LOCAL GOVERNMENT AND TRANSPORT COMMITTEE

Tuesday 7 February 2006

Session 2

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CONTENTS

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LOCAL GOVERNMENT AND TRANSPORT COMMITTEE
4th Meeting 2006, Session 2

CONVENER

*Bristow Muldoon (Livingston) (Lab)

DEPUTY CONVENER

Bruce Crawford (Mid Scotland and Fife) (SNP)

COMMITTEE MEMBERS

*Mr Andrew Arbuckle (Mid Scotland and Fife) (LD)
*Mr David Davidson (North East Scotland) (Con)
*Fergus Ewing (Inverness East, Nairn and Lochaber) (SNP)
*Dr Sylvia Jackson (Stirling) (Lab)
*Paul Martin (Glasgow Springburn) (Lab)
*Michael McMahon (Hamilton North and Bellshill) (Lab)
Tommy Sheridan (Glasgow) (SSP)

COMMITTEE SUBSTITUTES

Colin Fox (Lothians) (SSP)
Mr Bruce McFee (West of Scotland) (SNP)
John Farquhar Munro (Ross, Skye and Inverness West) (LD)
Dr Elaine Murray (Dumfries) (Lab)
Murray Tosh (West of Scotland) (Con)

*attended

THE FOLLOWING GAVE EVIDENCE:

Carolyn MacPherson (Association of Registrars of Scotland)
Sir Neil McIntosh (Electoral Commission)
Andrew Nicoll (Tay Valley Family History Society)
Kenneth Nisbet (Scottish Association of Family History Societies)
Andy O'Neill (Electoral Commission)
Dave Watson (Unison Scotland)

CLERK TO THE COMMITTEE

Martin Verity

SENIOR ASSISTANT CLERK

Alastair Macfie

ASSISTANT CLERK

Euan Donald

LOCATION

Committee Room 5

Scottish Parliament

Local Government and Transport Committee

Tuesday 7 February 2006

[THE CONVENER *opened the meeting at 14:01*]

Subordinate Legislation

Marriage (Approval of Places) (Scotland) Amendment Regulations 2005 (SSI 2005/657)

The Convener (Bristow Muldoon): I call the meeting to order. Before I invite our first panel to take their seats we have an item of subordinate legislation to deal with. No points on the regulations have been raised and no motion to annul has been lodged. Do members agree that we have nothing to report on the regulations?

Members *indicated agreement*.

Local Electoral Administration and Registration Services (Scotland) Bill: Stage 1

The Convener: The main agenda item is further consideration of the Local Electoral Administration and Registration Services (Scotland) Bill. I am pleased to welcome to the committee Sir Neil McIntosh and Andy O'Neill from the Electoral Commission. Sir Neil McIntosh is the electoral commissioner and Andy O'Neill is the head of the Scotland office of the commission. I invite the witnesses to make introductory remarks on the electoral administration aspects of the bill before we move to questions.

Sir Neil McIntosh (Electoral Commission): Thank you for your welcome, convener. I will make brief general remarks, because I assume that you are interested in having a general discussion.

The Electoral Commission welcomes the opportunity to give evidence to the committee. The bill is important and we welcome the general thrust of its provisions and those that will follow in secondary legislation. A number of the provisions are built on the commission's work and recommendations, although some are not.

We welcome the introduction of provisions on performance standards, provided that they are developed sensibly through general consultation, and are applied consistently. We also welcome the opportunity for observers to be involved in Scottish local government elections—as well as the range of other elections throughout the United Kingdom—in order to demonstrate that the operation and management of elections is accessible and transparent.

Local government elections in Scotland are not within the scope of the Electoral Commission, so we seek at all times to work closely with the Scottish Parliament and Scottish Executive to ensure that there is no inconsistency in our operation in Scotland that would impact on voters. We are more than happy to continue that working relationship.

The bill is about tidying up, providing clarification and introducing new offences. One of the points about which the commission is still concerned is the use of personal identifiers, on which the bill provides for pilot schemes. The commission is anxious that the use of personal identifiers will underpin the security and integrity of the electoral system. We are anxious for that to be developed and pursued as effectively as possible.

That is probably enough from me. I am happy to respond to questions.

Dr Sylvia Jackson (Stirling) (Lab): You mentioned performance standards. As you know, the committee has discussed those—the issue also came up this morning at the Subordinate Legislation Committee. What are your views on the amount of information that we already have about performance standards? Do you think that they are being dealt with correctly, given what is in the bill and how much will be left to subordinate legislation? Should draft performance standards be considered by the Scottish Parliament? Are they sufficiently important for that to be the best way of dealing with them?

Sir Neil McIntosh: I will take the last point first. The Electoral Commission's position is that the views of all interested parties—"stakeholders" is the current term—should be taken into account so that we produce something that is seen to be robust. It is not for me to determine the relationship between Parliament and other arms of United Kingdom Government and the Scottish Executive, but I assume that members of the Scottish Parliament have a keen interest in electoral matters and wish to be involved in the process.

The backdrop is that we live in a world of performance standards—they are not unusual. Much information on them is readily available, but we must consider how to apply them. It would not be positive or constructive simply to have a league table based on tight measures. It is important that performance standards be developed broadly according to the principle that we should identify the key issues and develop an information base that allows us to measure and compare. I can go into greater detail if you wish.

The broad principle—that we must be able to address issues of inconsistency and justify the resources of those who carry out the electoral process—is a sound one. Perhaps Andy O'Neill could say a little about that. The Electoral Commission has to consider how we will develop our role in relation to performance standards, and how we will ensure that we do not arrive at different circumstances in terms of the Scottish Parliament's interest.

Dr Jackson: That is helpful.

Andy O'Neill (Electoral Commission): As you know, we have been charged with developing performance standards for parliamentary elections in Scotland. We offered to assist the Scottish Executive with the development of standards; I believe that it wishes to take us up on our offer. We engaged KPMG to do a visioning exercise whereby it will go back to first principles and come up with a vision of the ideal electoral services department. From that, we hope to develop a framework that will include the drafting of

standards, the consultation processes and the mechanisms for reporting.

Dr Jackson asked about the information that we already have. Obviously, we have the consultation exercise, which is on-going. We also have evidence from a benchmarking exercise on electoral services that we did a couple of years ago in England and Wales, from which a number of standards were developed. We also have information from a performance-indicators exercise that Scottish returning officers carried out in 2004 on the European elections. We can feed that into the process of developing standards, but at the moment the electoral commissioners are in developmental mode and have not concluded what a standard is.

Michael McMahon (Hamilton North and Bellshill) (Lab): The bill contains provisions to amend the availability of documents to the public. Do you have specific concerns about that? Do you welcome anything in it? Do you see potential for areas that perhaps do not quite hit the mark?

Sir Neil McIntosh: We welcome the principle behind the broad thrust of the bill, which is that a common approach should be sought in which people understand what information they can access. We must then take it from there. I have not identified anything in the bill's finer detail that is detrimental to the public interest. There are always issues about charges for information, for example, and the danger is that people could be priced out of access to information. That sensitive point should be dealt with and developed later. Beyond that, the detail that I have seen appears to cover a broad range of readily understood issues. However, we could follow through on particular points of concern. Andy O'Neill may want to comment.

Michael McMahon: Marked registers and similar documents are available after an election, but is there an inherent danger that that information could be exploited or misused once it becomes available if we move to electronic counting and different systems of identifying who votes? Does the bill take account of that and address concerns?

Sir Neil McIntosh: The bill does not address electronic voting in any particular way. I assume that consideration of that would follow once the decision was made to examine the operational issues. There are issues about personal and identifiable information, but there are also opportunities to consider how electronic counting can be used in examining the broad reasons for reduced turnout or other issues that are connected to voting.

I know that sampling was raised in a previous discussion. That needs to be thought through

carefully because an electronic system does not have the personal opportunity to sample, which the current system does. Thought should be given to how that should be tackled. It should be pursued and should be part of further consideration once the shape and timing of first, an electronic counting system and secondly, electronic voting are known.

Michael McMahon: Is it your responsibility to look at those matters and to report on them if you have concerns? Is there anything about your position that would make it difficult for you to address such concerns?

Sir Neil McIntosh: The commission can, broadly, look at the process. You will appreciate that although we do not have wide scope, it is open to Executive departments to invite us to consider certain matters. There are certainly issues, such as the availability of information, in which the commission would have a direct interest. We expect to be included in consideration of such concerns.

