

**Annual Report of an tArd-Chláraitheoir to the Minister for Social  
Protection under Section 11 of the Civil Registration Act 2004 for  
the year 2013**

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## **Report of an tÁrd Chláraitheoir to the Minister for Social Protection under Section 11 of the Civil Registration Act 2004 for the year 2013**

### **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.

### **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, 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. Registration of civil partnerships was assigned to the Civil Registration Service under the provisions of the Civil Partnership and Certain Rights and Responsibilities of Cohabitants 2010. It is important to be aware that the complexity of civil registration has increased greatly in recent years, owing to changes in societal composition and norms.
5. A list of the principal legislation governing civil registration during 2013 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.

### **Modernisation of Civil Registration in Ireland**

7. 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.
8. 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**

9. 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 190 HSE staff assigned to registration duties across the country.

### **Significant Developments and Issues Arising During 2013**

10. A number of significant developments and issues arose during 2013 including the commencement of the Civil Registration (Amendment) Act 2012, continuation of work with the Department of Arts, Heritage & Gaeltacht relating to enhanced public access to civil registration records, re-location of the GRO genealogy research facility and litigation relating to surrogacy.

*Civil Registration (Amendment) Act 2012*

11. The Civil Registration (Amendment) Act 2012 amended the Civil Registration Act 2004 to provide for the entry in the Register of Solemnisers of persons nominated by secular bodies, thereby enabling them to legally solemnise marriages in the State. Heretofore, only members of religious bodies or registrars employed by the HSE could be entered in the Register of Solemnisers. The Act provides for a definition of a secular body and for the conditions to be met and the procedures to be followed by secular bodies when making applications to have members entered in the Register of Solemnisers. The Act was commenced on 23 January 2013. As of 31 December 2013, 14 members of a secular body had been registered in the register of solemnisers and 209 secular marriages had been registered.

*Report of the Ombudsman into access to historic records*

12. 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. Discussions have been had with the Department of Arts, Heritage and the Gaeltacht and agreement reached that that Department will make index data available on-line via [www.irishgenealogy.ie](http://www.irishgenealogy.ie). Section 20 of the Social Welfare and Pensions (Miscellaneous Provisions) Act 2013 makes legislative provision for this. Work on this initiative progressed during 2013 and it is expected that the data will be made available on-line in July 2014.

*Assisted human reproduction and surrogacy*

13. A number of cases involving births to surrogate mothers as a result of assisted human reproduction (AHR), both in Ireland and abroad, have come to attention in recent years. Civil registration legislation only applies to such births occurring within the State. The policy of the GRO is that only the woman who gave birth in such cases can be registered as the mother in the register of births. This policy is based on the Roman law principle *mater semper certa est* (motherhood is always certain). The father can be registered in accordance with the provisions of section 22 of the Civil Registration Act 2004. Under this provision, a man can be registered as father of a child if he is not married to the mother and (a) the father and mother make a joint request to a registrar, (b) the mother makes a request to a registrar and produces a statutory declaration of the father that he is the father of the child, (c) the father makes a request to a registrar and produces a statutory declaration of the mother that he is the father of the child, or (d) either of them requests the registrar to register the father and produces a court order naming the father of the child.
14. The policy of the GRO relating to the registration of the mother in surrogacy cases was challenged in the High Court. In its judgment delivered on 5 March 2013 the High Court decided that motherhood was to be determined on the basis of genetics alone, and that the *mater semper certa est* principle did not survive the enactment of the Constitution once *in vitro* fertilisation treatments became available. The judgment raises important questions as to how motherhood may be determined under Irish law and may have the effect of tying the hands of the Oireachtas in how it may legislate in the areas of surrogacy and AHR. The decision of the High Court was appealed to the Supreme Court. The appeal was heard by the Supreme Court in February 2014 and a judgment is awaited.

15. The position relating to foreign surrogacy is that such births are not registered in the State. Significant issues arise in relation to these births including parenthood and citizenship. A protocol on foreign surrogacy was issued by the Department of Justice & Equality in February 2012. The protocol deals with (a) the legal status of children born abroad through surrogacy, (b) citizenship and passports, (c) emergency travel certificates, (d) practical requirements for applications for travel documents, and advises couples to seek legal and medical advice before proceeding.
16. The only existing mechanism for resolving issues relating to parentage and guardianship in foreign surrogacy cases is through the courts. The most common way of resolving the issues is to for the Circuit Family Court to grant a declaration that the commissioning father is a parent of the child, provided he has a genetic link with the child. Guardianship orders can also be granted appointing the father as guardian in such circumstances. The GRO was involved in a significant number of such cases during 2013.

