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Minister for Social Protection
Áras Mhic Dhiarmada
Store Street
Dublin 1

25 June 2013

Dear Minister

In accordance with the provisions of Section 11 of the Civil Registration Act 2004, I hereby submit the annual report on the operation of the Act for the year ended 31 December 2012.

The report sets out the structure and functions of the Civil Registration Service and contains information regarding the modernisation programme. While the modernisation programme is largely complete, it is important that attention is drawn to it, as it involved a radical overhaul of the civil registration law and procedures that had been in place since the 1840s. The system of registration has been computerised and the principal legislation replaced by a single Act – the Civil Registration Act 2004.

There was a number of significant developments and issues dealt with during 2012. These include the enactment of the Civil Registration (Amendment) Act 2012, the publication of the Ombudsman's report into public access to historic records and surrogacy.

The Civil Registration (Amendment) Act 2012 provides for the registration in the register of solemnisers of members of secular bodies, thereby enabling them to solemnise marriages in the State. The Act was commenced on 23 January 2013.

The Ombudsman carried out an investigation into access by members of the public to registers of births, deaths and marriages. While the Ombudsman found no evidence of maladministration on the part of the GRO, she did find that the registers were archives for the purposes of the National Archives Act 1986. The Ombudsman recommended that the GRO engage with the Department of Arts, Heritage and the Gaeltacht with a

view to exploring options for increasing access to records. This engagement has been underway for some months and it is hoped that access to records by members of the public can be improved.

A significant number of cases of children born to surrogate mothers, as a result of assisted human reproduction, came to attention during the year. The policy of the GRO is that the woman who gives birth is the person to be registered as the mother in the register of births. Many of these cases involve litigation in relation to determining parentage and guardianship. An interdepartmental working group was established in 2011 to devise a protocol for persons contemplating a foreign surrogacy arrangement. The protocol was published in February 2012. This issue raises complex questions regarding citizenship, parentage and guardianship.

A number of other matters in the report are worthy of note. The number of births in the State has been rising rapidly in recent years. While the average number of births per annum from 2002-2005 was 61,191, the number peaked at 76,015 in 2008 (Para 19). The number of deaths registered has remained fairly static over a long period with 29,465 deaths registered in 2012. The highest number of deaths registered since 2000 was 31,115 in that year (Para 24).

The number of marriages per annum has remained reasonably stable in recent years. However, there has been a significant shift in the form of marriage over time, with civil marriages increasing, as a proportion of all marriages, year-on-year for several years. Civil marriages now account for 28% of the total (Para 29). The proportion in 2007 was 23%.

Yours sincerely

Kieran Feely
Ard Chláraitheoir
Registrar General

**Annual Report of an tArd-Chláraitheoir to the Minister for
Social Protection under Section 11 of the Civil Registration
Act 2004 for the year 2012**

CONTENTS

Structure of the Civil Registration Service	Paragraph 1
Functions of the Civil Registration Service	Paragraph 2
Why does a State have a system of civil registration?	Paragraph 6
Modernisation Programme	Paragraph 7
Staffing	Paragraph 9
Significant developments and issues arising during 2012	Paragraph 10
Births, Adoptions & Stillbirths	Paragraph 19
Deaths	Paragraph 24
Marriages	Paragraph 28
Civil Partnerships	Paragraph 45
Certificates of vital events	Paragraph 48
Genealogy	Paragraph 53
Vital Statistics	Paragraph 54
Principal legislation governing civil registration	Appendix 1
Fees payable for civil registration services	Appendix 2
Summary of vital statistics (1950-2011)	Appendix 3

Report of an tÁrd Chláraitheoir to the Minister for Social Protection under Section 11 of the Civil Registration Act 2004 for the year 2012

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 2012 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 well 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 2012

10. A number of significant developments and issues arose during 2012 including the enactment of the Civil Registration (Amendment) Act 2012, publication of the report of the Ombudsman into access to historic registration records and surrogacy.

Civil Registration (Amendment) Act 2012

11. The Civil Registration (Amendment) Act 2012 was enacted in 2012. The Act amends 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.