Andy O'Neill: The commission's involvement depends on whether e-counting is for Scottish Parliament as well as for local government elections—we have a statutory duty to report on Scottish Parliament elections. If part of that election is e-counted, we will report on that. Again, although we have no statutory duty with regard to local government elections, in 2003 the Executive asked us to review those elections and has indicated that it is likely to do so again in 2007. Therefore, we would look at any e-counted election as part of such a review.

Mr David Davidson (North East Scotland) (Con): The submission discusses personal identifiers in detail and the fact that you are against a pilot scheme. You also take that further to go into postal voting abuse. Will you expand on that?

14:15

Sir Neil McIntosh: The commission recommended that personal identifiers should be introduced. Personal identifiers are the person's signature and date of birth, which are used for individual registration. The commission's fundamental position is that voting and, indeed, registering to vote constitute a personal human right that should wherever possible be attached to the individual to ensure that they are aware of its significance and are able to exercise it untrammelled. As a result, we feel that we should move from the current system of registration, which involves—to use the shorthand—the head of the household, to a system of personal and individual registration.

However, the Government has decided that it does not wish to introduce individual registration—

and certainly not without piloting it to establish whether the level of voter registration will fall, which has been the prime concern—so it is not at this stage pursuing identifiers beyond a certain level.

The commission considered that decision, acknowledged some of the concerns and suggested an intermediate approach in which personal identifiers could be introduced for postal ballots. That would ensure the security of the postal ballot system, which has caused concerns. However, a voluntary system of registration could be introduced for other voters, which would allow us to build up a personal individual register to demonstrate that we were not losing electors.

One problem is that, under the UK bill, the system of personal identifiers for postal voting will be subject to pilots, perhaps in the forthcoming English local government elections, which means that it will not be in place for postal voting in the 2007 Scottish Parliament elections. As a result, the level of security in the system is not as high as we would like it to be.

That is broadly the background to the current position. I am sorry that what I said was so lengthy, but I had to work through the stages to show how things stand.

Mr Davidson: Postal voting has been commented on in the press and elsewhere. Has the commission carried out any research on potential abuse of the system? If so, how do its findings correlate with its proposals?

Sir Neil McIntosh: We have carried out quite a bit of work on the circumstances that arose in the previous general election. Indeed, one of the reasons why this bill legislates for postal voting offences is that, at the previous election, the nature of such offences was not clear. For instance, to put pressure on an individual to vote in a particular way was an offence only if the individual responded to such pressure and voted that way. Under the bill, simply pressuring someone to vote in a particular way, regardless of how they vote, will be an offence.

We have also taken a close interest and tracked the situation in Northern Ireland, where different provisions apply.

Mr Davidson: Have you researched why people would not be happy to sign up to a system of personal identifiers and to bring their birth certificates when they vote? Are people's worries similar to their worries about identity cards, for example?

Andy O'Neill: If you are talking about personation, we have no evidence that that practice is widespread in Scotland. As a result, we do not think that personal identifiers need to be used in the polling place.

Sir Neil McIntosh: We have no evidence that people would, as a point of principle, resist giving their date of birth and their signature. However, we have to take account of the fact that, in Northern Ireland, voter registration fell, although there were entirely different reasons why that happened. For example, names that should not have been in the register were removed from it. Piloting the measures would give some indication of what will happen.

Of course, people who use postal voting sign for their vote and, in the past, have had to make a declaration of identity. I suspect that anyone who wanted to use a postal vote would not hesitate to provide their date of birth as well as their personal signature, because they would be anxious to ensure that the system was secure. As a result, we are confident that there would be no detrimental effect on postal voting. In fact, given the possibility of postal voting fraud that emerged at the previous general election, people would probably welcome any means of securing their confidence in the system.

Mr Davidson: Thank you for that clarification.

The Convener: You mentioned that there was no evidence of—[*Interruption.*] There is a problem with the sound. I suspend the meeting until the system is fixed.

14:21

Meeting suspended.

14:24

On resuming—

The Convener: Apologies to all concerned for that slight interruption in the proceedings. We will carry on from where we were.

Andy O'Neill had said that there was not much evidence of voter fraud in polling stations in Scotland. Do returning officers keep a record of complaints that are made by voters who turn up to find that someone has already cast a vote on their behalf? If so, what sort of level does that problem run at?

Sir Neil McIntosh: There are two processes. If there is a complaint of personation, there will be an investigation into that and, obviously, a record of that will be kept. The other process relates to tendered ballot papers. If a person turns up and discovers that a vote has been cast in their name, they receive a tendered ballot paper but it is not counted at the end of the day. With performance indicators, we can at least publish that information and allow people to access it. At the moment, we are talking about personal experience, which suggests that voter personation has not been a major issue in Scotland by any stretch of the imagination. I assume that that is still the case. Nevertheless, the security of the system is important. People must believe that voting has credibility.

Andy O'Neill: My understanding of best practice is that returning officers ask all presiding officers to report anything suspicious to them.

Fergus Ewing (Inverness East, Nairn and Lochaber) (SNP): I wanted to follow the line of questioning about the steps that are necessary to prevent fraud and how secure the existing system is. Although I tend to agree with Mr O'Neill that there is no evidence of widespread fraud, I guess that we do not know about undetected fraud. As was shown in the midlands, the current system is inherently susceptible to fraud.

I will compare the process of applying for and using a postal vote, which I have done, with the process of applying for and using a credit card. To get a credit card, I am asked to give my full details—name, address, postcode, date of birth and so on—my mother's maiden name and a particular personal code. Furthermore, in order to use it I must have a separate personal identification number. That is the degree of security that is required in that process. However, all that is required for a postal vote is for me to fill in a form, sign it and get someone to witness the signature when the ballot paper comes in. That is inherently insecure. Is not that something that we should do something about in this bill?

Sir Neil McIntosh: On the general principle, the position of the commission is that we believe that there is a need for greater security in postal voting. In that sense, we believe that the minimum requirement for checking the person's identity should be their signature and their date of birth. That would make it more difficult and complicated to subvert the system.

One of our problems with the bill is that the provision for a witness declaration will drop. The person will, instead, sign a security statement. Part of the reason for that is that the witness declaration could not be checked in any way because a person could put any signature they like on the witness declaration and we would be none the wiser as to whether it was correct or not.

Of course, our thinking was that the security statement would come to the returning officer along with a declaration of the date of birth and the signature. Therefore, there is a gap—that is a fair point. At the moment, the Government is looking to use pilot projects to pursue all of those issues. That leaves a postal voting gap, which Mr Ewing has identified.

Fergus Ewing: When I apply for a postal vote, I have to sign my application. Then—if my

recollection is correct—when I send in my postal vote, it goes in a separate envelope and I once again sign to declare that I am Fergus Ewing and I have carried out my democratic right. It is usually to vote for a member of my family, but I suppose that that is not entirely relevant.

When my postal vote comes in the package with the outer envelope and the inner envelope, the inner envelope is sent to the electoral registration officer and kept sealed until the election process commences, but is the signature on the declaration form that I completed when I cast my vote checked with the signature I put on my application for a postal vote? Is every postal vote checked to see whether the signatures match, or seem to match? If they are, how is that done? Is it done by a handwriting expert? By whom is it done? Is there a process?

14:30

Andy O'Neill: Our understanding is that they are not checked.

Fergus Ewing: Should they not be checked?

Andy O'Neill: That is something for politicians to decide when they are making the laws.

Fergus Ewing: Would it be possible for the bill to provide that signatures should be checked and, perhaps, that an additional form of identification—such as one's mother's maiden name, which seems to be information that it is not possible for a fraudster to obtain—should be required? No matter what the species of information required, do you agree that it would be reasonable for us to seek to tighten up the bill by providing for more rigorous means of identification and fewer means of postal fraud?

Andy O'Neill: The commission would argue that the personal identifiers beyond signature and date of birth that you are talking about might be collected at some point in the future by the electoral registration officer. That would be done at the point of registration during the annual canvass or the electoral roll registration rather than at the point of postal vote application.

Fergus Ewing: But that will not be done in the bill?

Andy O'Neill: No.

Fergus Ewing: Pilots will be conducted in England at the local elections, so I hope we can learn from them. If personal identifiers will not be dealt with in the bill, how can ministers set performance standards and, with respect, how can you support them? Your submission welcomes performance standards, but as you have explained already, they have not been specified. As your submission says, the aim is

"to provide a clear framework for quality services and accountability",

but if the system is, as your submission says later,

"open to abuse and error"

for the reasons we have just gone over in relation to postal voting, how can any performance standards be acceptable and how can you support them?

Sir Neil McIntosh: We broadly support the principle of performance standards. That is proper and our support is for such standards across the whole range of issues, not just postal voting. There are obviously issues of registration, levels of registration, training and public information. We therefore think that, in themselves, performance standards are a good thing.

