

**Annual Report of an tArd-Chláraitheoir to the Minister for Social
Protection under Section 11 of the Civil Registration Act 2004 for
the year 2016**

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Structure of the Civil Registration Service

1. The Civil Registration Service was formally established under the provisions of the Civil Registration Act 2004. The Act provides for the reorganisation, modernisation and naming of the system of registration of births, stillbirths, adoptions, marriages and deaths. Civil registration was first established in Ireland in 1845 under the Marriages (Ireland) Act 1844, for the purpose of regulating the solemnisation and registration of protestant and civil marriages in Ireland. The 1844 Act provided for the establishment of the General Register Office (GRO) and the appointment of a Registrar General to oversee the system. Registration was extended to births, deaths and Roman Catholic marriages in 1864. Local registration services were provided by registrars and Superintendent Registrars assigned to various districts. The office of Registrar General was re-named an tÁrd Chláraitheoir by the Vital Statistics and Births, Deaths and Marriages Registration Act 1952, and the GRO was re-named Oifig an Árd Chláraitheora. The 2004 Act provides for the continuation of these offices. Responsibility for local registration services is assigned to the Health Service Executive (HSE) which is responsible for the appointment of Superintendent Registrars and registrars in each registration area, and for the provision of accommodation and support services. The GRO was assigned responsibility for maintaining the Register of Adopted Children under the provisions of the Adoption Act 1952. The functions of the Civil Registration Service were further extended to provide for civil partnerships under the provisions of the Civil Partnership and Certain Rights and Responsibilities of Cohabitants Act 2010, to provide for marriage equality under the Marriage Act 2015, and to provide for the establishment of the register of gender recognition under the Gender Recognition Act 2015.

Functions of the Civil Registration Service

Ard Chláraitheoir

2. The main functions of an tArd- Chláraitheoir under the 2004 Act are to maintain, manage and control the system of civil registration in the State, and to maintain the registers, indexes and other records required to ensure an effective and efficient system. Other functions are assigned under individual provisions of the Act.

Health Service Executive

3. The HSE is required, through each Superintendent Registrar, to manage, control and administer the Civil Registration Service in each registration area, under the overall management, control and supervision of an tArd Chláraitheoir. The HSE is required by the 2004 Act to appoint a Superintendent Registrar and registrars to each of the registration areas. (These areas equate to the geographic areas covered by the former health boards.)
4. The functions carried out by the Civil Registration Service include registration of births, stillbirths and deaths; late registration and re-registration of these events; ensuring that the legal preliminaries for valid marriages are complied with; solemnisation of civil marriages; registration of all marriages; and issuing certificates of vital events. It is important to be aware that the complexity of civil registration has increased greatly in recent times, owing to changes in societal composition and norms.
5. A list of the principal legislation governing civil registration during 2016 is contained in Appendix 1.

Why does a State have a system of civil registration?

6. The United Nations Department of Economic & Social Affairs defines civil registration as the continuous, permanent, compulsory and universal recording of the occurrence and characteristics of vital events pertaining to the population as provided through decree or regulation in accordance with the legal requirements of a country. Civil registration is carried out primarily for the purpose of establishing the legal documents provided by the law. These records are also a main source of vital statistics. Complete coverage, accuracy and timeliness of civil registration are essential for quality vital statistics. The system of civil registration in Ireland corresponds with the definition and requirements published by the UN. Certificates of vital events issued by the State enjoy a high level of credibility, and are widely accepted at home and abroad as proof of the facts stated therein, without the person having to prove those facts by other, more cumbersome means.
7. In its report to the United Nations Human Rights Council (17 June 2014) the Office of the United Nations High Commissioner for Human Rights stated that birth registration is a fundamental right, recognised by article 24, paragraph 2 of the International Covenant on Civil and Political Rights and article 7 of the Convention on the Rights of the Child. Birth registration establishes the existence of a person under law, and lays the foundation for safeguarding civil, political, economic, social and cultural rights. As such, it is a fundamental means of protecting the human rights of the individual.

Modernisation of Civil Registration in Ireland

8. The system of civil registration underwent a modernisation programme over a number of years. 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. This entailed capturing all civil registration records, dating back to 1845, in a digitised format and implementation of a computerised system of registration. The use of modern 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

may 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 promotes a more active citizenship and improves the quality of the registration process.

9. 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 are available to all public service bodies and are a valuable source of information for control of services, including pensions. Births data are transmitted to the Department of Social Protection where a PPSN is assigned to each record. The data are then used by that Department for the purpose of processing automated child benefit payments. Data in respect of all vital events are transmitted to the Central Statistics Office to assist in the compilation and publication of vital statistics. Birth notifications are transmitted electronically from certain maternity hospitals to the local registrar's office. It is intended that these services will be expanded and enhanced in the coming years.