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. Access to civil registration records is governed by section 61 of the Civil Registration Act. Section 61 provides that a person may search an index to a register and obtain a copy of any record contained in the register. The provision does not allow direct access by members of the public to the registers themselves. In her report the Ombudsman found that there was no legal provision for direct access to the records under this provision. The Ombudsman did, however, find that records more than 30 years old were “archives” for the purposes of the National Archives Act 1986 and should be available for public inspection under that Act. Legal advice obtained by the GRO was to the effect that civil registration records are not “archives” under the National Archives Act, but are Departmental records held by virtue of other legal powers.
13. 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 public inspection of records. Discussions have been had with the Department of Arts, Heritage and the Gaeltacht and agreement has been reached that that Department will make index data available on-line via www.irishgenealogy.ie later this year. The Social Welfare and Pensions (Miscellaneous Provisions) Bill 2013, currently before the Oireachtas makes legislative provision for this. Options for the expansion of access to certain other registration records are under consideration.

Assisted human reproduction and surrogacy

14. 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.

15. 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 has been appealed to the Supreme Court.
16. During 2011 an interdepartmental working group was established to prepare a protocol on foreign surrogacy. 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. The protocol was published in February 2012. While the protocol does not deal with children born through surrogacy in the State, and has no application to such births, the GRO was closely involved in drafting the protocol.
17. The only existing mechanism for resolving issues relating to parentage and guardianship 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 2012.

Litigation

18. 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 2012 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

19. 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 2007-2012:-

	2007	2008	2009	2010	2011	2012
Births registered	71,080	76,015	74,921	74,969	74,913	72,406
Adoptions registered ¹	187	200	190	189	46	49
Stillbirths registered	322	351	335	318	325	282
Late registrations	357	291	205	164	257	246
Re-registrations	1,735	1,764	1,728	1,770	2,081	1,997
Section 65 enquiries	212	271	304	114	143	188
Errors corrected	5,764	5,195	4,933	4,058	4,321	3,990

20. The growth in the number of births registered annually over the past 12 years has been very substantial, increasing from 54,239 in 2000 to 72,406 in 2012, a rise of about 33%. 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 on when there were 64,237 births registered. Since then the numbers appear to have peaked in 2008, and remained steady in 2009, 2010 and 2011. The number of births registered in 2012 was 2,507 or 3.3% less than in 2011. The year 2012 is the first year in which the number of births has declined significantly since 1994.
21. 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 246 (0.33% of all births) in 2012. 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 55% and 45%, respectively.

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.

22. 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.
23. 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. With the introduction of the requirement for all parents to register births personally, and the use of computerisation, it is hoped that the error rate will decline in the future. This trend is already in evidence, as the number of errors corrected has fallen from 5,764 in 2007 to 3,990 in 2012, a drop of 31%.

Deaths

24. 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 2007-2012:-

	2007	2008	2009	2010	2011	2012
Deaths registered	29,415	29,784	29,594	29,174	29,664	29,465
Coroners certificates	6,709	7,134	7,920	7,767	8,547	7,704
Late registrations	1,145	1,151	1,101	928	936	903
Correction of errors	1,338	1,321	1,424	1,818	1,376	1,335

25. 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 2007-2012 are in this range.
26. The number of deaths registered on foot of a coroner's certificate rose significantly in recent years and now represents almost 26% 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 that 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.
27. 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 23 above.

Marriages

28. 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.

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.

29. The following table sets out the main marriage registration activities for the years 2007-2012:-

	2007	2008	2009	2010	2011	2012
Total Marriages solemnised	22,790	22,225	21,346	20,535	19,828	20,694
Religious marriages	17,611	16,856	15,126	14,544	14,059	14,896
Civil marriages	5,179	5,369	6,220	5,991	5,769	5,798

30. 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 2007 represents a 19% increase on the 2000 figure. There has been a reduction in the total number of marriages from 2007 to 2012, at over 9%. 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 77% in 2007 to 72% in 2012. 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 continued. It is also noteworthy that, while the total number of marriages fell by 879 from 2008 to 2009, a reduction of about 4%, the number of civil marriages actually increased by 851, an increase of almost 16%. 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.
31. 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.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 2008-2012:-

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.

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

32. In the period 2008-2012 the number of marriages involving EU and non-EU nationals peaked at 2,446 in 2009 and has been falling since. The number of such marriages in 2012 is a reduction of 33% on the 2009 figure.
33. While it would be wrong to characterise all marriages between EU and non-EU nationals as marriages of convenience, the 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 comment 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.
34. 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 705 in 2012.