When we come to performance standards for postal voting, we would be in favour of those for the provision of information on postal voting. We would prefer that they related to a secure postal voting system, but we have to respect the right of Parliament and the Scottish Parliament to determine the system. It would not be constructive for us to say that we oppose performance standards. We continue to advocate a more secure postal voting system than is in the bill as it stands and hope that it can be achieved. Performance standards would then be a very important part of establishing how the system is operated.

Fergus Ewing: At the first evidence session, I asked what the performance standards would be. Would the criteria be accuracy and speed? Would cost come into it? I am staggered that the Executive has not described the standards. Instead, it has simply said that it will go away and think about it, as it is wont to do.

It surprises me that you seem to support performance standards. The bill does not say what the standards will be, yet it contains provisions that you say will create a system that will in some respects be open to abuse. I am puzzled about how you can support the general concept of performance standards without there being a clear proposal about what the standards will be.

Sir Neil McIntosh: I support the general concept of performance standards. If we had performance standards in the absence of the bill, they might throw up real issues that had to be addressed. Therefore, I do not think that the lack of detail detracts from the proposal. In other words, if the bill went through without performance standards, that would be not to the benefit of the democratic process, but to its disbenefit. You ask whether we should measure cost and efficiency, but my view is that effectiveness is the important point. The criteria that you mentioned are relevant to the process but, in setting performance

standards, it is important to take account of the fact that differing practices, for instance in a rural area and a city, may be perfectly reasonable. We need a blend of meaningful measurements that can be used in each setting.

I see a shape for performance standards, but that is only my thinking. The Electoral Commission has to work the issue through, consult and then progress from there. The issue of performance standards cuts across many other issues, one of which might be postal vote take-up. We might have to consider what a sudden surge in postal voting in an area means and why it is happening. The development of standards has all sorts of elements and requires us to take a view across the scene to identify the issues. The commission would prefer to have both elements.

Fergus Ewing: To move to a slightly different point, what will happen to returning officers who do not meet the standards? Will there be any sanction?

Sir Neil McIntosh: If a returning officer negligently refused to meet reasonable standards, there would have to be a sanction. However, if we had a league table that showed high costs in the Highlands, that might of course not be a result of a failure to meet standards. As you and I know, costs in the Highlands are higher than they are in Edinburgh or Glasgow. We would have to examine whether the standards address that issue. We might compare the costs with those in Argyll and Bute and find a difference, in which case we would want to know why the process was handled more effectively in that area. I do not support the blunderbuss approach to standards—they are not something with which to club returning officers over the head; they will be used to ensure that the Parliament is better informed than it is at present about the electoral scene.

Andy O'Neill: Performance standards will be a tool by which we can improve continuously electoral services throughout Scotland. The commission and the political parties are keen on a consistent approach. The performance standards will allow us to develop consistency throughout Scotland so that electoral administrators do the same thing to a good standard everywhere, rather than in one or two places.

Fergus Ewing: I assume from what Sir Neil McIntosh said that a league table will be published in the press, showing the performance of individual returning officers based on the performance standards—whatever they may prove to be—in the same way as surgeons' performance has been published in today's press.

Sir Neil McIntosh: I hope that what I said was that I do not want a straight, uninformed league table. I stress that that is not what I have in mind.

However, it is inevitable that any open performance standards process will be open to interpretation. If we found variations that could not be explained, it would be proper that they should be known and identified. There is a whole field like that. A league table of levels of registration would give a clear picture of performance in percentage terms but might not take account of all the background issues that impinge on the levels. It is therefore important to be able to interpret the information. At the end of the day, if information is open, it is open to misinterpretation, but the objective would not be a loose interpretation of the information—the commission would certainly not favour or associate itself with that.

Mr Davidson: I have a supplementary question on that. Sir Neil, has the Executive asked the commission to comment on the bill's proposals or has the commission sent any comments? If it has not, does it intend to do so?

Sir Neil McIntosh: We are making our views and comments known at this meeting and we have published them. The Executive has a copy of that.

Andy O'Neill: Much of the bill is based on recommendations that we developed between 2001, when we came into existence, and 2004, and which are public documents. About 80 per cent of the United Kingdom Parliament's Electoral Administration Bill is based on our recommendations. Much of the Local Electoral Administration and Registration Services (Scotland) Bill carries through the same recommendations, so in that sense we have given the Scottish Executive our views.

On performance standards, we have started thinking about how they work. We have sought to involve the Executive by inviting it to participate in the work that KPMG is doing for us on the vision of an excellent electoral service. I suppose my answer to the question is that we are talking to the Executive.

Mr Davidson: Can you share with the committee information about the KPMG work?

Sir Neil McIntosh: I can see no reason why we cannot do so candidly. If the commission is an open organisation, we are open to all and particularly to elected representatives. Frankly, I can see no problem in doing what you suggest. Those might be famous last words, but I do not foresee any problems from the commission's point of view.

Dr Jackson: At a previous meeting, we asked about e-voting and e-counting and we were told, if I remember correctly, that a power from other legislation would be used to deal with those issues. What are your feelings about that? We thought that it was a little strange that not everything was being kept together in this bill and

that e-voting and e-counting were being dealt with elsewhere. I think that Andy O'Neill mentioned something about e-counting earlier, but I wonder whether you have any comments on e-voting.

Sir Neil McIntosh: On the general issue of running work on e-counting in parallel with this bill's progress, I suspect that that is being done because we do not have a finalised structure for e-counting. E-voting is even further away and involves doing studies and progressing the results of them. The Electoral Commission welcomes a multichannel approach to voting so long as there are robust, sound processes that can use what is most effective. However, we are concentrating just now on the channels of polling places and postal voting. Nothing else is ready or at a stage at which we can say that we can introduce other methods of voting.

I believe that trials of equipment for e-counting will begin in Scotland on Monday, to establish how effective it is. I would expect any provisions for e-counting to come back through the normal channels. I am sorry that I am unable to comment further on the detail of that.

The Convener: Fergus, have you finished your questioning?

Fergus Ewing: I just want to ask one more question, which is about the KPMG report. Would it not have been an idea for the commission to obtain that report before the bill's publication rather than during its passage through Parliament?

Andy O'Neill: The KPMG contract is doing something for the Electoral Commission in terms of our delivering the power that we will get when the UK Parliament passes the Electoral Administration Bill. In a sense, the KPMG work is being done to allow us to carry through our duty, which is not the duty that the Local Electoral Administration and Registration Services (Scotland) Bill will give the Scottish ministers.

Sir Neil McIntosh: Perhaps I can add to that. The work that has been done involves preliminary planning for a responsibility that might come to the commission, so we must get off the ground now to think through what it might be. We approach all the objectives that might come to pass by engaging in widespread consultation. The commission does not want to lay down what the standards should be. As we do for election arrangements, we want to involve and work closely with the Scotland Office, the Executive, returning officers and the political parties.

The one thing that we do not have, which has come to light through the question, is a point of contact with members of the Scottish Parliament, to let them know what we are doing and exchange information with them. It is helpful to be able to

come here to explain to members what we are doing, so it might be useful to follow that through.

14:45

Fergus Ewing: I am sure that that constructive suggestion would meet with our approval. My question was meant as a criticism not of either of you, but of the Executive.

Sir Neil McIntosh: I appreciate that.

Fergus Ewing: We are here to consider a bill that says that there should be performance standards, but we have no idea what they are. We have found out from you today that KPMG has been asked to provide the vision. It seems to me that the Executive should have done that work before it came to the committee. I say that for two reasons.

First, under section 1(3), the Executive would

"lay a copy of the published standards before the Scottish Parliament."

There would be no scrutiny of them, because they would not take the form of a statutory instrument.

Secondly, there must be a question about the independence of the returning officer. The returning officer should be impartial and free from political interference, but the bill gives the Scottish ministers the power to determine unspecified standards, which they can set as they wish without involving the Parliament. It seems to me that that erodes the principle of impartiality, threatens to impugn the impartiality of returning officers and, at least in theory, lends itself to abuse. Have you considered that point and if so what was your conclusion?

Sir Neil McIntosh: The commission has not considered that point. It touches on aspects of our relationship with the Executive, which are not for me to comment on specifically.

The KPMG study is intended to inform the commission as part of our duties and will not therefore determine what the UK Government or the Executive decides about performance standards. If the principle is accepted, there has to be wide-ranging consultation, of which returning officers and electoral administrators have to be part.

On the independence of the process, if performance standards were impinging in a way that was seen as overtly political, that would, without question, be a matter of concern to the commission.