#### *Re-location of genealogy research facility*

17. The GRO genealogy research facility was re-located from the Irish Life Centre, Abbey Street, Dublin 1, to the old social welfare office at Werburgh Street, Dublin 8, in September 2013. The office is located at the western perimeter of Dublin Castle. This followed a decision by the Office of Public Works to discontinue the lease on the Irish Life Centre as part of its cost management policy.

#### *Data exchange with SUSI*

18. A data exchange procedure was implemented for the Student Universal Support Ireland (SUSI) agency during 2013. The procedure involves electronically validating the dates of birth of applicants for third level student grants, thereby removing the need for applicants to supply birth certificates and substantially reducing the need to manually check records.

#### *Litigation*

19. 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 2013 the GRO was involved in thirty two separate legal proceedings, either as defendant/respondent/notice party, or by way of assisting other Departments/Offices. These cases mainly involve applications for recognition of foreign and domestic marriages, recognition of foreign divorces, surrogacy, and issues relating to identity.

### **Births, Adoptions & Stillbirths**

20. 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 2008-2013:-

	<b>2008</b>	<b>2009</b>	<b>2010</b>	<b>2011</b>	<b>2012</b>	<b>2013</b>
Births registered	76,015	74,921	74,969	74,913	72,406	69,208
Adoptions registered <sup>1</sup>	200	190	189	46	49	116
Stillbirths registered	351	335	318	325	282	279
Late registrations	291	205	164	257	246	260
Re-registrations	1,764	1,728	1,770	2,081	1,997	1,975
Section 65 enquiries	271	304	114	143	188	199
Errors corrected	5,195	4,933	4,058	4,321	3,990	4,051

21. The growth in the number of births registered annually over the past number of years has been very substantial, increasing from 54,239 in 2000 to 69,208 in 2013, a rise of about 28% . 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 grew rapidly again from 2006 onwards when 64,237 births were registered. Since then the numbers peaked in 2008, at 76,015, and remained steady in 2009, 2010 and 2011. The declines registered in 2012 and 2013 are very substantial. The number of births registered in 2013 was 6,807 or 9% less than in the most recent peak year, 2008. The year 2012 is the first year in which the number of births declined significantly since 1994.
22. The figures for late registrations refer to births registered more than 12 months after the event. The number of late registrations has fallen from 619 (1.0% of all births) per annum in 2006 to 260 (0.38% of all births) in 2013. 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 51% and 49%, respectively.
23. 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

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<sup>1</sup> 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.

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.

24. 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 records 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 high 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, has contributed to a significant decline in the number of corrections annually. The number of errors corrected has fallen from 5,195 in 2008 to 4,051 in 2013, a drop of 22%.

### **Deaths**

25. 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 2008-2013:-

	<b>2008</b>	<b>2009</b>	<b>2010</b>	<b>2011</b>	<b>2012</b>	<b>2013</b>
Deaths registered	29,784	29,594	29,174	29,664	29,465	30,635
Coroners certificates	7,134	7,920	7,767	8,547	7,704	8,682
Late registrations	1,151	1,101	928	936	903	1,008
Correction of errors	1,321	1,424	1,818	1,376	1,335	1,429

26. The number of deaths registered in Ireland has remained relatively static over a lengthy period. Since 2000, the number of deaths has ranged from a low of 27,441 in 2005 to a high of 31,115 in 2000. The numbers for the years 2008-2013 are in this range.
27. The number of deaths registered on foot of a coroner's certificate rose significantly in recent years and now represents over 28% of all deaths registered. Deaths are referred to



a coroner where the death has occurred in suspicious circumstances, has been 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.

28. 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 24 above.

### Marriages

29. 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.<sup>2</sup> 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 provided for the inclusion in the register of solemnisers of members of secular bodies, thereby permitting them to legally solemnise marriages in the State.
30. The following table sets out the main marriage registration activities for the years 2008-2013:-

	2008	2009	2010	2011	2012	2013
Total number of marriages solemnised	22,225	21,346	20,535	19,828	20,694	20,670
Religious marriages	16,856	15,126	14,544	14,059	14,896	14,579
Civil marriages	5,369	6,220	5,991	5,769	5,798	5,882
Secular marriages	N/A	N/A	N/A	N/A	N/A	209