Staffing

10. The GRO has an approved complement of 60 whole-time equivalent staff. Of these, 52 are based in the Roscommon headquarters and 8 in the dedicated Genealogy Research Room in Dublin. In addition, there are approximately 170 HSE staff assigned to registration duties across the country.

Significant Developments & Issues Arising During 2016

11. A number of significant developments and issues arose during 2016 including the continued implementation of the marriages of convenience provisions of the Civil Registration (Amendment) Act 2014, the upgrading of the civil registration computerised registration system, the making available of historic genealogical records online by the Department of Arts Heritage and the Gaeltacht, and the abolition of fees for certificates of stillbirth and infant death.

Marriages of convenience

12. Section 3(b) of the Civil Registration (Amendment) Act 2014 created a new impediment to a marriage in that a marriage that would constitute a marriage of convenience is invalid. A marriage of convenience is defined as a marriage entered into for the purpose of securing an immigration advantage. Section 18 of the Act provides that a registrar shall consider certain matters where a notice of intention to marry is received from a foreign national in order to form an opinion as to whether the proposed marriage would constitute a marriage of convenience. Where a registrar forms an opinion that an intended marriage would constitute a marriage of convenience, the registrar is obliged to make a report of the matter to the Superintendent Registrar and provide a copy of all documents and information to the Minister for Justice & Equality. The Superintendent Registrar is required to decide the matter. A party or parties dissatisfied with a decision of a Superintendent Registrar may

appeal that decision to the Circuit Court. The relevant provisions were commenced on 18 August 2015. 2016 was the first full year of operation of the scheme.

Civil registration computer system

13. The upgrading of the computerised civil registration computer system (CRCS) was one of the substantial tasks undertaken during 2016. The original software application was written in 2002-03. The programming language used in the application had become unsupported by the original equipment manufacturer, was superseded by more modern products, and it was becoming more difficult and costly to source the skills required to maintain and develop it. A decision was taken to upgrade the system by doing a complete re-write of the application code. The project commenced in March 2016 and the upgraded system went live in March 2017.

Access to historic records

14. In June 2012 the Ombudsman published a report of an investigation into access by members of the public to historic records of births, deaths and marriages held by the GRO. The main recommendation contained in the Ombudsman's report is that the GRO engage with the Department of Arts, Heritage and the Gaeltacht to explore options for facilitating enhanced public inspection of records. This resulted in the passing by the Oireachtas of section 20 of the Social Welfare and Pensions (Miscellaneous Provisions) Act 2013 which makes legislative provision for making the index data available online. Work on this initiative progressed during 2014 and the indexes went live on the www.irishgenealogy.ie website in 2015. The legislation was further amended by section 27 of the Civil Registration (Amendment) Act 2014 to provide that the Minister for the Arts, Heritage & the Gaeltacht may make historic register data available online. Historic register data refers to births more than 100 years old, marriages more than 75 years old, and deaths more than 50 years old. The second phase of the project was officially launched by the Minister for Social Protection and the Minister for Arts, Heritage and the Gaeltacht in September 2016. This phase entailed giving digitised copies of the registers of births, deaths and marriages to the Minister for Arts, Heritage and the Gaeltacht for the purpose of making them available, along with the index data, on the website. The records made available at the launch of the second phase of the project are births from 1864-1915, marriages from 1882-1940 and deaths from 1891-1966. Older records of marriages and deaths will be made available as the data cleanup project progresses.

Revised fees

15. Two revised fees regulations were made by the Minister during 2016. SI No. 331 of 2016 reduced to €0 the fee for issue of a stillbirth certificate. SI No. 605 of 2016 reduced to €0 the fee for a certificate of birth and death in cases of infant deaths.

Litigation

16. The amount of litigation involving civil registration or requiring the involvement of the GRO has grown considerably in recent years and now takes up a significant amount of management resources. During 2016 the GRO was involved in fifty-six separate legal proceedings, either as defendant/respondent/notice party, or by way of assisting other Departments/Offices. This is a substantial increase on the thirty-seven cases dealt with in 2015. These cases mainly involve applications for recognition of foreign and domestic marriages, recognition of foreign divorces, surrogacy, and issues relating to identity. Thirteen cases relate to appeals against decisions by Superintendent Registrars under the measures to prevent marriages of convenience.