Fergus Ewing: I am pleased to hear that; I would expect nothing less.

How much will the report from KPMG cost?

Sir Neil McIntosh: I cannot tell you. I am sorry. We can get the information for you. The report is for the commission and will be a starting point for our considerations.

The Convener: When the Executive officials first proposed the bill, there was criticism from members that there did not seem to be a lot in it on improving turnout in elections. I appreciate that a large part of that is down to the policies and messages that political parties put across. Do you believe that any opportunities have been missed for the bill to assist in improving turnout?

Sir Neil McIntosh: To be fair, I do not think that those matters could have been addressed in the bill. They are important, but they are distinct from what the bill attempts to address, which is the administration of elections. Under the bill, registration officers are empowered and have a duty to encourage people to register, which was not the case before. There are provisions to address offences of fraud, which will give people more confidence in the voting system, which is important. Children will be able to go into polling stations, which is important as it will enable young people to see voting as part of their normal lives.

A wide range of important issues relating to voter turnout and participation is addressed. I will not try to go through them all, but I will mention individual registration. As a member of the Electoral Commission, I regard that as important. When a young person registers for the first time, it should be acknowledged as an important moment. It is that young person's opportunity to have a voice.

We all know that young people are deeply interested in what happens around them, but they do not regard politics as relevant. That is an important point to consider when we talk about turnout. If someone's registration is simply a matter of one of their parents putting their name on a form, it will not be as secure a base to start from as it might have been.

Parts of the bill could assist on voter turnout. However, turnout is a much wider issue and is of great concern to the Electoral Commission. I would be more than happy to address the issue constructively and positively with anybody with an interest in it.

The Convener: That brings us to the end of the evidence from this panel. I thank Sir Neil McIntosh and Andy O'Neill for their evidence.

We now welcome our next witness, Dave Watson of Unison Scotland. Dave is here to address the parts of the bill that deal with registration services. I will give him the opportunity to make some introductory remarks before we move to questions and answers.

Dave Watson (Unison Scotland): Thank you. Unison broadly welcomes the bill, most of which is about modernising and updating processes that have been introduced gradually over quite some time. However, we wish to draw the committee's attention to three issues.

The first is the proposal to make registration districts coterminous with local authorities. The proposal appears logical and we do not have difficulties with it in principle. However, there is little evidence—in fact, we have seen no evidence—that people are confused by the current system. Although there is a certain logic to tying the two together, it could be argued that the change will cause confusion for some time.

We are concerned that the change might be used as an excuse for rationalisation and the closure of smaller registration offices, particularly in rural areas where there may be a number of offices. We link that issue closely to the proposal to remove the collection of fees from local authorities and assign it to the registrar general for Scotland. That will result in a loss of income for local authorities, which might well drive the rationalisation of registration offices. I am sure that I do not have to tell this committee that local government finance is not strong. We think it unlikely that local authorities will regard additional funding for registration as a high priority in the current financial climate.

The second issue that we are concerned about is e-registration. There is a Scotland-wide information technology system for the managing of registrations, so the proposals for Scotland-wide registration are perfectly feasible. However, e-registration would require IT systems to be joined up with those of other agencies—in particular, the national health service system for births and deaths. The systems are certainly not joined up at present and there is a major concern over whether they ever could be.

We are also concerned about accuracy. There are major benefits when members of the public sit down with a registration officer to complete the complex forms. For example, if somebody is concerned about information being missed off the form—perhaps to do with family history—registration staff can often provide reassurance.

A big concern is fraud. The committee will know of current concerns over identity fraud, which is a big business. With online registration, there is an opportunity for that fraud to expand. Nothing can beat a face-to-face registration, when the registration officer can look the person concerned in the eye and make appropriate checks with his or her local knowledge of an area. We recognise that some of that has been addressed in the consultations with the registrar general. We are, however, concerned that the proposed legislation

will give a blank cheque for online registration to be introduced without any further parliamentary checks. We believe that that is unwise.

Lastly, although we broadly welcomed the Marriage (Scotland) Act 2002, we had some concerns about venues where our members would have to perform marriage ceremonies. I am pleased to report that the regulations on the approval of places for marriages that were introduced have been robust. There have been some entertaining venues for marriages, in which our members have been involved. The events have gone well because local authorities have ensured that rigorous health and safety, building control and police checks have been carried out on the premises involved. However, we are concerned that similar provisions are not in place for civil partnerships. We would like to see them in place.

We share the concerns about how the marriages-at-sea provisions will work by having one registration area and about which registrar will handle that registration. As a trade union, our main concern is about the logistical aspects of marriages at sea. Most ports have a small registration office with one or two members of staff who simply cannot be away from the office for several days attending to a marriage ceremony at sea. There are practical logistical problems, not to mention the obvious health and safety and other issues with regard to marriages at sea, albeit within Scottish territorial waters.

The Convener: The issue of identity fraud has been widely covered in the media. It has been reported that it is fairly easy for people to access documents such as people's birth certificates, and then go on to perpetrate identity fraud. What measures can be put in place, either in the bill or through other means, to protect against identity fraud, even if we choose e-registration or keep the existing system?

Dave Watson: The availability online of that information is out of the scope of district registrars to do much about. That is a much wider issue for the police and our members in the police service.

On registration, there are over 200 registration officers in Scotland who, with the exception of the large city conurbations, know their local areas and are able to ask appropriate questions of people who present themselves for registration. That is a key point which our members emphasise to us. No one would claim that it is a secure means of avoiding fraud, but we should not make it any easier for people to engage in identity fraud. Online registration would do that.

The Convener: Are there protection measures that can be put in place before people are given copies of or access to documents?

Dave Watson: In reality, that would not be practical. A balance is required between securing measures to prevent identity fraud and the growing interest, for example, in family history. There has been a growth of family research centres at both national and local level. Many local authorities link with their archivists, particularly in the islands—in the summer, there is a regular trek of visitors to local authority archivists. Registration staff and libraries have a role. That is an important part of Scottish tourism, and a balance has to be had.

There is a need for other organisations to have legitimate access to that information for checking purposes. I am not referring to commercial sales, as with the electoral register, but I am referring to the legitimate checking of systems. If someone is a citizen of another country, the public need to be able to check their bona fides in relation to their status in that country. A balance must be struck. However, we need to put as many reasonable checks in place as possible to ensure that there are no false registrations that could create massive identity fraud in future.

15:00

Michael McMahon: You mentioned the financial situation in local authorities. Part of the specific discussion on efficiencies relates to the introduction of IT and how it would help to reduce costs and aid efficiency. However, your view is that the introduction of IT, new technology and e-counting will increase the workload of your members. Why should that come about?

Dave Watson: The number of IT services in the efficient government initiative is often driven by our experience outwith the public sector; for example, shared services and other common service arrangements are introduced. Those are fine. I can give an example from the energy industry that Unison represents. We used to have shops on the high street where people paid their bill, but almost all those shops have disappeared across Scotland—Hydro still has shops, but it has closed some of them. As a result, people have to go through a telephone call centre. Many very confused people ring call centres, particularly the elderly and people from disadvantaged groups.

Local authorities are about providing services to the whole community, but to disadvantaged groups in particular. Therefore, although it is important that we exploit the advantages of online services and call centres, we should not lose the face-to-face contact that provides quality service at the front end. Registration is a case in point. We have co-operated in the extensive use of IT in registration, but there are advantages of accuracy, quality of service and the avoidance of fraud in having face-to-face services. Efficient government

is not about doing away with face-to-face services totally; it is about improving services, not taking away valuable customer interfaces.

Michael McMahon: Have you analysed the costs? Have you considered how much retraining or additional training would be required to allow your members to adapt to the new systems?

Dave Watson: I do not think that the costs would be huge—most of what we need is already in place. However, there might be a concern if we went to online services, as offices might be rationalised, and that would cause difficulties at a local level. The other problem is a practical one: our experience of many online services is that people do not fill in all the things that they need to and there is partial completion of documentation. As a result, our members spend time chasing up additional information or have to behave in an unreasonably bureaucratic way and keep sending documents back. That is not helpful and the customers are, quite rightly, annoyed. It is about balance.

Frankly, it is impossible to say exactly what the costs will be. However, our real concern is the possible loss of fee collection. Local authorities might look to save money by closing registration offices, particularly in large rural areas. That would be a step in the wrong direction.

Mr Davidson: You mentioned your concern about marriages at sea and the time involved. How do you feel about the proposal that the captains of vessels should have the same powers in international waters as they do now?

