

HISTORY OF REGISTRATION IN IRELAND

THE BEGINNINGS OF CIVIL REGISTRATION

From the earliest times, knowing about the number and condition of the population has been accepted as important. To assist in this, systems of registering births, deaths and marriages have been a feature of developed states for hundreds of years. However, registration came relatively late to Great Britain and Ireland. It was not until 1538 that Thomas Cromwell, Henry VIII's Chancellor, introduced a system whereby the clergy of the Established Church were required to keep registers of all baptisms, weddings and funerals at which they officiated. But despite the imposition of penalties for neglect, the system never attained the high standards sought.

There followed a number of attempts over the years to make registration comprehensive and compulsory but it was not until 1836, following a Parliamentary report, that legislation was introduced creating a civil registration system in England and Wales. During the passage of this legislation, the government made clear its intention to extend the principle of registration to Ireland. Nevertheless, some eight years were to elapse before this was to occur.

The provisions introduced in England and Wales empowered the Established Church to register the marriages but marriages in other churches were to be registered by a civil registrar. In Ireland the Roman Catholic Church was concerned that this latter requirement might detract from the religious nature of the marriage ceremony. Consequently, provisions were introduced by the government in 1845 to enable the registration of non-Catholic marriages and for the appointment of registrars who were also given the power to solemnise marriages by civil contract. In addition, the post of Registrar General of Marriages was created and given responsibility for the central collection and custody of marriage records.

Over time, demand grew for a general registration system of births, deaths and marriages. The lack of a comprehensive system in Ireland was having repercussions in Britain where many Irish emigrants had gone or were going.

The growing number of laws regulating factory employment, public health conditions and the rights of inheritance were creating circumstances in which it was necessary for the ordinary citizen to prove such things as his age and legitimacy. This was causing various problems. For instance, in 1854, the Inspector of Factories for Scotland reported great difficulty in the operation of the Factory Acts because of the large number of young Irish emigrants presenting themselves for employment with fictitious "birth certificates". The inspector for the Eastern and Metropolitan areas of England reported similar difficulties. By hiring young Irish labourers, factory owners

were getting around the legal ban on employing young persons under 18 years on the task of looking after machinery required to be kept in motion during the night.

In Ireland a variety of interests also pressed for the registration of births and deaths. Members of the Presbyterian community complained that the absence of this facility made it very difficult to establish rights of inheritance and noted that those of its members seeking commissions in the Indian service could not show proof of their age or origins. The Irish Poor Law Commissioners were finding it very difficult to impose compulsory vaccination against smallpox because of the absence of information about births and deaths and both the Royal College of Surgeons in Ireland and the Royal College of Physicians of Ireland also argued persistently in favour of a registration system. Eventually, in 1861, two private Members Bills were put before the House of Commons. One proposed the establishment of a registration system based on the Royal Irish Constabulary and the other proposed the use of dispensary doctors as registrars. Both proposals were referred to a Select Committee of Parliament which concluded that the dispensary doctors were the most appropriate persons to act as local registrars. For Catholic marriages, it also recommended an arrangement whereby Catholic clergymen would forward to the Registrar General details of all marriages solemnised in their churches.

Eventually, in 1863, a Bill providing for the registration of births and deaths in Ireland drafted along the lines suggested by the Select Committee was introduced and passed. Whilst the Act did not encompass Catholic marriages, a Private Members Bill was successfully introduced later that year which resulted in the civil registration by the state of marriages celebrated according to the rites of the Catholic Church. A complete Irish civil registration system was then in place.

EARLY ORGANISATION OF THE REGISTRATION SERVICE

In the early days, the organisation of the service was based on the "unions" of parishes set up under the Poor Law (Ireland) Act 1838. Initially, these unions formed the registrars' districts (for Protestant and civil marriages) and later the superintendent registrars' districts (for births, deaths and Roman Catholic marriages). The Clerk of the Union was usually the superintendent registrar and also often registrar of Protestant and civil marriages. The medical officer of the dispensary district was usually also the registrar of births, deaths and Roman Catholic marriages.

Throughout Ireland there were 163 union based registration districts each headed by a superintendent registrar and there were also around 798 dispensary based registration districts, each headed by a registrar of births, deaths and Roman Catholic marriages who reported to the relevant superintendent registrar. In addition, there were 130 registrars of Protestant and civil marriages who reported directly to the Registrar General. The first Registrar General (1844-1876) was William Donnelly.