31. The number of marriages taking place since 2000 increased steadily up to 2007 and has been in decline since then. The number of marriages registered in 2000 was 19,168. The figure for 2008 represents a 16% increase on the 2000 figure. There has been a reduction in the total number of marriages from 2008 to 2013 of 7%. The number of marriages registered in 2011 was the lowest since 2002 when 20,556 marriages were registered. There has been a significant shift in the composition of marriages, as between religious and civil, in recent years. The number of religious marriages, as a proportion of total marriages, fell from approximately 76% in 2008 to 71% in 2013. There has been a marked increase in the number of civil marriages over a lengthy period. In 1996, there were 928 civil marriages, or 6% of the total. This rose to 18% in 2002 and 22% in 2005. The proportion of civil marriages remained fairly static from 2005-2008, at around 22%-24%. The figure for 2009 represents a very considerable increase in the proportion of civil marriages, at around 29%, and this trend has been maintained. It is also noteworthy that, while the total number of marriages fell by 879 from 2008 to 2009, a reduction of

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

about 4%, the number of civil marriages actually increased by 851, an increase of almost 16%. The respective proportions of religious and civil marriages has remained remarkably stable since 2009 standing at 71-72% and 28-29%, respectively. The increase in the incidence of civil marriage since the mid-1990s is probably accounted for by the introduction of divorce in 1995 and consequent rise in the number of re-marriages, together with changes in the demographic profile of persons marrying.

32. While there are no statistics available on the incidence of marriages of convenience, anecdotal evidence suggests that the increase in the number of civil marriages from 2008 is partly accounted for by marriages of convenience, following the Judgment by the European Court of Justice in the *Metock* case.<sup>3</sup> 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 2008-2013:-

	2008	2009	2010	2011	2012	2013
1. Notifications of intention to marry:-						
(a) EU and non-EU citizen	2,179	2,976	2,228	1,979	2,086	2,457
(b) Irish and non-EU citizen	1,385	1,380	1,191	1,199	1,203	1,320
(c) Non-Irish EU and non-EU citizen	794	1,596	1,037	780	883	1,137
2. Marriages registered in respect of these notifications:- <sup>4</sup>						
(a) EU and non-EU citizen	1,868	2,446	1,736	1,565	1,647	1,995
(b) Irish and non-EU citizen	1,198	1,204	999	965	942	1,070
(c) Non-Irish EU and non-EU citizen	670	1,242	737	600	705	925
3. Percentage of notifications resulting in marriage:-						
(a) EU and non-EU	86%	82%	78%	79%	79%	81%
(b) Irish and non-EU	86%	87%	84%	80%	78%	81%
(c) Non-Irish EU and non-EU citizen	84%	78%	71%	77%	80%	81%

33. In the period 2008-2013 the number of marriages involving EU and non-EU nationals peaked at 2,446 in 2009 and has fallen since, although there was a significant increase in 2013 compared to 2011 and 2012. That said, the number of such marriages in 2013 is a reduction of 18% on the 2009 figure.

<sup>3</sup> 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.

<sup>4</sup> 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.

34. While it would be wrong to characterise all marriages between EU and non-EU nationals as marriages of convenience, the relatively low rate of conversion of notices of intention to marry to actual marriage would suggest that marriages of convenience are a significant problem. This is borne out by the experience of individual registrars, representations from foreign embassies, the mounting of Operation Charity by the GNIB, as well as media reporting and commentary over recent years. The decline in the numbers of notices of intention to marry, from the peak in 2009, involving non-EU nationals and the conversion rate to actual marriage would suggest that the policy introduced by the GRO relating to evidence as to identity, Operation Charity and greater vigilance by the immigration authorities have had a significant impact. However, it is also clear that a legislative solution is required to enable the State to take steps to prevent such marriages from taking place. I understand that legislative provisions to deal with marriages of convenience will be contained in the forthcoming Civil Registration (Amendment) Bill.
35. The Metock judgment applies only to marriages between non-EU nationals and non-Irish EU nationals. There has been a decline in the number of non-Irish EU nationals marrying non-EU nationals from a high of 1,242 in 2009 to 925 in 2013. The 2013 figure represents a 31% increase on 2012.
36. 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 2010-2013:-

<b>2010</b>		<b>2011</b>		<b>2012</b>		<b>2013</b>	
United States	176	United States	171	United States	186	United States	190
Australia	98	Australia	107	Australia	111	Australia	158
Brazil	79	Brazil	67	Brazil	76	Brazil	97
China	76	China	66	Canada	62	Canada	61
Canada	50	Canada	49	China	58	South Africa	53
Nigeria	49	South Africa	48	South Africa	52	Pakistan	45
New Zealand	44	Philippines	37	Philippines	39	Mauritius	41
South Africa	44	Pakistan	36	Nigeria	32	China	39
Philippines	31	Nigeria	31	New Zealand	30	New Zealand	38
Pakistan	27	New Zealand	30	Mauritius	28	Nigeria	37