Dave Watson: At the moment, there are provisions in legislation for approved celebrants, and arrangements can be made to allow for such marriages. We would not have great difficulty with provisions for marriage at sea, as long as the arrangements were clear about where the person had to register. We have a concern about the logistics of our members having to leave what may be a one-person office—shutting such an office for several days is not viable. Neither would we wish to leave a two-person office as a single-person office—in an isolated office, there could be health and safety issues.

There are practical concerns about where people register their marriage. They can register with a registration officer a long way from the port from which the ship is sailing. There is also a question of how to approve the vessels. The venue, if it is a vessel, does not have to be a sea-going vessel; it could be any structure. I presume that that could cover oil platforms, and I suspect that it was the intention of the drafters to cover them—it is hard to imagine, but I suppose that there might be people who want to get married on an oil platform.

The registration would still have to be done by our registration members. I am not sure whether the rig managers whom we represent would be ready to be celebrants of weddings but, as long as the approved celebrant procedures were observed, registration on vessels at sea would not be a problem.

Mr Davidson: You have expressed concerns about rural registry offices closing under efficiency drives and so on. In one part of England where I was once on holiday, the head librarian also acted as the local registrar on a part-time basis. Could that sort of practice be developed here?

Dave Watson: I am not sure about whether we have any librarians doing this, but a number of our registration staff do more than one job. I am not talking about senior, well-paid members of staff by any means. In some of the larger registration areas, there are large departments with specialist staff, whereas in the smaller areas there are often registration staff with other occupations.

There has been some use of temporary staff, but we are concerned that that undervalues the training and expertise of registration officers. The job involves some preliminary training, but the building up of years of experience is also important. It is a question not just of filling in the forms but of knowing the concerns that people have, knowing the local area and knowing the sort of problems that are likely to crop up. Those are not things that can be learned overnight, as it were. If we had more in the way of temporary arrangements, that would mean a high turnover of staff—which is not the case at present—which would risk the knowledge and expertise that staff had developed over many years being lost.

Mr Davidson: You do not feel that that can be overcome through training.

Dave Watson: No. Our experience of having temporary and other arrangements is that the staff do not do the job for very long, and they leave, resulting in a high turnover. It is a job that people learn largely through experience, following their initial training. That experience comes only with time served and knowledge gained.

Paul Martin (Glasgow Springburn) (Lab): You raised concerns about the effectiveness of IT. Do you accept that people now apply for a mortgage, for example, without any face-to-face contact with the company that is selling it to them? People can apply for credit cards without any face-to-face interaction. Would it not be possible to develop a system to ensure that the necessary security was in place?

Dave Watson: Some of those facilities can be put in place but, from my experience and from that of our members working in the private sector, I know that companies take risks. They make a risk

analysis, knowing that there will surely be fraud and that there will be difficulties. However, they also balance up the additional cost of providing face-to-face services against the efficiency gain from having a central service. There is a balance to be struck.

When we discuss identity fraud in the public service, we do not think that such commercial judgments are appropriate. All members of the public are entitled to equal access to public services. Commercial entities operate on the basis that they know their market and they know the customers whom they are seeking to attract. Local authorities often have to deal with customers from among some of the most disadvantaged members of society, so they do not have that luxury. We have to deal with everybody. On that basis, we have to provide equal access to services. That is why, in some public services, face-to-face contact is still the best method, both to provide an accurate, correct service to the public and to avoid the sort of fraud that is sadly becoming all too common.

Paul Martin: Could there be an argument for some categories of work being conducted over the internet? The registration of a death is an example of something that might require face-to-face interaction, but will people still have to go in person to arrange a registration of marriage and to pay for that? Could the internet be used to do some things more effectively and in a way that is much easier for the customer?

Dave Watson: Yes. If it is a straightforward administrative issue, it is no problem. The issue is about the registration of births and deaths because of the potential for fraud. That is where face-to-face procedures are useful. Taking away the requirement for personal attendance when registering a birth or death and simply requiring people to attest is a concern about the bill because it would be like signing a blank cheque for anything in the future.

Paul Martin: You mentioned earlier the extensive interest in family history and the business that has been created as a result. Should local authorities try to ensure that they and ultimately their employees benefit from the interest in family history so that maximum opportunities exist for those employees?

Dave Watson: That is absolutely right. Many local authorities are doing just that. There are opportunities for us to link up services in that area.

I highlight as an example Orkney Islands Council, where one of our officials happens to be the archivist. They developed an extensive family history service in that area and the place heaved with visitors, particularly Americans, in the summer months. They developed a good service that was

much appreciated, as we could tell from the flood of responses.

That is true in other areas, too, and we can develop that service by using online services, which makes some of the initial searching easier, as well as by providing some of the other records such as the pre-1855 registers and parish records, which have not as yet been provided at local level. There is much work to be done in that area.

Paul Martin: In your experience, are the profits generally recycled back into the service or do they form part of the council's overall profits?

Dave Watson: Different judgments will be made at any given time. The profits do not always go back to the service, but I can point to a number of local authorities where new facilities have been built and where the local authorities have invested capital up front in the expectation that they will recover the cost of developing those facilities through fees and other income. Sometimes that is done as part of a broader development such as a library or an archivist facility. There are prospects in that area and local authorities use their imagination.

However, we must recognise that even under the new prudential borrowing regimes capital funding is still tight. There is an issue about the revenue funding being there to meet the prudential borrowing requirements of those new facilities.

Dr Jackson: Thank you for elaborating on that point. I was going to ask about the rural situation, but you answered that question when you spoke about other jobs that registration staff might be doing.

My other question is about IT. You spoke about the link-up with the health service and said that you imagined that it might never happen. Are there any pilots going on?

Dave Watson: A variety of systems are being developed. The difficulty with many IT systems is that the public sector often works in silos and people develop a system that works for their silo. The difficulty with what is proposed is that one would have to join up very different IT systems to deliver different outcomes for different end users. The history of this type of computer system in the UK as a whole is not good. I will not mention the passport office as a good example, but there are examples.

We are creating systems in the NHS that have one purpose—for example, to create electronic medical records. We are linking from that into the registrar general's systems, which have been set up for very different purposes. Systems are developed with different levels of security. For obvious reasons, the medical records system has a high level of security. Other systems have a

lower level of security because they have been developed for other, semi-commercial purposes. We can match those two.

I may be being unduly cynical, but experience teaches me that such systems are not well joined together anywhere in the public or private sector. Many have been produced under private finance arrangements and have still been a dismal failure. Grave technical difficulties are involved in achieving links, although they are certainly possible.

However, there are practical reasons to do with accuracy, fraud and other reasons that I have highlighted why such links should not be used across the board for the area of work that we are discussing. Experience teaches us that the technical difficulties are difficult to get around, but there are good practical reasons to do with service and people's identities why we should retain face-to-face contact in some services.

15:15

Dr Jackson: Will you elaborate on what currently happens when a person dies in a hospital, for example? Is information about that death sent by letter?

Dave Watson: Yes. I understand that a card is brought from the hospital. The current system is largely paper based.

The Convener: The person's next of kin might be given the death certificate to take to the registration office, but I assume that there is back-up contact between the national health service and the registration service so that if someone does not register a death, that will be flagged up.

Dave Watson: Yes. Death certificates and extracts are published, back-up systems can be followed through and registrars obviously have local knowledge about events.

The Convener: That ends our questions. I thank Dave Watson of Unison for giving evidence.

Our third panel will also address the part of the bill that deals with registration services. I welcome Kenneth Nisbet, who is the secretary of the Scottish Association of Family History Societies, and Andrew Nicoll, who is the secretary of the Tay Valley Family History Society. Does anybody want to make introductory remarks on the bill?

Kenneth Nisbet (Scottish Association of Family History Societies): Yes.

Broadly speaking, we welcome the opportunity that will be given to local registrars to access records—particularly historical records—that they cannot currently access because they are held at New Register House.

At the moment, local registrars cannot access the digital imaging of the genealogical records of Scotland's people system, which is available at New Register House—they can access only records that pertain to their local area.

I cover Caithness down to Northumberland—I know that Northumberland is over the border, but I deal with every east coast county—and live in Edinburgh, so I have the advantage of being able to go to New Register House, but my parents live in Nairn and can access only records that pertain to Nairnshire or Inverness. If they wanted to look at other records, they would have to come down to Edinburgh. That is one aspect of the bill.

I submitted a comment that there is concern about costs. Services are currently available at New Register House for a reasonable charge, but local authorities might see family historians as providing an income and could take advantage of them.

Family history is largely seen as a middle-class hobby and it is sometimes seen as a pursuit that elderly people follow—something that people pursue when they have retired and have time on their hands. However, most family history societies have an increasing younger membership. We want to encourage those people and feel that they should not be relied on to subsidise registration services.

