report explains the revocation of the existing Walsall Registration Scheme 1999 as prescribed by the General Register Office, for the appointment of statutory officers for Births, Deaths, Marriages, Civil Partnerships, British Citizenships, service delivery and the introduction of a new Scheme approved by the Identity and Passport Service, General Register Office. The new Scheme will enable the Local Authority itself to determine staffing levels and work load in order to best meet the needs of the customers.

#### **2. Recommendation**

That a new Scheme called "The Walsall Registration Scheme 2010" be introduced with effect from 1 June 2010 and the Council's Seal be applied to the Scheme.

#### **3. Background information**

- 3.1 Registration has its origins in two Acts of Parliament, which came into force in 1837. Since then further legislation has adapted or extended the original powers. In 1949 an Act consolidating previous legislation concerned with marriages came into force (The Marriage Act). Similar Acts followed in 1953, covering organising the registration service (the Registration Service Act) and the registering of births, deaths and still-births (the Births and Deaths Registration Acts). In addition to this the Civil Partnership Act was introduced in December 2005.
- 3.2 The Registration service must exist by law, for registering births, still-births and deaths, for taking notices of marriage for religious buildings and civil venues and for conducting and registering civil marriage ceremonies. The service is also responsible for taking notices of Civil Partnership and conducting Civil Partnership Ceremonies and British Citizenship Ceremonies. The Registration

Acts are specific about the way to deliver the service. HM Inspectors of Registration, who are the field representatives of the Registrar General, audit the quality of the local service.

- 3.3 In December 2007, Statutory Officers became employees of the local authority. Prior to that, the staff were employed by the Registrar General. The organisation of the service at the local level is detailed in the Registration Scheme. The scheme sets out the staffing levels and other local arrangements such as location of the Register Office and opening hours. The staffing levels have been historically based on assessments of workload, which were prepared annually by the General Registrar Office. Registrars provide details of the workload each April. The assessment figures are for guidance only; staffing levels are the responsibility of the local authority's Proper Officer for Registration matters. This is one of the items that will change when the local authority enters in the new Local Governance Scheme (as attached). The local authority will be free to determine staffing levels and work load. It will also enable the council be more flexible in meeting local demands for the service.
- 3.4 The new Scheme is set out in Appendix A to this report. Once approved it is required to be countersigned by a member of the Identity and Passport Service on behalf of the Secretary of State prior to implementation.
- 3.5 As is currently identified in the Council Constitution, for the purpose of the Scheme the Proper Officer is currently the Head of Service – Public Protection (now Public Safety). However, due to the fact that the service was transferred from Public Safety to Leisure and Community Health with effect from 1 April 2010, the Proper Officer role will need to be further amended once the Council Constitution is generally revised at a future date.

#### **4. Resource considerations**

- 4.1 **Financial:** There are no financial implications arising from this report.
- 4.2 **Legal:** The legal implications are set out within the report.
- 4.3 **Staffing:** No changes

#### **5. Citizen impact**

None. The service will continue to operate to meet local needs.

#### **6. Community safety**

None

**7. Environmental impact**

None

**8. Performance and risk management issues**

8.1 **Risk:** None

8.2 **Performance management:** This change will enable the Registration Service to be more flexible in delivering its statutory/non statutory services

**9. Equality implications**

The registration services are offered to all residents within the Borough.

**10. Consultation**

Legal Services, Finance, Staff

**Background papers**

Attached Scheme

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Jamie Morris  
Executive Director

Councillor Mike Flower  
Portfolio Holder



29 March 2010



29 March 2010

**METROPOLITAN BOROUGH OF WALSALL**

**REGISTRATION OF BIRTHS, DEATHS AND MARRIAGES**

**SCHEME UNDER SECTION 14 OF THE REGISTRATION SERVICE ACT 1953**

The Council of the Metropolitan Borough of Walsall, in exercise of the powers conferred on it by section 14 of the Registration Service Act 1953, makes the following Scheme:-

**TITLE**

1. This Scheme may be cited as “The Walsall Registration Scheme 2010” and shall come into operation on the first day of June 2010.

**INTERPRETATION**

2. In this Scheme, the following expressions have the meanings hereby assigned to them:-

“the Act” means the Registration Service Act 1953;

“the Council” means the Council of the Metropolitan Borough of Walsall;

“area” means the area of the Metropolitan Borough of Walsall;

“the Code of Practice” means the Registrar General’s Code of Practice for Local Authorities in place at the time of the making of this Scheme, as amended from time to time, and attached to this Scheme as Annex 1;

"the Service Delivery Plan" means the Council’s plans and targets, as amended from time to time, for the local delivery of the registration service and attached to this Scheme as Annex 2;

“Principal Officer” means superintendent registrar or registrar of births and deaths and “principal office” shall be construed accordingly;

“the Proper Officer” means the officer appointed by the Council for the purposes of the Act;

“Registrar General” means the Registrar General for England and Wales appointed by virtue of section 1 of the Act (as amended by the Statistics and Registration Service Act 2007).

**REGISTRATION DISTRICTS AND SUB-DISTRICTS**

3. The Council shall, in accordance with the Code of Practice, divide its area into registration districts and sub-districts and shall set out those district and sub-district boundaries in its Service Delivery Plan.

4. The Council shall determine the location of the offices and provide, equip and maintain those offices so as to meet the delivery targets in the Code of Practice and relevant legal requirements. The Council shall set out the location of all offices in its Service Delivery Plan.

**OFFICERS**

5. (1) The Council shall determine the number of Principal Officers and other officers so as to provide sufficient staff resource to ensure delivery of services in accordance with the service standards contained in the Code of Practice. There shall be a minimum of one superintendent registrar and one registrar of births and deaths for each registration district and sub-district respectively. The Council shall set out the number of Principal Officers in its Service Delivery Plan.

(2) The Proper Officer shall notify the Registrar General of all Principal Officer appointments. Such notification may be made electronically.

**DEPUTIES**

6. (1) It shall be for the Proper Officer to appoint deputies under section 8(1) (deputy superintendent registrars and registrars of births and deaths) of the Act (as amended by the Statistics and Registration Service Act 2007).

(2) The Proper Officer shall notify the Registrar General of all deputy appointments. Such notification may be made electronically.

(3) A deputy shall continue to hold office notwithstanding a change in the holder of the principal office.

**FUNCTIONS OF REGISTRAR OF MARRIAGES**

7. Every registrar of births and deaths appointed within the area may perform the functions of a registrar of marriages.

**POWERS OF THE PROPER OFFICER**

8. There shall be vested in the Proper Officer, subject to any regulations that may from time to time be in force under section 20(b) (regulations) of the Act the powers and key responsibilities as set out in the Code of Practice. Additionally that the Proper Officer shall have the powers set out in Section 13(2)(h) of the Act.

**REVOCAATION**

9. The Walsall Registration Scheme 1999 is revoked but without prejudice to anything done or to any right, privilege, obligation or liability acquired, accrued or incurred under it.

**REVISION TO THE CODE OF PRACTICE**

10. The Council may adopt any revision to the Code of Practice by means of the Proper Officer confirming their acceptance of the revision to the Registrar General.

Dated this..... day of .....2010

Council’s Sealing Clause

The Secretary of State for the Home Department hereby approves the foregoing scheme without modification.

Signed on behalf of the Secretary of State for the Home Department

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on this .....day of .....2010

Executive Director, Identity and Passport Service