Births, Adoptions & Stillbirths

17. Registration of births and stillbirths is governed by Part 3 of the Civil Registration Act 2004. Registration of adoptions is governed by Section 84 of the Adoption Act 2010. The following table sets out the main activities carried out under these provisions for the years 2012-2016:-

	2012	2013	2014	2015	2016
Births registered	72,406	69,208	67,750	66,232	64,392
Adoptions registered ¹	49	116	112	88	95
Stillbirths registered	282	279	240	233	213
Late registrations	246	260	272	290	368
Re-registrations	1,997	1,975	1,871	1,751	1,720
Section 65 enquiries	188	199	241	258	294
Errors corrected	3,990	4,051	3,904	3,711	3,767

18. The growth in the number of births registered annually over the past two decades has been very substantial, increasing from 48,787 in 1995 to a high of 75,554 in 2009, a rise of about 55%. The trend, however, has not been even over the period. There was significant growth in the period from 2000-2002 when annual registrations grew from 54,239 in 2000 to 60,521 in 2002. In four years from 2002-2005 there was little growth, with registrations averaging 61,191 in each of the four years. The numbers began to grow rapidly again from 2006 onwards when 64,237 births were registered. Since then the numbers peaked in 2009 at 75,554 and remained fairly steady in 2010, 2011 and 2012. The declines registered in the years 2012-2016 are very substantial. The number of births registered in 2016 was 11,162 or 15% less than in the most recent peak year, 2009. The year 2012 is the first year in which the number of births declined significantly since 1994. (See Appendix 3 for more information.)

¹ The figures for adoptions refer to domestic adoptions only, which are registered under Section 84 of the Adoption Act 2010. These figures do not represent the total number of adoptions, as they do not include foreign adoptions by Irish residents. The register of foreign adoptions is maintained by the Adoption Authority of Ireland.

19. The figures for late registrations refer to births registered more than 12 months after the event. Applications for the late registration of a birth are normally triggered by the requirement for the person to produce a birth certificate for pension or passport purposes. Re-registration of births refers to the addition of a father's details after the original registration where the parents are not married to each other and the re-registration of births where the parents of the child subsequently marry each other. The proportions of births re-registered under these two headings are 40% and 60%, respectively.

20. Enquiries under Section 65 of the Civil Registration Act are carried out where there is an error, omission or other difficulty with a registration which cannot be corrected under any other provision of the Act. The bulk of these enquiries concern a request to remove the details of a man registered in error as the father of a child. Prior to the commencement of the 2004 Act, there was no provision whereby a father's details could be removed from a birth entry, even if adequate proof of non-paternity existed. Such applications may be at the request of the mother, the father, or the man named as father in the register of births. By its nature, this is a problematic and sensitive area, with significant legal and constitutional implications for those concerned. Typically, amendments are made on the basis of DNA evidence and statutory declarations made by the persons involved. In some cases, applications to amend paternity are supported by court orders granted in custody and maintenance proceedings. A growing number of cases concern the use of false names and identities on the part of parents when registering the births of their children. These cases normally involve asylum seekers who have travelled to Ireland using false identities and who need to regularise their positions for the purposes of completing the asylum application process, and for access to other public services.

21. The correction of errors normally arises as a result of a request from a member of the public. Errors typically arise as a result of incomplete or incorrect information having been initially supplied to the registrar, or as a result of a clerical error in the registration process. While the level of error appears high, relative to the number of annual registrations, it should be borne in mind that such corrections apply to all events registered, not just those registered in any particular year. Prior to computerisation of the registration system, all registers were manual and this process was susceptible to a higher level of error. The potential for error was increased by the fact that, prior to the commencement of the 2004 Act, most births were registered by maternity hospitals, and these organisations would not necessarily have had direct knowledge of all of the particulars required for registration. The introduction of the requirement for all parents to register births personally, and the use of computerisation, can be expected to lead to improvements over time.

22. The register of gender recognition was established under the provisions of the Gender Recognition Act 2015. The Act was commenced with effect from 4 September 2015. Fifty-four entries were made in the register of gender recognition by 31 December 2015, one of which was under 18 years. The number of entries made in 2016 was 77, 6 of which relate to persons under 18 years.

Deaths

23. Registration of deaths is governed by Part 5 of the 2004 Act. The following table sets out the main activities in respect of deaths registrations under the Act for the years 2012-2016:-

	2012	2013	2014	2015	2016
Deaths registered	29,465	30,635	29,638	30,581	31,241
Coroners certificates	7,704	8,682	8,514	8,695	9,331
Late registrations	903	1,008	1,099	1,057	1,248
Correction of errors	1,335	1,429	1,423	1,307	1,455

24. The number of deaths registered in Ireland has moved within a relatively narrow range over a lengthy period. In 1960, for example, the number of deaths was 32,660. The lowest number since then was recorded in 2010, at 27,961. The number for 2016, at 31,241, is within this range. These figures mask the increase in population and reduction in the death rate over that time. The death rate came down from 11.5 per thousand population in 1960 to 6.1 in 2010.
25. The number of deaths registered on foot of a coroner's certificate rose significantly in recent years and now represents 30% of all deaths registered. Deaths are referred to a coroner where the death has occurred in suspicious circumstances, was unexpected, or for other reasons as may be requested by a coroner. The increase in the number of deaths referred to coroners in recent years is mainly as a result of coroners requesting that deaths due to hospital-acquired infection and deaths occurring in nursing homes are referred to them as a matter of course.
26. The figures for late registration of deaths refer to deaths registered more than 12 months after the event. The reasons for the relatively high level of error correction are similar to those for births outlined in paragraph 21 above.