Paul Martin: As you say, the number of people who are interested in family history has increased significantly. In my experience, that is happening among all age groups and not just among the elderly. We should talk not just about the cost of access to records. Does tourist interest in family history allow for spin-offs such as family history centres near registration offices?

Kenneth Nisbet: There is an opportunity to encourage inbound tourism—for example, the witness from Unison mentioned Americans going to Orkney. Family history societies have many overseas members, but it must be borne in mind that the ScotlandsPeople website allows people to look up records of pre-1905 births and pre-1929 marriages. Most family history societies say that overseas membership is decreasing because people need not come here to do basic searches. Increasingly, an overseas member will not use a local registration office, because he has already seen the records and the census. The 1901, 1891 and 1871 censuses are available on the ScotlandsPeople website and, by the end of March, so will be the 1851 and 1841 censuses—the whole lot, in fact. For basic research, an overseas member will not need to access local registers. If local authorities are to make money from family history, they will have to add the other records.

Paul Martin: Are people from abroad charged to use that website?

Kenneth Nisbet: Yes. Thirty units of use on the website cost £6. To access a certificate, a user will pay one unit to find the entry on the index and a further five units—which makes a total cost of £1.20—to look at the entry, whether it is of a birth, a marriage or a death or is a census record. From experience, Andrew Nicoll and I can say that people from overseas sometimes spend a fortune on that site. Someone who has a common surname really should not use it, because finding information can be incredibly difficult. Most family historians groan if they find that someone in a family has married a Smith, Brown or Jones. Macs can be an absolute nightmare, because they change from Mac to Mc even in the same family.

Paul Martin: Should we not develop such websites so that local authorities, rather than companies, benefit from them and particularly from their overseas users?

Kenneth Nisbet: No commercial company in Scotland is developing access to the census, whereas in England at least five commercial companies have access not only to the English census, but to the English indexes of births, marriages and deaths. Members will be aware that the proposed Regulatory Reform (Registration of Births and Deaths) (England and Wales) Order 2004 was defeated in the House of Commons, partly because of family historians' concerns about access. We in Scotland like to think that we have a unique and wonderful system. We have one source, so people need not search through umpteen websites. The system may cost people, but it is very good.

Andrew Nicoll (Tay Valley Family History Society): To support accessibility and allow local registrars and registration offices to promote a service locally, tying up with local archive services and local libraries is important.

Family history societies have worked with local archivists and librarians since the 1970s. In many cases, staff have supported work on family history voluntarily, because services are underfunded. My concern is that revenue that is generated locally might be creamed off to support existing services rather than to promote new services. The aim is to enable people from America, Canada or wherever to visit local areas and benefit from a more joined-up service. At the moment, that does not happen. It could happen, but it is difficult to see how.

Paul Martin: Do you think that the bill provides an opportunity to reconfigure the service to allow that kind of local activity to take place? It is difficult to legislate for that, but should something be put in place to allow it to happen?

Andrew Nicoll: Yes, but it will have to be flexible because each locality is different. The archives in Edinburgh are grossly underfunded, so it is difficult to envisage the archive service working in close partnership with the registration service. The archives might be subsumed into another service without the necessary professional standards being employed.

Orkney is an excellent example because it has invested in its library and archive service, which works well with the local registration services. There should be flexibility, but benchmarks should be built in so that there is continuity of service throughout the country. It would be terrible if the service in Orkney was excellent but people who turned up in Edinburgh found that the service was poor or non-existent.

Fergus Ewing: On the costs of inquiries for people with common surnames such as Smith or Macdonald, I understand from the radio this morning that there will be a family history day next Saturday with free access between 11 and 3, so we will send along the Smiths, the Macdonalds and the Browns.

Kenneth Nisbet: The family history day at New Register House is being held in conjunction with the BBC's "Who Do You Think You Are?" programme. On the point about common surnames, my grandfather was one of nine MacPhersons, but some of his brothers spelled their name McPherson, so there can be problems even within the same family.

As I said, we have a great service here in Scotland and it should not be diminished in any way.

Fergus Ewing: I agree. As a member who represents Glencoe, I hope that you will not allow the Campbells in for free.

I move on to the book of Scottish connections, which seems an excellent idea. What do you think about it? How might it affect your specialty?

Kenneth Nisbet: My concern is about how people will prove their connections. The Church of Jesus Christ of Latter-day Saints runs something called the international genealogical index. The church's interest in genealogy, as you probably know from Brian Adam, is that it can baptise people into the church even if they are dead. The index contains a lot of information that has been collected by the church, but it will accept any information.

Family historians and historians are concerned about accuracy. A lot of people say, "I'm related to so-and-so," but how do we prove that? There is concern about how people who live overseas will prove their connections. A classic example is Prince Charles. He can claim to be Scottish through his grandmother, but no one is sure where the late Queen Mother was actually born.

Andrew Nicoll: That is an interesting issue. If people can register events electronically, there will be questions about how relationships can be proved. We might end up with people logging on to the book from anywhere in the world, posting their information and saying that they are Scottish by descent. What is the value in that? There must be defined terms under which people can include information.

15:30

Fergus Ewing: I am afraid that I cannot enlighten you about Prince Charles's Scottish connections.

The Convener: I presume that they are registered.

Fergus Ewing: I am not an expert on the royal family and their provenance. I guess that David Cameron might claim some Scottish connections, but I doubt whether you would have more luck in substantiating them.

Section 44 seems to make it clear that, for someone to be entitled to record anything in the book of Scottish connections, they would have to overcome certain requirements. They would have to prove that one of their parents or grandparents was born in Scotland or that there was an entry in respect of an event relating to one of their parents or grandparents. I presume that that protective measure addresses your concerns about inaccurate and unsubstantiated entries.

Andrew Nicoll: It should, but if a 100-year-old American man decided that his grandfather was born in Scotland in 1822, before civil registration began, we would have to rely on unofficial records to corroborate that. I know that that is an extreme case, but it is a possibility.

Fergus Ewing: Perhaps we can invite Prince Charles to be a test case for the book of Scottish connections once it comes online, as it were.

I have approached the issue from a different perspective, although I appreciate that historical accuracy is part of your expertise. I see this as a terrific opportunity to harness some of the affection and fondness for Scotland that is to be found among the diaspora, especially in the USA, Canada and Australia, where there are still strong attachments to Scotland.

In my constituency, there are many clan gatherings that mean a lot to many of the people from the clans who are still in the Highlands. Like Paul Martin, I see this as a good way in which to promote tourism through genealogy, which is one of the strands that VisitScotland has come up with. We can promote and market Scotland in that way without sacrificing historical accuracy. Do you think that that is a reasonable objective? If so,

should we widen the qualifiers from grandparents to more remote forebears, to involve more people whose families left Scotland earlier, perhaps because they were forced to leave because of one circumstance or another?

Andrew Nicoll: The parent or grandparent option reminds me of the status of young people who could apply to study in Scotland or the United Kingdom because they had an ancestral claim to be here. I assumed that the provisions had been drawn up on those terms. I do not know what would be accomplished if the entitlement was widened. The added complications of proving such a connection might be too burdensome to the system.

Kenneth Nisbet: As family historians, we would support and encourage people to come and visit the country from which their ancestors came. Like most family historians, I have umpteen Australian and Canadian relatives. We would encourage people to visit the country and feel a sense of belonging—that is very important in family history.

As Andrew Nicoll said, however, family historians want to be accurate. In the past, people have sometimes claimed to be someone they were not. Family historians now like people to prove their claims by producing two sources. Perhaps that is too strict, but a lot of family societies ask, "Where is your proof?"

Andrew Nicoll: We could end up with a strange situation in which people feel more Scottish if they have a piece of paper that says they are. Someone might want to come here and trace their forebears, but not to do so too seriously. If we are to promote ancestral tourism and be a welcoming country, we should allow such people to identify themselves with Scotland and being Scottish. If we widen the principles or lay down rules, we will exclude people.

The Convener: I understand your point about going back so many generations that the proof might not exist, but it seems to me that the registers of the relevant country could be used to establish whether a parent or grandparent link was genuine. If anybody had any doubt as to whether such a link was genuine, it could be investigated. However, aside from the advantages for somebody who is tracing their ancestry, there must be opportunities for families who have lost touch with one another to regain contact with living members of their family. The book could be useful for people who want to do that.

Kenneth Nisbet: It would certainly be useful and it would have to be available online, because most family historians nowadays are used to using electronic facilities. You probably know that the most popular website in the UK is Genes Reunited, an offshoot of Friends Reunited. It is

hugely advertised and very popular—particularly with Australians and Canadians, I gather, although it has not yet been picked up by many people in the States. The information needs to be made available electronically, because that is how most of us keep in touch with one another nowadays.