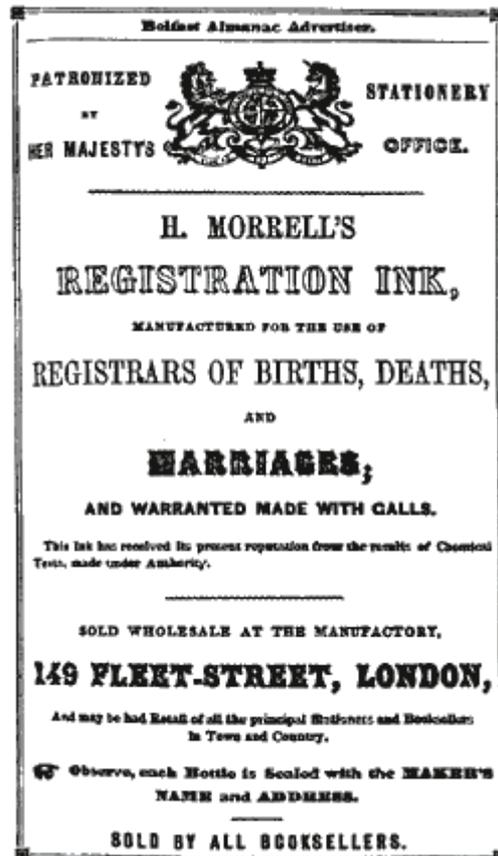


From the start, those who worked in the service were remunerated on a fee-paid basis, the amount depended on the volume of business conducted. The superintendent registrars received from the Register General a fee of two pence for each entry made in their areas and the district registrars were paid out of the local rates, levied by the Poor Law Union, a fee of one shilling for each entry made by them.

1845 was the first year in which marriages (other than Roman Catholic Marriages) were registered and 6,114 marriages were recorded in the last nine months of the year. The majority of these (4118 were according to the rites of the Established Church, 1586 were in Presbyterian Meeting Houses and 348 marriages were before Registrars of Marriages. In 1864 the first year for the registration of Births, Deaths and Marriages (including Catholic Marriages) - there were 136,643 births, 94,095 deaths and 27,373 marriages recorded.

The original Registration Acts placed a requirement on the Registrar General to supply a sufficient number of strong iron boxes to hold the register books. Every such box was to "be furnished with a lock and 2 keys and no more and one of the keys shall be kept by the registrar and the other by the superintendent registrar".

A waterproof bag was part of the registrar's stock in trade, as was also the special registration ink required by statute to be used for entries in the registers. The use of the iron box and the registration ink were strictly regulated. For example, the former was required to be kept "in some dry and secure part of his dwelling-house or office" and for the latter, the jar containing the ink "ought not to be left uncorked" and the ink "must not be diluted". Further, if the registrar found the ink to be "not of a good colour" he should report the matter to the Registrar General. These and various other provisions were, of course, designed to prevent any illegal tampering with the records.



Advertisement for Registration Ink from Henderson's, Belfast Directory 1846/47. Permanent high quality ink was to be used for registration purposes.

DEVELOPMENTS FROM 1844 TO 1921

Throughout the latter part of the nineteenth century and the early twentieth century additional legislation was introduced which had implications for the registration system. For example, the Marriage Law (Ireland) Amendment Act 1863 dispensed with the need for registrars to attend marriages in Protestant Dissenting Churches and other Christian denominations and provided for the registration of such marriages by the celebrant. It also introduced the present notice procedure for marriage in the office of the registrar. The Matrimonial Causes and Marriage Law (Ireland) Amendment Act removed the restrictions on the conduct of marriage between Protestants and Catholics and introduced the necessary changes to marriage preliminaries.

The law relating to births and deaths also underwent a number of changes. For example, an Act in 1879 provided for the registration of births and deaths outside the United Kingdom in respect of Irish born officers and soldiers of the Crown on foreign service and their dependants. The pre 1921 records are held by the General Register

Office, Roscommon to this day whilst in Northern Ireland the records are still maintained by the General Register Office, Belfast.

There was a continuing need to design a procedure to capture all births and deaths accurately and in a timely manner. Some people remained unregistered due to the failure of their parents to register them at birth and others who nominally complied with the law made incorrect entries. Much of the work necessary to ensure more complete coverage was completed during the period 1879-1900 when Thomas Grimshaw was Registrar General. The Births and Deaths Registration Act (Ireland) 1880 set out the procedures to be followed and the persons who were required to give information to the registrars in respect of births and deaths. It laid down time limits for persons to comply with the regulations and provided a system for the correction of errors. Provision was also made for the appointment of assistants to registrars and superintendent registrars and penalties designed to protect the integrity of the records from fraud were introduced.

In addition, regulations governing the duties of registrars of births and deaths were published in 1880. These were followed by regulations for Superintendent Registrars in 1881 and regulations for registrars of marriages in 1892. This codification of registration practice still underpins the present system.

The development of the system was continued by Grimshaw's successor, Sir Robert E. Matheson (Registrar-General 1900-1909), who published 'An analysis of Surnames and Forenames in Ireland for the guidance of registration officers' (1901) and the 'Analytical Index to the Irish Marriage Acts' (1904), in addition to a number of other works. In recognition of his public services Matheson received a Knighthood in 1907.