Marriages

27. Registration of marriages is governed by Part 6 of the Civil Registration Act. The marriage provisions of the Act were commenced on 5 November 2007, thereby replacing legislation dating back to 1844.² The main changes to the law governing marriages are the requirement for all couples to give notice of intention to marry in person; the introduction of common preliminaries for all marriages; the requirement to issue a marriage registration form prior to marriage (essentially a marriage licence); establishment of a register of solemnisers (civil and religious); and a choice of venue for civil marriages. The Civil Registration (Amendment) Act 2012 provides for the inclusion in the register of solemnisers of members of secular bodies, thereby permitting them to legally solemnise marriages in the State. The Marriage Act 2015 removed the impediment to marriage of the parties being of the same sex. The Act was commenced on 16 November 2015. The first marriage solemnised under the Act was on 17 November 2015.

28. The following table sets out the main marriage registration activities for the years 2012-2016:-

	2012	2013	2014	2015	2016
Total number of marriages registered	20,694	20,670	22,033	22,113	22,621
Religious marriages	14,896	14,579	14,972	14,560	14,514
Civil marriages	5,798	5,882	6,167	6,244	6,438
Secular marriages	N/A	209	894	1,309	1,669

29. The number of marriages taking place annually has been remarkably steady for many years. The number of marriages per annum over the last 10 years has ranged from a high of 22,756 in 2007 to a low of 19,879 in 2011. The figures for the period 2012-2016 are within this range. There has been a significant shift in the form of marriages, as between religious, secular and civil in recent years. The number of religious marriages, as a proportion of total marriages, fell from approximately 72% in 2012 to 64% in 2016. 2014 was the first full year when secular marriages were recognised under statute. They represented 7% of marriages in 2016.

² Prior to the commencement of Part 6 of the Civil Registration Act 2004, registration of marriages was governed by the Marriage Acts 1844-1972.

30. Marriages of convenience, as a means of circumventing immigration controls have been an issue for many jurisdictions for many years. The problem became more acute following the Judgment by the European Court of Justice in the Metock case which confers residence and freedom of movement rights within the EU to a spouse married to a non-Irish EU citizen.³ The following table contains information on the numbers of notifications of intention to marry, and subsequent level of registration of marriages relating to these notifications, involving EU and non-EU nationals for the years 2012-2016:-

	2012	2013	2014	2015	2016
1. <u>Notifications of intention to marry:-</u>					
(a) EU and non-EU citizen	2,086	2,457	2,878	3,102	2,357
(b) Irish and non-EU citizen	1,203	1,320	1,369	1,518	1,655
(c) Non-Irish EU and non-EU citizen	883	1,137	1,509	1,584	702
2. <u>Marriages registered in respect of these notifications:-</u>⁴					
(a) EU and non-EU citizen	1,647	1,995	2,226	2,148	1,649
(b) Irish and non-EU citizen	942	1,070	1,063	1,288	1,233
(c) Non-Irish EU and non-EU citizen	705	925	1,163	860	416
3. <u>Percentage of notifications resulting in marriage:-</u>					
(a) EU and non-EU	79%	81%	77%	69%	70%
(b) Irish and non-EU	78%	81%	78%	85%	75%
(c) Non-Irish EU and non-EU citizen	80%	81%	77%	54%	59%

³ Case C-127/08: Metock & Others v Minister for Justice, Equality & Law Reform. In its Judgment, the court ruled that a non-community spouse of a citizen of the EU can move and reside with that citizen in the EU without having previously been lawfully resident in a Member State. The judgment does not apply to a non-EU spouse who marries an Irish citizen.

⁴ These figures do not refer to the number of such marriages registered in the particular year. Rather, they refer to the number of marriages registered in the year in which notice of intention to marry was given and in subsequent years. Notice of intention to marry must be given at least three months prior to the intended date of marriage. Therefore, where a notice of intention to marry is given in the fourth quarter of a year, the marriage will not be registered until the following year.