Michael McMahon: You have raised an issue that we have not discussed before: self-certification online. Why are you concerned about that? What complexities do you think it will add?

Kenneth Nisbet: The problem with self-certification is basically one of accuracy. At present, a death certificate must have parents' names on it, but not everybody knows their parents. If you are adopted, you may put your adoptive parents' names on the certificate. Family historians will tell you that, if you are tracing your genealogy, it is not your adoptive parents whom you should be tracing but your blood parents. Family historians may choose to go down any line they like, but accuracy is important.

Not everybody remembers when their parents were born, for example. A Scottish death certificate currently has the deceased person's date of birth on it, but if the person registering the death does not have access to their parent's birth certificate or to an electronic version of their records, you cannot be sure that the date that they remember is accurate. A person in their 60s or 70s who is registering the death of a parent, who will be older still, may not necessarily remember when that person was born, and may not have proof of their date of birth. That is a concern.

Andrew Nicoll: As Dave Watson of Unison said, it is a case of being able to sit down with someone to verify that information. Technically, electronic registration is fine in principle, but you could put in any information you wanted to, as long as you had the person's name. It is like applying for a mortgage or a loan online: you can put in any information you want. You could enter the father's name as Donald Duck and, unless there is someone who can verify that information afterwards, the system could be open to abuse.

Michael McMahon: I understand that. I would like to ask about the example you gave of an individual who has been adopted. If they entered their adoptive parents' names, they would be describing the legal status of their relationship with those individuals, so it would not be wrong in that respect.

Kenneth Nisbet: It depends what the adoptee feels. I do not think that any statutory check is done at the moment to see whether the names on a death certificate are correct. On a marriage certificate, you currently put the names of both spouses' parents. If the parents are divorced and the mother has remarried, you would put both her maiden name and her current name. The burden of proof is on the individual providing the information, and no check is done.

Mr Davidson: I have a question that is more out of interest than anything else—it is nothing to do with the bill. Under the clan system in Scotland, many people adopted the name of the person who took them on to the land. For example, they may have married a clan chief's daughter and adopted the name. That system continued until the 18th century. Given that, how accurate are the records?

Kenneth Nisbet: I am doing a lot of research on Glenlivet, which was the home of what I call Scotland's original Catholics. The family used a lot of aliases and swapped names around. The same happened in Nairnshire. You are right: the clan chief would often tell people that if they wanted to live on their land, they should swap names. A particularly notorious time for people switching names was around 1746 and 1745, which makes it difficult for family historians to get back accurately beyond the 1750s, particularly in the Highlands. Another issue is that not everybody had enough money to afford the registration fee that was paid to the minister.

Mr Davidson: When I lived in Strathard, I read a census that listed "Four poor human souls" with no name but the name of the person for whom they worked. That was from the end of the 18th century. The church record was not very accurate because it was based on who had paid their dues to the church.

Kenneth Nisbet: A new act was introduced in the late 1780s that required ministers to collect a fee for the registration of births. In many registers from that time, the minister or the session clerk comments that the act led to a big drop-off in the number of people who registered births. People could not afford the fee. In some cases, one finds that when people got a bit of money, they suddenly registered or baptised all their children in one fell swoop.

The Convener: That brings us to the end of our questions. I thank Kenneth Nisbet and Andrew Nicoll for their evidence.

I welcome our fourth panel, which is made up of Carolyn MacPherson, who is the chief registrar of Angus Council and who represents the Association of Registrars of Scotland. As members can probably guess, Carolyn will address the bill's registration services aspect. I will give her the opportunity to make some remarks to the committee, after which we will move to questions.

Carolyn MacPherson (Association of Registrars of Scotland): I thank the committee for granting the Association of Registrars of Scotland the opportunity to give evidence.

The registration services part of the bill will result in welcome changes. Members of the association are pleased that it will be possible to register births and deaths anywhere in Scotland and we are sure that the measure will find favour with the public. The alignment of the registration and local authority boundaries will resolve an irksome problem that is not always easily explained to the public. It will also make the approval of venues for civil marriages easier; I hope to revisit that subject later. The ability to reregister births locally is welcome and will probably lead to more parents taking the opportunity to reregister, because it will be more convenient than applying to the General Register Office for Scotland.

Unfortunately, the bill's good points are not what I want to speak about; I mention them so that the committee does not get the impression that we are completely against change of any kind. There are areas of the bill that will have serious financial consequences for the local registration service, contrary to the opinion that you might already have formed based on opinions given by others. I hope that I can give you a more balanced insight into those consequences.

15:45

Much has been said about how we can increase our income by offering non-statutory ceremonies such as baby namings. We are being encouraged to set up family history search centres and we already have access to digital images of birth, death and marriage records for the whole of Scotland as well as some census and other records. It cannot be denied that having that access is useful. However, it might be naive to think that, if all the authorities set up such a centre, there would be enough business to make up the shortfall that will undoubtedly occur as a result of the bill.

It strikes us that the General Register Office for Scotland will not concern itself with the effect that parts of the bill will have on us—the service providers who are at the heart of creating these records. The General Register Office for Scotland seems to take great pride in—and has mentioned several times—the relationship that it enjoys with local authorities. However, it still presses ahead with centralisation of the provision of services.

The association hopes that the committee will take on board our concerns when progressing the bill.

The Convener: Potential loss of income has been raised with us by other witnesses, in particular the representatives of Unison. Do you have an estimate of the potential loss of income for your council or local authorities in general?

Carolyn MacPherson: I cannot speak for all local authorities, but we think that the main loss of income will result from the introduction of an abbreviated death certificate. We have no objection to the introduction of an abbreviated death certificate that contains all the relevant details with the exception of the cause of death. However, we object to the fact that the certificate will be issued free of charge.

Perhaps you are not aware that, at the time of death registration, most people purchase at least one copy at a price of £8.50. In Glasgow, where around 8,000 deaths are registered annually, the sale of one extract per person amounts to £68,000. If 50 per cent were content with the abbreviated death certificate—and we do not doubt that they will be—that would mean a reduction in revenue of £34,000, which equates to the salaries of two full-time assistant registrars. At the other end of the scale is Angus Council, which is my local authority area. My staff register more than 1,100 deaths a year. If 50 per cent of those informants took only their abbreviated certificate, we would suffer a reduction in revenue of £5,000.

I have the figures for various districts. The office in Edinburgh—in India Buildings—has an income of £21,000 from the sale of one extract per person. Fifty per cent of that figure is quite a considerable amount. In other districts, there could be losses of £6,000 or £7,000. Regardless of whether the sum that is lost is £5,000 or £34,000—or of whether an office loses 25 per cent of its business—significant amounts of money are involved and that is a serious concern.

The analysis of the responses to the consultation paper states:

"the level of income derived from this by local authorities is relatively small, and there is no evidence that a free abbreviated certificate would reduce this significantly."

Obviously, we strongly disagree with that.

The Convener: Have you estimated the loss of sales from subsequent applications for birth certificates, for example for passport applications? You mention that aspect of loss of income in your submission.

Carolyn MacPherson: Yes. That relates to the automatic notification of events. A lot of income is gained from birth certificates that are sold for the sake of passport applications. The United Kingdom Passport Service is pushing hard to get access to the records so that it can do away with the need for a paper certificate. We have a great concern about that, because automatic notification will do away with a lot of our income.

The Convener: Do you have an estimate of the income that you currently gain from such services?

Carolyn MacPherson: No, but I can try to get some estimates.

The Convener: It would be useful if you could submit that information in writing to the committee clerks. That would give us a feel for the perceived level of loss of income.

Paul Martin: You raise concerns on behalf of registrars about charges. Does your concern arise mainly from the potential loss of jobs that might result? People will still have to register deaths and the registrar will still be required for that purpose. Ethically, should registrars raise the issue of whether a charge is made for that service? I presume that registrars will have a role whether or not a charge is made for registration.

Carolyn MacPherson: We all have an interest in looking after our jobs. Budgets have to be met. Local authorities are squeezing everything tight, so the more income that we keep coming in the better. It would be for someone else to decide whether such an income stream would guarantee that our jobs were kept.

Paul Martin: Should we look at the issue in that way? I can understand representations being made about people's future employment, but is there a wider issue? Is it necessary for a charge to be made, or are there other ways in which the cost could be recouped?

Carolyn MacPherson: That issue is always being raised. It is suggested that we should get into family history or provide other services, but we do not think that that would make up the loss of income that would result from, for example, the introduction of the abbreviated death certificate.

