

EXPLANATORY MEMORANDUM TO
THE REGISTRATION OF MARRIAGES ETC. (ELECTRONIC
COMMUNICATIONS AND ELECTRONIC STORAGE) ORDER 2009

2009 No. 2821

1. This explanatory memorandum has been prepared by the General Register Office for England and Wales and is laid before Parliament by Command of Her Majesty.

This memorandum contains information for the Joint Committee on Statutory Instruments.

2. **Purpose of the instrument**

- 2.1 This Order provides for a number of paper based processes which are functions of the General Register Office for England and Wales, registrars and superintendent registrars under the Marriage Act 1949 (“the 1949 Act”) and Births and Deaths Registration Act 1953 to be performed electronically. The current administration of processes related to marriages in England and Wales is primarily paper based.

3. **Matters of special interest to the Joint Committee on Statutory Instruments**

- 3.1 The Order corrects a previous small drafting error which was brought to the attention of the secretary for the Joint Committee on Statutory Instruments at the time. The reference for the statutory instrument in question is Registration of Births and Deaths (Electronic Communications and Storage) Order SI 2006/2809.

4. **Legislative Context**

- 4.1 This Order modifies a number of provisions in the 1949 Act. The 1949 Act is the primary legislation dealing with the formalities and law of marriage in England and Wales. The Order also makes a small amendment to Section 26 of the Births and Deaths Registration Act 1953 which is concerned with the registration of births and deaths in England and Wales.

5. **Territorial Extent and Application**

- 5.1 This instrument applies to England and Wales.

6. **European Convention on Human Rights**

Meg Hillier, Parliamentary under secretary of state for the Home Office has made the following statement regarding Human Rights:

In my view the Registration of Marriages etc. (Electronic Communications and Electronic Storage) Order 2009 are compatible with the Convention rights.

7. Policy background

- 7.1 The 1949 Act provides the legal framework for marriages in England and Wales. The majority of the provisions within the 1949 Act are carried out by the General Register Office, registrars and superintendent registrars within a statutory framework at the head of which is the Registrar General for England and Wales.
- 7.2 The General Register Office is undertaking a programme of modernisation which includes the introduction of the Registration On Line (RON) computer system. The computer system is designed to facilitate the electronic processing of a number of functions performed under the 1949 Act, and which are currently undertaken in a paper based system. The Registration of Marriages etc. (Electronic Communications and Electronic Storage) Order 2009 will modify certain provisions in the 1949 Act to allow these functions to be performed electronically within the approved electronic form (known as “RON”).
- 7.3 The introduction of electronic processes will apply to all civil and religious marriages except Anglican marriages. There are no changes to the procedures for Anglican marriages as the current approved electronic form can only accommodate procedures where the Notice of Marriage is taken by a superintendent registrar.
- 7.4 The main provisions within the Order allow for:
- The marriage notice book to be electronic, rather than a paper based register (the marriage notice book is the book in which all notices of marriage are recorded);
 - An extract from the marriage notice book to be displayed electronically (the extract is displayed for fifteen days in the register office in which notice is taken. It contains details of the parties to the marriage.); and
 - The electronic transmission from superintendent registrars to the General Register Office of the information from marriages that have been recorded in the marriage register.
- 7.5 There is a minor amendment to the Births and Deaths Registration Act 1953 to correct a drafting error which arose in relation to a previous order under the Electronic Communications Act 2000.

8. Consultation outcome

- 8.1 A consultation was not required for the changes affected by the Order.

9. Guidance

- 9.1 The General Register Office staff, superintendent registrars and registrars affected by the changes in process have received training and other guidance material.

10. Impact

- 10.1 An Impact Assessment has not been prepared for this Order as it has no impact on business, charities or voluntary bodies.
- 10.2 There is no impact on the public with these changes. Individuals wishing to get married will still need to attend the register office in the registration district in which they live to give notice of marriage and will require the Superintendent Registrars Certificate for marriage to be issued for the marriage to proceed. The changes affect the back office administration, the recording and storage of information and the transfer of information between registrars, superintendent registrars and the General Register Office.

11. Regulating small business

- 11.1 The legislation does not apply to small business.

12. Monitoring & review

- 12.1 The implementation of the RON computer system will be subject to internal review to assess whether benefits have been achieved in line with business plan expectations.

13. Contact

Eric Powell at Identity and Passport Service, General Register Office for England and Wales (tel. 0151 471 4452 or e-mail: Eric.Powell@ips.gsi.gov.uk) can answer any queries regarding the instrument.