31. The Metock judgment applies only to marriages between non-EU nationals and non-Irish EU nationals. Non-EU nationals marrying Irish nationals are not entitled to EU Treaty rights in Ireland, so there is much less of an incentive to contract a marriage of convenience with an Irish citizen. It can be seen from the table (line 1.(a)) that the number of notices of intention to marry involving a non-EU citizen increased steadily from 2,086 in 2012 to 3,102 in 2015 before falling substantially to 2,357 in 2016. These figures are broken down to show those for Irish and non-EU citizens (line 1.(b)) and Non-Irish EU and non-EU citizens (line 1.(c)). It is among this latter group that the incentive to contract a marriage of convenience is strongest. While the number of notices of intention to marry involving Irish and non-EU citizens has risen steadily since 2012, the numbers involving non-Irish EU and non-EU citizens are subject to a much higher degree of volatility. The numbers increased fairly dramatically from 883 in 2012 to 1,585 in 2015, an increase of 80%. There has been an equally dramatic fall in 2016 to 702 notices, a drop of 56%. The introduction of the measures to prevent marriages of convenience contained in section 18 of the Civil Registration (Amendment) Act 2014 has obviously had a significant impact.

32. The trend in the number of marriages registered in respect of these notices displays a slightly different pattern. The number of notices ending in registered marriages involving non-Irish EU and non-EU citizens began to fall earlier than the number of notices (see lines 1(c) and 2(c) in the table above). The measures to prevent marriages of convenience were introduced in August 2015. It may have taken some time for the realisation to take hold that it had become much harder to contract a marriage of convenience in the State following the introduction of the measures in question. In any event, the number of marriages in this category fell from a recent high of 1,163 in 2014 to 416 in 2016. This represents a fall of 64%. It has to be said that the success of the 2014 measures have been contributed to significantly by the existence of good cross-agency working relationships involving the Department of Justice and the Garda National Immigration Bureau. It should be noted, however, that stratagems to avoid immigration controls are many and varied, and it is unrealistic to expect that any single measure will solve the problem.

33. The following table gives a breakdown of the number of marriages involving an Irish and non-EU citizen showing the top ten nationalities of the non-EU spouse for the years 2013-2016:-

2013		2014		2015		2016	
United States	190	United States	207	United States	217	Brazil	273
Australia	158	Australia	167	Brazil	185	United States	231
Brazil	97	Brazil	133	Australia	184	Australia	181
Canada	61	New Zealand	60	Canada	91	Canada	94

South Africa	53	China	52	Nigeria	55	Venezuela	56
Pakistan	45	Nigeria	51	China	50	New Zealand	43
Mauritius	41	Canada	48	New Zealand	50	Mexico	33
China	39	South Africa	38	South Africa	41	Philippines	32
New Zealand	38	Pakistan	36	Venezuela	24	Nigeria	32
Nigeria	37	Mauritius	33	Philippines	22	South Africa	27

34. The following table gives a breakdown of the number of marriages involving a non-Irish EU citizen and a non-EU citizen showing the top ten nationalities of the non-EU spouse for the years 2013-2016:-

2013		2014		2015		2016	
Pakistan	242	Pakistan	376	Pakistan	396	Brazil	152
Bangladesh	79	India	166	Brazil	126	Venezuela	59
India	74	Bangladesh	96	India	125	Pakistan	58
Brazil	68	Brazil	87	Bangladesh	73	India	18
Mauritius	53	Mauritius	63	Venezuela	49	United States	18
Nigeria	43	Nigeria	35	Mauritius	41	Russia	12
Egypt	39	Egypt	28	Egypt	35	Mexico	11
Algeria	22	United States	28	United States	26	Australia	8
Moldova	18	South Africa	19	Nigeria	25	Albania	8
South Africa	18	Ukraine	15	Nepal	20	Mauritius	6

35. Of the 45,242 persons whose marriages were registered in 2016, 40,978 (91%) were single, 3,060 (7%) were divorced and 349 (0.8%) were widowed. The Marriage Act 2015 provides that persons in a civil partnership may marry each other. 423 couples elected to do so in 2016. Eight persons who married in 2016 had a civil partnership dissolved.

36. Under Section 52 of the Civil Registration Act 2004 civil marriages are permitted to be solemnised at a venue chosen by the couple. The following table gives a breakdown of the civil marriage venues in the years 2012-2016:-

	2012	2013	2014	2015	2016
Registrar's Office	3,668	3,886	4,195	4,158	4,324
Outside Venue	2,130	1,996	1,972	2,086	2,114
% at Outside	37%	34%	32%	33%	33%

Venue					
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37. Typically, outside venues are hotels, stately homes, civic buildings and restaurants with suitable accommodation. Clearly, the decision to introduce a choice of venues for civil marriages has proved very popular, with 33% of civil marriages taking place at outside venues in 2016.