37. 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 2010-2013:-

2010		2011		2012		2013	
Pakistan	141	Pakistan	142	Pakistan	180	Pakistan	242
Nigeria	97	Brazil	62	Bangladesh	61	Bangladesh	79
Brazil	65	Bangladesh	54	Nigeria	57	India	74
India	59	Nigeria	45	Brazil	56	Brazil	68
Bangladesh	38	Mauritius	41	India	52	Mauritius	53
Mauritius	34	India	38	Mauritius	44	Nigeria	43
China	27	United States	22	Egypt	30	Egypt	39
Ukraine	25	Egypt	17	United States	18	Algeria	22
Egypt	22	China	16	China	14	Moldova	18
United States	19	Australia	14	Moldova	14	South Africa	18

38. Of the 41,340 persons whose marriages were registered in 2013, 38,306 (93%) were single, 2,660 (6%) were divorced, 373 (1%) were widowed, and one had a civil partnership dissolution.

39. The following table gives a breakdown of the number of religious marriages in the years 2010-2013 by religious denomination in respect of the six most common religious bodies, and the proportion of these marriages as a percentage of all marriages registered in each year:-

Religious denomination	2010	%	2011	%	2012	%	2013	%
Roman Catholic Church	13,723	66.8%	13,132	66.2%	13,481	65.14%	12,910	62.45%
Church of Ireland	425	2.1%	442	2.2%	429	2.07%	450	2.17%
Presbyterian Church	106	0.5%	66	0.3%	83	0.4%	71	0.34%
Jehovah's Witnesses	13	0.06%	17	0.09%	16	0.07%	15	0.07%
Methodist Church	27	0.1%	15	0.08%	18	0.08%	24	0.11%
Islamic Community	22	0.1%	16	0.08%	28	0.14%	48	0.23%

40. 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 2008-2013:-

	2008	2009	2010	2011	2012	2013
Registrar's Office	4,590	4,731	4,172	3,720	3,668	3,886
Outside Venue	779	1,489	1,819	2,049	2,130	1,996
% at Outside Venue	15%	24%	30%	36%	37%	34%

41. 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 34% of civil marriages taking place at outside

venues in 2013. It should be noted that solemnisation of marriages at outside venues is very time-consuming, as registrars often have to travel considerable distances to venues in rural areas and have to contend with traffic congestion in major urban centres.

42. 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 during 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 31 December in the years 2008-2013:-

	<b>2008</b>	<b>2009</b>	<b>2010</b>	<b>2011</b>	<b>2012</b>	<b>2013</b>
Religious solemnisers	5,315	5,387	5,408	5,413	5,476	5,506
Civil solemnisers	97	105	116	113	105	107
Secular solemnisers	N/A	N/A	N/A	N/A	N/A	14
<b>TOTAL:</b>	<b>5,412</b>	<b>5,492</b>	<b>5,524</b>	<b>5,526</b>	<b>5,581</b>	<b>5,627</b>

43. A fee of €200 was charged per couple for giving notice of intention to marry during 2013. Fees were also be charged by the HSE for solemnisation of civil marriages at venues other than the registrar's office. In 2008, the total value of fees paid to the HSE in respect of marriages was approximately €3.128 million. The amount was €3.391 million in 2009, €3.272 million in 2010, €3.285 million in 2011, €3.388 million in 2012, and €4.427 million in 2013.
44. A very important activity of the GRO not directly governed by the Civil Registration Act is the recognition of foreign divorces. Under Section 2(2)(b) of the Civil Registration Act, there is an impediment to a marriage if one of the parties is, or both are, already married. 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 law in force in the State. Divorces granted in EU countries (excluding Denmark) are recognised in accordance with Council Regulation (EC) No 2201/2003, the so-called Brussels II regulation. All other divorces are recognised in accordance with the Domicile and Recognition of Foreign Divorces Act 1986. The estimated number of applications for recognition of foreign divorces for the purpose of marriage during the period 2008-2013 is as follows:-

	<b>2008</b>	<b>2009</b>	<b>2010</b>	<b>2011</b>	<b>2012</b>	<b>2013</b>
Applications for recognition of foreign divorce	1,201	1,229	1,259	1,249	1,113	1,211
Divorces recognised	1,208	1,109	943	967	914	989
Divorces whose status could not be determined	141	230	316	282	199	222