The Right Honourable Sir Robert Edwin Matheson Registrar-General 1900 - 1909.

REGISTRATION AFTER 1922

When Saor Stát Éireann was established in 1922 the civil registration service was restructured to provide separate and independent registration systems for each of the two new states of Ireland. The establishment of the office of the Registrar-General, Belfast provided separate administration for Northern Ireland under the newly created post of Registrar General for Northern Ireland. At the same time the Adaptation of Enactment's Act, 1922 ensured the continuance of the legislative base for registration for the rest of the country. The responsibility hitherto exercised by the Lord Lieutenant was transferred to the Minister for Local Government and Public Health by the Ministers and Secretaries Act 1924 and later to the Minister for Health, when the Department of Health was established as a separate entity in 1946.

The registration procedures in Ireland have remained largely unchanged although some changes have been introduced. The Legitimacy Act of 1931 made provision for the re-registration of children born prior to the marriage of their parents. The naming of the father in birth entries where the parents were not married to each other continued to be a problem until the passing of the Status of Children Act 1987. The Register of Adopted Children was introduced in 1952. The Short Birth Certificate Regulations of 1953 provided for a common extract from the Register of Births and the Adopted Children Register which were to be used for many civil purposes. (The Adoption Act, 2010 provides that the Minister may make regulations for the issue of birth certificates that do not disclose that the person to whom the certificate refers is adopted..

The production of statistical reports based on the information recorded at the time of registration of birth, marriage and death events, which was a function of the Registrar General under the Registrations Acts, was transferred to the new Central Statistics Office by the Births, Deaths and Marriages Registration Act 1953. This remains the case today. That Act also changed the title of "Registrar-General" to "An tArd-Chláraitheoir" and also changed his Seal from the original elaborate seal which cited the Victorian Acts and bore a coat of arms depicting a crown surmounting a lion and a unicorn to a simpler device comprising of the Irish harp with the words "Oifig an Ard-Chláraitheora".(Office of the Registrar General).

The Births, Deaths and Marriages Act, 1972 made changes in the structure of the registration system by assigning to the new eight regional health boards, created by the Health Act 1970, the office of Superintendent Registrar and the responsibility for making appointments of Registrars of Births, Deaths and (Roman Catholic) Marriages. When the Health Service Executive(HSE) was established in 2005 the registration areas were renamed in accordance with the legislation establishing the HSE.

Some minor changes were also made to the Marriages Acts. In 1956 the format of entries in the marriage registers were amended to omit the "rank or profession of the father" of the bride and groom, and record mother's maiden name. The Marriage Act 1972, raised the minimum age for marriage to 16 years (the approval of the High Court has to be obtained in order to marry at a lower age). That Act also made provision for the registration of marriages which had occurred in Lourdes, France prior to its enactment. This was to resolve the difficulty of a significant group of Irish citizens who had married in Lourdes over the years, according to the rites and ceremonies of the Catholic Church but who subsequently found that, because the local civil procedures had not been observed, these marriages were not registerable in France.

A change in registration law in 1994 introduced a system for the registration of the births of stillborn children in a new register from 1 January, 1995.

The Civil Partnership and Certain Rights and Obligations of Co-habitants Act, 2010 introduced a system for the registration of Civil Partnerships.

MORE RECENT DEVELOPMENTS

Over the course of a number of years the Irish civil registration service has undergone a major modernisation programme. In addition to updating the law governing civil registration with the passing of the Civil Registration Act, 2004, the system of registration has been computerised. All civil registration records, dating back to 1845, have been captured in a digitised format and a computerised system of registration is now in place.

This use of technology has enabled the introduction of a more flexible service for the public, whereby a vital event can be registered at any registrar's office, regardless of where it took place, and a certificate can be obtained from any registrar's office, regardless of where the event was registered. The 2004 Act requires births and stillbirths to be registered by the parents, deaths to be registered by relatives, and for notice of intention to marry to be given in person at the registrar's office. This improves the quality of the registration process and promotes a more active citizenship.

Marriages can now be held at pre-arranged alternative venues so there is greater choice for those who do not wish to get married in a church or registry office.

Most recently, the Civil Partnership and Certain Rights and Obligations of Cohabitants Act, 2010 provides for the registration of civil partnerships between cohabiting persons of the same sex. The first civil partnerships were registered in Ireland in 2011.

The modernisation programme has also made a significant contribution to the eGovernment agenda. Electronic data interchange enhances delivery of public services and facilitates better control over those services. Currently, deaths data is available to all public service bodies and is a valuable source of information for control of services, including pensions. Births data is transmitted to the Department of Social Protection where a PPSN is assigned to each record. The data is then used by that Department for the purpose of processing child benefit payments. Data in respect of all vital events is transmitted to the Central Statistics Office to assist in the compilation and publication of vital statistics. It is intended that these services will be expanded and enhanced in the coming years.