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.

35. 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 2009-2012:-

2009		2010		2011		2012	
United States	198	United States	176	United States	171	United States	186
Australia	148	Australia	98	Australia	107	Australia	111
Brazil	75	Brazil	79	Brazil	67	Brazil	76
China	69	China	76	China	66	Canada	62
Nigeria	61	Canada	50	Canada	49	China	58
New Zealand	53	Nigeria	49	South Africa	48	South Africa	52
Pakistan	50	New Zealand	44	Philippines	37	Philippines	39
Canada	47	South Africa	44	Pakistan	36	Nigeria	32
Philippines	42	Philippines	31	Nigeria	31	New Zealand	30
South Africa	41	Pakistan	27	New Zealand	30	Mauritius	28

36. 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 2009-2012:-

2009		2010		2011		2012	
Pakistan	435	Pakistan	141	Pakistan	142	Pakistan	180
Nigeria	148	Nigeria	97	Brazil	62	Bangladesh	61
India	126	Brazil	65	Bangladesh	54	Nigeria	57
Brazil	56	India	59	Nigeria	45	Brazil	56
Bangladesh	44	Bangladesh	38	Mauritius	41	India	52
Mauritius	43	Mauritius	34	India	38	Mauritius	44
China	37	China	27	United States	22	Egypt	30
South Africa	31	Ukraine	25	Egypt	17	United States	18
United States	31	Egypt	22	China	16	China	14
Algeria	27	United States	19	Australia	14	Moldova	14

37. Of the 41,388 persons whose marriages were registered in 2012, 38,322 (92%) were single, 2,765 (7%) were divorced and 301 (1%) were widowed.

38. The following table gives a breakdown of the number of religious marriages in the years 2009-2012⁵ by religious denomination in respect of the seven most common religious bodies, and the proportion of these marriages as a percentage of all marriages registered in each year:-

Religious denomination	2009	%	2010	%	2011	%	2012	%
Roman Catholic Church	13,980	65.5%	13,723	66.8%	13,132	66.2%	13,481	65.14%
Church of Ireland	436	2.0%	425	2.1%	442	2.2%	429	2.07%
Presbyterian Church	87	0.4%	106	0.5%	66	0.3%	83	0.4%
Jehovah's Witnesses	19	0.1%	13	0.06%	17	0.09%	16	0.07%
Methodist Church	21	0.1%	27	0.1%	15	0.08%	18	0.08%
Islamic Community	14	0.07%	22	0.1%	16	0.08%	28	0.14%
Baptist Church in Ireland	11	0.05%	17	0.08%	10	0.05%	17	0.08%

39. 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 2008-2012:-

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

⁵ Complete data for previous years are not available owing to the transition from the old to the new systems for registering marriages.

40. 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 37% of civil marriages taking place at outside venues in 2012. 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. Any reductions in staffing levels may well impair the capacity of the Civil Registration Service to meet the high level of demand in this area.

41. The register of solemnisers is maintained by the General Register Office under Section 53 of the Civil Registration Act. Religious solemnisers are nominated by their respective religious bodies. Civil registrars are employed by the HSE. The following table shows the numbers of solemnisers registered as at 31 December in the years 2007-2012:-

	2007	2008	2009	2010	2011	2012
Religious solemnisers	5,027	5,315	5,387	5,408	5,413	5,476
Civil solemnisers	87	97	105	116	113	105
TOTAL:	5,114	5,412	5,492	5,524	5,526	5,581

42. A fee of €150 was charged per couple for giving notice of intention to marry during 2012. 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 and €3.388 million in 2012. While the total number of marriages has been declining, the reduction in receipts in respect of notice of intention to marry is being offset by the increase in fees payable in respect of marriages at venues other than a registrar's office.

43. 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 or both of the parties is, or 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 2007-2012 is as follows:-

	2007	2008	2009	2010	2011	2012
Applications for recognition of foreign	1,433	1,201	1,229	1,259	1,249	1,113

divorce						
Divorces recognised	1,330	1,208	1,109	943	967	914
Divorces whose status could not be determined	103	141	230	316	282	199

44. There has been a significant increase in the number of divorces where the status of the divorce could not be determined. 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 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

45. 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. 429 civil partnerships were registered during 2012. Of these, 263 couples were male and 166 were female. Of the 858 individuals who entered civil partnerships in 2012, 632 or 74% were Irish citizens. Excluding Ireland, 53 other nationalities entered civil partnerships in 2012. The following table shows the top five nationalities, excluding Ireland:-

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.