38. The register of solemnisers is maintained under Section 53 of the Civil Registration Act. This provision was amended by the Civil Registration (Amendment) Act 2012 to provide for registration of secular solemnisers. The first secular solemnisers were registered in 2013. Religious and secular solemnisers are nominated by their respective religious and secular bodies. Civil registrars are employed by the HSE. The following table shows the numbers of solemnisers registered as at 1 January in the years 2012-2016:-

	2012	2013	2014	2015	2016
Religious ⁵ solemnisers	5,476	5,506	5,602	5,604	5,630
Civil solemnisers	105	107	105	107	113
Secular solemnisers	N/A	14	14	19	23
TOTAL:	5,581	5,627	5,721	5,730	5,766

39. A fee of €200 is charged per couple for giving notice of intention to marry. Fees are also charged by the HSE for solemnisation of civil marriages at venues other than the registrar's office. In 2012, the total value of fees paid to the HSE in respect of marriages was approximately €3.388 million. The amount was €4.427 million in 2013, €4.706 million in 2014, €4.749 million in 2015 and €4.856 million in 2016.

40. A very important activity of the GRO not directly governed by the Civil Registration Act is the recognition of foreign divorces. As foreign divorces are not automatically entitled to recognition in the State, persons with foreign divorces who wish to marry must have their divorces recognised in accordance with the laws of the State. Divorces granted in EU countries (excluding Denmark) since 1 March 2001 are recognised in accordance with Council Regulation (EC) No 2201/2003, the so-called Brussels II regulation. The application of Brussels II does not apply to divorces granted in EU member states before they became member states. These, and all other divorces wherever obtained, are recognised in accordance with the Domicile and Recognition of Foreign Divorces Act 1986. The number of

⁵ The five religious bodies with the largest number of registered solemnisers are Catholic Church (4,325), Church of Ireland (341), Jehova's Witnesses (210), Methodist Church (187) and Presbyterian Church(84).

applications for recognition of foreign divorces for the purpose of marriage during the period 2012-2016 is as follows:-

	2012	2013	2014	2015	2016
Applications for recognition of foreign divorce	1,113	1,211	1,276	1,249	1,299
Divorces recognised	914	989	1,064	1,033	1,119
Divorces whose status could not be determined	199	222	212	216	180

41. For divorces covered by the Brussels II regulation the recognition process is relatively straightforward, provided the documentation required by the regulation is in order. However, the recognition process for other divorces can be highly complex and turns on the domicile of the parties to the marriage at the time the divorce proceedings commenced and on the nature of the divorce itself. Particular problems arise in respect of divorces granted in the United States. Under the 1986 Act, each state of the United States is treated as a separate jurisdiction, due to the fact that the laws governing the granting of divorce differ from state to state. Owing to the propensity of US residents to change place of residence fairly frequently, obtaining evidence as to the domicile of the parties to a divorce can be difficult. In recent years, the numbers of applications for recognition of a foreign divorce as a prelude to marriage in the State coming from African and Asian countries has increased significantly. These applications are particularly problematic, owing to difficulties in obtaining evidence as to the nature of the divorce⁶ and the domicile of the parties to the divorce. In these circumstances, the persons concerned are advised that the GRO is unable to reach a conclusion on the matter, that they may wish to seek legal advice, that their legal adviser will be aware of the provisions of section 29 of the Family Law Act 1995 (which provides for the recognition of a foreign divorce by the courts), and its potential application to their circumstances.

Civil Partnerships

42. The Civil Partnership and Certain Rights and Obligations of Cohabitants Act 2010 provided for the registration of civil partnerships in the State. The provisions of the Act dealing with civil partnerships were commenced with effect from 1 January 2011. The following table shows the number of civil partnerships registered in the years 2012-2016 and the sex of persons entering civil partnerships in each of these years:-

	2012	2013	2014	2015	2016

⁶ In many African and Asian countries there can be a myriad of legal systems within the same jurisdiction, including received European law, native law and custom and religious law.

Number of civil partnerships registered	429	338	392	376	7
Males	263	208	242	250	5
Females	166	130	150	126	2

43. The Marriage Act 2015, which abolished the prohibition on persons of the same sex marrying each other, repealed the provisions of the Civil Partnership Act, thereby bringing an end to the scheme of registration of civil partnerships. Registration of a civil partnership finally ceased to be available from 13 May 2016. The last civil partnership was registered on 7 March 2016. Civil partnerships registered under the 2010 Act continue to be valid, and the rights, obligations and status created by such civil partnerships continue to have effect, notwithstanding the repeal of the provisions under which they were registered. The provisions of the 2010 Act relating to dissolution of civil partnerships continue to have effect. The 2015 Act provides that persons in a civil partnership may marry each other without the necessity of having their civil partnership dissolved. A civil partnership is automatically dissolved where the parties to the civil partnership marry each other.