Paul Martin: You said that the cost of recovering the charge in Glasgow is about £68,000. Is there an argument that not charging people would lead to savings and that staff could be redeployed elsewhere in the system?

Carolyn MacPherson: I do not know that staff would consider that to be a saving. I cannot answer that question.

Fergus Ewing: An issue about the registration of marriages arose last month when I was at a surgery in Caol, Fort William. A female said that she had hoped to register her marriage on a Saturday afternoon, but the local office was shut on Saturday afternoons. The fact that the marriage could not be registered in the afternoon meant that there would be a big gap between the marriage being registered in the morning and the reception taking place in the evening. The bride and bridesmaid did not relish the prospect of having such a long wait and spending six to eight hours in their wedding regalia.

Do registration offices provide a Saturday afternoon service? I do not know the answer to that question and I thought that you might be the person to ask. Are registration offices often asked

to provide such a service or am I raising a unique scenario? As you will know, section 28 deals with opening times for registration offices. It states that there can be rules about

"Different days and different hours".

I am not sure whether the Scottish Executive has in mind the kind of case that I mentioned or whether it just wants there to be more flexibility.

Can you give us the association's Scotland-wide perspective on whether the situation that I describe is simply a one-off or whether there is a case for having more flexible opening times particularly to accommodate marriages?

Carolyn MacPherson: I am not sure what the problem is. Were you talking about a religious or civil marriage?

Fergus Ewing: I think that it was a ceremony in a registry office rather than in a church.

Carolyn MacPherson: With a marriage at a registry office or some other venue, the schedule is usually signed and the registrar registers the marriage whenever. If the marriage takes place in the registry office, the marriage is registered immediately afterwards; if the marriage takes place at a venue, the registrar registers the marriage when he or she gets back to the office.

The Convener: I think that Mr Ewing wants to find out whether offices open on a Saturday afternoon to facilitate marriages that take place on a Saturday. In the case that he cited, the office was open only in the morning. He is trying to elicit from you whether such a practice is regular.

Carolyn MacPherson: That is down to each local authority. For example, as far as my local authority is concerned, we stopped opening on Saturday mornings when we started officiating at marriages at venues, and allowed marriages to take place only on Saturday afternoons because the venues were so important. However, I know that offices in other districts open on Saturdays.

Fergus Ewing: Perhaps I will pursue the matter with the local registrar. I do not know whether keeping brides happy is on the list of MSPs' duties, but we have to try.

The Convener: You have to keep your own bride happy, at least.

Mr Andrew Arbuckle (Mid Scotland and Fife) (LD): You welcome coterminosity because it will take some wrinkles out of the system. As far as your service is concerned, will that translate into savings or will it simply remove some problems for the public? For instance, will some local offices have to close?

Carolyn MacPherson: No. Of course, I have a personal interest in this matter, because my

registration district boundary does not match the local authority boundary. People who live in the Angus Council area expect to be able to register their marriage and do everything else there, and they become confused when they discover that their area is actually part of the Dundee registration district.

Mr Arbuckle: Will there be any redistribution of staff? Will some local authorities be able to make savings because at the moment they are providing a service in other areas?

Carolyn MacPherson: That might well be the case. I cannot speak for other local authorities, but I think that most of them would prefer the boundaries to match up. After all, that is easier for the public to understand.

Michael McMahon: You might have heard the previous witnesses explain their concerns about self-certification. Do you share those concerns?

Carolyn MacPherson: Are you talking about e-registration?

Michael McMahon: Yes.

Carolyn MacPherson: I am probably not as concerned as they are about e-registration. After attending the first meeting of the working group that, with the General Register Office, is looking into e-registration, I know that the certificate will have to be verified before the local registrar can sign it off. It will not be a case of someone registering a birth or death without our intervention. The local registrar will have to sign it off.

Michael McMahon: So although people will not have to be physically present to register—they will be able to do it from home—the registrar's role in the certification process will not change.

Carolyn MacPherson: Yes. Instead of asking the questions, we will simply check the answers. In any case, we will still have a role to play.

Mr Davidson: Under the heading of "Marriage in Scottish Waters" in your submission, you respond rather strongly by saying:

"It is nonsensical to allow couples to elect which registration office they will give notice to, regardless of where the marriage is taking place."

What wording would the association use if it sought to amend that section of the bill?

16:00

Carolyn MacPherson: I am not very good on words; I am quite a simple person. However, we feel that it is nonsensical to allow couples to choose the registrar with whom they will deal and to whom they will give notice. Couples could give notice to their local registrar then expect them to

travel a great distance to perform the marriage, which would not be convenient for them. I think that somebody said that a registrar could be away for days. The provision does not make sense.

Mr Davidson: In your view, if a couple want to get married on the Waverley steamer out of Greenock or wherever, they should use a registrar from the port of embarkation. You want an amendment that would tighten up the proposals because you believe that they would cause unnecessary costs and travel.

Carolyn MacPherson: Yes.

Mr Davidson: I presume that there would also be costs for the couple because they would have to pay expenses.

Carolyn MacPherson: The costs would probably be more than a couple could pay. If we sat down and did a costing exercise, that might put the marriage outwith a couple's reach. However, that could leave us open to the accusation of pricing ourselves out of the market.

Mr Davidson: Let us say that a couple from Aberdeen wanted to get married on the Waverley. Could they make all the arrangements for the marriage and have all the documents verified in their local office in Aberdeen, then have a registrar from elsewhere to witness and conduct the marriage ceremony and formally register it?

Carolyn MacPherson: No. They would give notice to whichever district was to supply the registrar who would perform the marriage, so that everything would be done in one district.

Mr Davidson: Your association would be happy for a couple not to have to go to a local office to do the preliminary work.

Carolyn MacPherson: They do not have to do that currently. Everything can be done by post and the electronic submission of notice for marriage and civil partnerships is coming. We sometimes never see a couple because everything is done by post or e-mail.

I would like to make a final point, which is about the Marriage (Approval of Places) (Scotland) Regulations 2002. The registrar general wrote recently to the Association of Registrars of Scotland and the Convention of Scottish Local Authorities indicating that he would like to use the Local Electoral Administration and Registration Services (Scotland) Bill to amend the Marriage (Scotland) Act 2002 and the 2002 regulations. He wishes to simplify the approval procedure to bring it into line with the mechanism that is used for civil partnership registration.

During the deliberations on the Civil Partnership Bill, it was the view of the General Register Office for Scotland that the regulations that already

existed for marriage could be used for civil partnership registration. We felt that the regulations should apply equally to civil partnership registration, because it mirrored marriage in every other way and great effort had been made to ensure that that was the case. However, that provision was not made, so the local authorities had to decide whether they would treat civil partnership registration in the same way as marriage registration and apply the same approval criteria for all venue applications, without the regulations to back that up.

The registrar general has spoken to registrars all over the country and he feels that the fears and apprehension that they felt about going outwith their registration offices have been dispelled. He would now like the regulations to be repealed. The association is consulting its members on the issue and I believe that COSLA is similarly consulting its members. The early responses show that our members want to keep the regulations. We are concerned that regulations will be attached to the bill without our being able to consult fully on them.

The Convener: Perhaps you could go a bit further and say why you are concerned about the proposal to repeal the regulations, just to give us some reasons.

Carolyn MacPherson: Local authorities follow the regulations that are laid down and we feel that we have the safeguard of the regulations behind the approval of venues for civil marriages and civil partnerships. We simply want the regulations to stay because they are a safeguard to which we can refer. If we have any problems with a venue, we have regulations laid down that protect us. We feel strongly that the regulations should stay. If the regulations were to be taken away, local authorities might not put in place an approval system or the system might vary from place to place. We feel that it is safer to keep the regulations. COSLA has said that the early indications are that many local authorities want the regulations to be kept. We are concerned about the regulations being repealed.

The Convener: I want to have a clear understanding of your position. Are you concerned because people might wish to conduct their marriage ceremony in a location that would be completely inappropriate in some manner?

Carolyn MacPherson: Yes.

Mr Davidson: I have two points to make. First, I wonder whether we can have your association's position on that formally in writing. Secondly, I wonder whether the clerks can write to COSLA for its official view of the situation. It is important that we have that in black and white early on.

Carolyn MacPherson: We can do what you ask. Our consultation of our members closes on 10 February. I believe that COSLA is also speaking to its members about the issue.

The Convener: Okay. That brings us to the end of this session and the meeting. I thank Carolyn MacPherson for her evidence. I also thank all members of the press and public who have attended and, indeed, committee members.

Meeting closed at 16:07.

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