45. For divorces granted in EU countries (excluding Denmark) the recognition process is relatively straightforward, provided the documentation required by the Brussels II

regulation is in order. However, the recognition process for other divorces is highly complex and turns on the domicile of the parties to the marriage at the time the divorce proceedings commenced and 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 laws governing 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 divorce<sup>5</sup> 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**

46. The Civil Partnership and Certain Rights and Obligations of Cohabitants Act 2010 provides 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 2011-2013 and the sex of persons entering civil partnerships in each of these years:-

	<b>2011</b>	<b>2012</b>	<b>2013</b>
Number of civil partnerships registered	536	429	338
Males	335	263	208
Females	201	166	130

47. Of the 676 individuals who entered civil partnerships in 2013, 479 or 71% were Irish citizens. Excluding Ireland, 41 other nationalities entered civil partnerships in 2013. The following table shows the top five nationalities, excluding Ireland:-

<b>Nationality</b>	
Brazil	55
United Kingdom	24
Poland	19
United States	9
Italy	8

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<sup>5</sup> 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.

48. The table below gives a breakdown of the age groups of persons entering civil partnerships:-

<b>Age Group</b>	
18-20	5
21-30	159
31-40	264
41-50	145
51-60	77
61-70	20
Over-70	6

49. A fee of €200 was charged per couple for giving notice of intention to enter a civil partnership during 2013. Fees were also charged by the HSE for registering civil partnerships at venues other than the registrar's office. The number of civil partnerships registered at outside venues was 78 or 23% of the total. In 2013 the total value of fees paid to the HSE in respect of civil partnerships was approximately €.08 million.

#### **Certificates of Vital Events**

50. 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 2008-2013:-

	<b>2008</b>	<b>2009</b>	<b>2010</b>	<b>2011</b>	<b>2012</b>	<b>2013</b>
Birth certificates	384,754	339,910	322,926	311,778	302,767	244,780
Stillbirth certificates	497	517	466	446	405	326
Death certificates	122,463	117,739	111,751	113,326	113,278	90,264
Marriage certificates	83,584	71,621	64,487	60,118	60,495	52,214
Civil Partnership certificates <sup>6</sup>				704	605	417
<b>TOTAL:</b>	<b>591,298</b>	<b>529,787</b>	<b>499,630</b>	<b>486,372</b>	<b>477,550</b>	<b>388,001</b>
Income (€million)	4.572	4.275	4.173	4.081	4.014	6.541

51. 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.

<sup>6</sup> 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.

52. The requirement to produce actual certificates for access to public services, particularly social welfare, has declined in recent years, mainly as a result of electronic data transfers. 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 more efficient. The total number of certificates issued has declined from 591,298 in 2008 to 388,001 in 2013, a reduction of 203,297, or 34%, over the period.
53. A list of fees payable for civil registration services during 2013 is contained in Appendix 2.

### **Genealogy**

54. The GRO operates a dedicated genealogy research room in Dublin, with capacity for 40 people. Members of the public can search indexes of births, deaths and marriages and obtain photocopies of entries they require. The service has been extremely popular in recent years owing to growing interest in genealogical research following the broadcasting of television programmes and the release of the 1901 and 1911 census by the National Archives. The following table gives a summary of research activity for the years 2008-2013:-

	<b>2008</b>	<b>2009</b>	<b>2010</b>	<b>2011</b>	<b>2012</b>	<b>2013</b>
General search <sup>7</sup>	2,466	2,780	2,612	2,353	2,093	1,809
Limited search	23,546	24,574	23,910	21,805	20,380	17,548
Copies of register entries issued	50,262	69,690	69,337	64,214	61,715	56,068
Fee income (€million)	0.30	0.38	0.38	0.35	0.33	0.30

### **Vital Statistics**

55. 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 1950-2012 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](http://www.cso.ie).

Kieran Feely  
Ard Chláraitheoir  
30 June 2014

<sup>7</sup> 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 2013.**

#### **(a) Primary Legislation**

1. Civil Registration Act 2004 (as amended)
2. Civil Partnership and Certain Rights and Obligations of Cohabitants Act 2010
3. Adoption Act 2010
4. Family Law Act 1995
5. Status of Children Act 1987
6. Domicile and Recognition of Foreign Divorces Act 1986
7. Vital Statistics and Births, Deaths and Marriages Registration Act 1952
8. 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 (Births, Deaths, Marriages and Civil Partnerships) (Fees) Regulations 2013

## **Appendix 2**

### **Fees payable for civil registration services during 2013:-**

<b>Service</b>	<b>€</b>
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. 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 <sup>1</sup>	No.	Rates <sup>1</sup>	No.	Rates <sup>1</sup>
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	21,148	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

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

Source: Central Statistics Office.