Certificates of Vital Events

44. Provision of certificates of vital events to members of the public represents a significant activity for the Civil Registration Service. The following table shows the volume and value of transactions in respect of this activity for the years 2012-2016:-

	2012	2013	2014	2015	2016
Birth certificates	302,767	244,780	253,444	251,445	254,489
Stillbirth certificates	405	326	274	258	290
Death certificates	113,278	90,264	81,206	82,722	84,979
Marriage certificates	60,495	52,214	55,575	57,490	59,699
Civil Partnership certificates ⁷	605	417	502	500	144
TOTAL:	477,550	388,001	391,001	392,415	399,601
Income (€million)	4.014	6.541	6.603	6.537	6.881

45. Certificates of vital events are required for many purposes, including access to public services, and for the purpose of verifying certain facts concerning a person or family for various legal, financial and other reasons. Certificates of vital events are widely accepted as evidence as to the facts stated, owing to the independence and integrity of the system built up over many years, and the fact that each entry in the register has an independent evidential basis. This removes the requirement for members of the public to constantly prove those facts through other means.
46. The requirement to produce actual certificates for access to public services, particularly social welfare, has declined in recent years, mainly as a result of the widespread adoption of the Public Services Card and electronic data transfers between public bodies. This significantly reduces the workload in registrars' offices, is more convenient for members of the public, and helps to make the processing of social welfare claims, and other public

⁷ Registration of civil partnerships began in 2011 following commencement of the Civil Partnership and Certain Rights and Obligations of Cohabitants Act 2010 on 1 January 2011.

services more efficient. The total number of certificates issued has declined from 477,550 in 2012 to 399,601 in 2016, a reduction of 77,949, or 16%, over the period.

47. A list of fees payable for civil registration services during 2016 is contained in Appendix 2.

Genealogy

48. The GRO operates a dedicated genealogy research room in Dublin. Members of the public can search indexes of births, deaths and marriages and obtain photocopies of any entries they require. The following table gives a summary of research activity for the years 2012-2016:-

	2012	2013	2014	2015	2016
General search ⁸	2,093	1,809	1,480	1,453	950
Limited search	20,380	17,548	14,614	14,004	9,961
Copies of register entries issued	61,715	56,068	50,628	51,493	36,295
Fee income (€million)	0.33	0.30	0.26	0.26	0.18

49. There has been a considerable reduction in the level of activity in the research room since 2012, but especially in 2016. This reduction is likely to be accounted for by the placing online of the historic registers and corresponding index data in 2016.

Vital Statistics

50. The existence of a system of civil registration is essential for the compilation of vital statistics. Data collected as part of the registration process are transmitted electronically to the Central Statistics Office at regular intervals. This enables the provision of longitudinal, up to date information on the population for the analysis and publication of vital statistics necessary for planning and policy formulation. Vital statistics are published quarterly by the Central Statistics Office. A summary of vital statistics from 1950-2015 compiled by the Central Statistics Office is at Appendix 3. More extensive data relating to vital statistics, including movements in population, fertility rates and analysis of causes of deaths is available from the Central Statistics Office website at www.cso.ie.

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Ard Chláraitheoir

22 June 2017

⁸ A general search is for any period, whereas a specific search is limited to periods of 5 years. The fee for a general search is €20 and for a specific search €2.

Appendix 1

Principal Legislation under Which the General Register Office Performed Functions Relevant to Civil Registration during 2016.

(a) Primary Legislation

1. Civil Registration Act 2004 (as amended)
2. Civil Registration (Amendment) Act 2012
3. Civil Partnership and Certain Rights and Obligations of Cohabitants Act 2010
4. Civil Registration (Amendment) Act 2014
5. Marriage Act 2015
6. Gender Recognition Act 2015
7. Adoption Act 2010
8. Family Law Act 1995
9. Status of Children Act 1987
10. Domicile and Recognition of Foreign Divorces Act 1986
11. Vital Statistics and Births, Deaths and Marriages Registration Act 1952
12. Legitimacy Act 1931

(b) Regulations

1. Civil Registration Act, 2004 (Section 27) (Commencement) Order 2004
2. Civil Registration Act, 2004 (Section 65) (Commencement) Order 2004
3. Civil Registration Act, 2004 (Commencement) Order 2005
4. Civil Registration (Reduced Fees) Regulations 2005
5. Civil Registration (Short Birth Certificate) Regulations 2005

6. Registration of Adoptions and Marriages (Abridged Certificate) Regulations 2005
7. Civil Registration Act, 2004 (Commencement) Order 2007
8. Health Act, 2007 (Commencement) (No3) Order 2007

9. Register of Solemnisers (Correction of Errors) Regulations 2007
10. Civil Registration (Fees and Allowances) Regulations 2007
11. Civil Partnership and Certain Rights and Obligations of Cohabitants (Commencement) Order 2010
12. Civil Registration (Delivery of Notification of Intention to Marry) (Prescribed Circumstances) Regulations 2010
13. Civil Registration (Marriage Registration Form) Regulations 2010
14. Civil Registration (Register of Marriages) (Correction of Errors) Regulations 2010