Nationality	
United Kingdom	44
Brazil	29
United States	23
Poland	14
France	10

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

Age Group	
18-20	8
21-30	147
31-40	290
41-50	254
51-60	116
61-70	36
Over-70	7

47. A fee of €150 was charged per couple for giving notice of intention to enter a civil partnership during 2012. Fees were also charged by the HSE for solemnisation of civil partnerships at venues other than the registrar's office. The number of civil partnerships registered at outside venues was 143 or 19% of the total. In 2012, the total value of fees paid to the HSE in respect of civil partnerships was approximately €0.072 million.

Certificates of Vital Events

48. 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 2007-2012:-

	2007	2008	2009	2010	2011	2012
Birth certificates	393,873	384,754	339,910	322,926	311,778	302,767
Stillbirth certificates	463	497	517	466	446	405
Death certificates	124,629	122,463	117,739	111,751	113,326	113,278
Marriage certificates	86,591	83,584	71,621	64,487	60,118	60,495
Civil Partnership certificates ⁷					704	605
TOTAL:	605,556	591,298	529,787	499,630	486,372	477,550
Income (€million)	4.625	4.572	4.275	4.173	4.081	4.014

49. 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.
50. 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 605,556 in 2007 to 477,550 in 2012, a reduction of 128,006, or just over 21%, over the period.
51. Towards the end of 2009, an online certificate ordering system was implemented (see www.certificates.ie). This allows for certificates of vital events to be ordered online and paid for using debit and credit cards. The implementation of this facility made a significant contribution to Ireland's score in the EU eGovernment benchmarking exercise in 2009. During 2012, 25,204 orders for certificates were processed through this channel.
52. A list of fees payable for civil registration services during 2012 is contained in Appendix 2.

Genealogy

53. 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

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.

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 2008-2012:-

	2008	2009	2010	2011	2012
General search ⁸	2,466	2,780	2,612	2,353	2,093
Limited search	23,546	24,574	23,910	21,805	20,380
Copies of register entries issued	50,262	69,690	69,337	64,214	61,715
Fee income (€million)	0.30	0.38	0.38	0.35	0.33

Vital Statistics

54. 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 1950-2011 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.

Kieran Feely
Ard Chláraitheoir
25 June 2013

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 2012.

(a) Primary Legislation

1. Civil Registration Act 2004
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. Civil Registration (Births and Deaths) (Fees) Regulations 2005
7. Registration of Adoptions and Marriages (Abridged Certificate) Regulations 2005
8. Civil Registration Act, 2004 (Commencement) Order 2007
9. Health Act, 2007 (Commencement) (No3) Order 2007
10. Civil Registration (Marriages) (Fees) Regulations 2007
11. Register of Solemnisers (Correction of Errors) Regulations 2007
12. Civil Registration (Fees and Allowances) Regulations 2007
13. Civil Partnership and Certain Rights and Obligations of Cohabitants (Commencement) Order 2010
14. Civil Registration (Delivery of Notification of Intention to Marry) (Prescribed Circumstances) Regulations 2010
15. Civil Registration (Marriage Registration Form) Regulations 2010
16. Civil Registration (Register of Marriages) (Correction of Errors) Regulations 2010
17. Civil Registration (Delivery of Notification of Intention to Enter a Civil Partnership) (Prescribed Circumstances) Regulations 2010
18. Civil Registration (Register of Civil Partnerships) (Correction of Errors) Regulations 2010
19. Civil Registration (Civil Partnership Registration Form) Regulations 2010
20. Civil Registration (Civil Partnership) (Fees) Regulations 2010
21. Adoption Act (Section 85) (Fees) Regulations 2010
22. Adoption Act 2010 (Abridged Certificate) Regulations 2011

Appendix 2

Fees payable for civil registration services during 2012:-

Service	€
Search fee for each certificate requested	2.00
Fee for issue of a certified copy of an entry in a register	8.00
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	150.00
Fee for notice of intention to enter a civil partnership	150.00
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.	Rates¹	No.	Rates¹	No.	Rates¹
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

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

Source: Central Statistics Office.