15. Civil Registration (Delivery of Notification of Intention to Enter a Civil Partnership) (Prescribed Circumstances) Regulations 2010
16. Civil Registration (Register of Civil Partnerships) (Correction of Errors) Regulations 2010
17. Civil Registration (Civil Partnership Registration Form) Regulations 2010

18. Adoption Act (Section 85) (Fees) Regulations 2010
19. Adoption Act 2010 (Abridged Certificate) Regulations 2011
20. Civil Registration (Amendment) Act 2012 (Commencement) Order 2013

21. Civil Registration (Certified Extract of Register of Deaths) Regulations 2014
22. Civil Registration (Amendment) Act 2014 (Commencement) Order 2015
23. Gender Recognition Act 2015 (Commencement) Order 2015
24. Marriage Act 2015 (Commencement) Order 2015
25. Civil Registration (Amendment) Act 2014 (Commencement) Order 2016
26. Civil Registration (Births, Deaths, Marriages and Civil Partnerships) (Fees) (No. 2) Regulations 2016

Appendix 2

Fees payable for civil registration services during 2016:-

Service	€
Fee for issue of a certified copy of an entry in a register	20.00
Fee for issue of a copy of an entry for specified services	1.00
Fee for issue of an uncertified copy of an entry in a register	4.00
Fee for notice of intention to marry	200.00
Fee for notice of intention to enter a civil partnership	200.00
Fee for registration or alteration of a forename in a register of births	5.00
Fee for search facilities for research purposes	
- limited to 5 years	2.00
- unlimited	20.00

The various fees are specified in Statutory Instruments made under the provisions of the Civil Registration Act 2004, as amended. The SI currently in force is the Civil Registration (Births, Deaths, Marriages and Civil Partnerships) (Fees) (No. 2) Regulations 2016. The Adoption Act (Section 85) (Fees) Regulations 2010 provide for the payment of equivalent fees for certificates of adoption issued from the Adopted Children Register. Fees are not charged for stillbirth certificates, or for certificates of birth and death in respect of infants who died within 12 months. In addition to the above, Section 52 of the Act provides that the HSE may charge fees in respect of attendance by a registrar for the solemnisation of a marriage, or registration of a civil partnership at a venue other than the registrar's office.

Appendix 3**Number of Births, Deaths and Marriages**

Year	Marriages		Births		Deaths	
	No.	Rates ¹	No.	Rates ¹	No.	Rates ¹
1950	16,018	5.4	63,565	21.4	37,741	12.7
1960	15,465	5.5	60,735	21.5	32,660	11.5
1970	20,778	7.1	64,382	21.9	33,686	11.4
1980	21,792	6.4	74,064	21.8	33,472	9.8
1990	17,838	5.1	53,044	15.1	31,370	9.0
1991	17,441	4.9	52,718	15.0	31,305	8.9
1992	16,636	4.7	51,089	14.4	30,931	8.7
1993	16,824	4.7	49,304	13.8	32,148	9.0
1994	16,621	4.6	48,255	13.5	30,948	8.6
1995	15,604	4.3	48,787	13.5	32,259	9.0
1996	16,174	4.5	50,655	14.0	31,723	8.7
1997	15,631	4.3	52,775	14.4	31,581	8.6
1998	16,783	4.5	53,969	14.6	31,563	8.5
1999	18,526	5.0	53,924	14.4	32,608	8.7
2000	19,168	5.1	54,789	14.5	31,391	8.3
2001	19,246	5.0	57,854	15.0	30,212	7.9
2002	20,556	5.2	60,503	15.5	29,683	7.6
2003	20,302	5.1	61,529	15.5	29,074	7.3
2004	20,979	5.2	61,972	15.3	28,665	7.1
2005	21,355	5.2	61,372	14.8	28,260	6.8

2006	22,089	5.2	65,425	15.4	28,488	6.7
2007	22,756	5.2	71,389	16.3	28,117	6.4
2008	22,187	5.0	75,173	16.8	28,274	6.3
2009	21,627	4.8	75,554	16.7	28,380	6.3
2010	20,594	4.5	75,174	16.5	27,961	6.1
2011	19,879	4.3	74,650	16.3	28,995	6.3
2012	21,245	4.6	72,225	15.8	28,848	6.3
2013	20,680	4.5	68,930	15.0	30,018	6.5
2014	22,045	4.8	67,462	14.6	29,095	6.3
2015	22,025	4.8	65,909	14.2	29,952	6.5
2016	22,626	4.8	63,897	13.7	30,390	6.5

Note 1: Rates per 1,000 of the estimated population.

Source: Central Statistics Office.