Civil Registers: transfer to local archivists — a statement on experience and aims

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Introduction
In view of the need for the public to have reasonable access to the office where local registers are housed, it is felt that any deposit of registers in metropolitan counties would be better performed at a district level. It has been suggested that probate records could be a county responsibility. Local registrars will not act without instruction from the GRO and seem to emphasise speedy production of certified copies as being their main priority. Surely, the question of expense should enter into this situation. It is the considered opinion of this office that the deposit of Civil Registers in local record offices would have immeasurable advantages for local researching and teaching. The immense possibility in adult education demographic studies work is only one dimension, but has many ramifications. It is most sensible and practical to keep these civil registers where they can be used alongside other relevant records.

Legislation
In Local Population Studies No. 14 (spring 1975) on pp 6-7 a letter from the GRO regarding Civil Registers is given in full. It seems to be their opinion that it would contravene the law if older registers were transferred to local archivists' custody. It is important to note that when any registrar or superintendent registrar ceases to hold office all register boxes, keys, books and documents in his possession must be transferred to his successor or to such person as the Registrar-General designates (Registration Service Act 1953, 1 & 2 Eliz 2 c. 37, s. 15) Clearly the GRO are creating obstacles. The Registrar General has power to appoint a local record office as a depository for civil registers. This office has not yet had time to pursue all the legal implications, but on the face of it the general feeling is that the Registrar General has certain statutory powers and duties which are being obstructed at the local level. Obviously this aspect must be studied carefully before any approach is made.

As regards accessibility, it would appear that the view of some of our local superintendent-registrars is wrong, and that every superintendent-registrar has a statutory duty (Births and Deaths Registration Act 1953, 1 & 2 Eliz 2 c. 20, s. 31) for 'Any person shall be entitled at any time when the register office is required to be open for the transaction of public business to search the said indexes, and to have a certified copy of any entry in the said registers under the hand of the superintendent-registrar, on payment by that person to the superintendent registrar of the following fees respectively, that is to say — (a) for every general search, the sum of ... (b) for every particular search, the sum of ... (c) for every certified copy, the sum of ...'

Every registrar (Births and Deaths Registration Act 1953 op cit) . . . must at any time when his office is required to be open for the transaction of public business (also Births and Deaths Registration Act 1836; 6 & 7 Will, 4 c 86; s. 35 et success. legisl.) and on payment of the proper fee, allow searches to be made in any register of live births or deaths and register of marriages in his keeping . . . The right of the public to search the
registers of births and deaths cannot be taken away by the Registrar General under his powers to make regulations (e.g. Case Law: *Best v Best and McKinley* (1920) p 75. According to Halsbury there is authority for saying that the right to search includes the right to make extracts as distinct from the right to obtain certified copies on payment of the appropriate fee, see *Steele v Williams* (1853) 8, Exch 625.

**Accessibility.**

If we get over the problem above and the GRO accept that members of the public are entitled to search indexes and possibly registers, then the practical problems at the local level are eased considerably. It is imperative however that the GRO should write on these lines to every registrar, if it is agreeable. The reason for this is because registrars are instruction orientated and will not act positively without direction from the GRO.

If registers are placed with a metropolitan district archivist, it will be quite possible (given public accessibility) for each person requiring details of a specific entry to locate such an entry himself. This will relieve registrars of much searching time and consequent loss of public money in terms of man hours which could otherwise quite sensibly be saved. The only delay would be to the public; for, they would have to wait perhaps a week for a certificate because the archivists would make out the details (being appointed deputy superintendent-registrars for this purpose) and then take the week’s completed certificates to the superintendent registrar for signing and sealing. The member of public requiring the copy would then collect it from the relevant superintendent registrar’s office and pay the requisite fee. The major compensation in this arrangement from the public’s point of view is that people will not waste lots of their own money and lots of registrar’s man hours in fruitless searches. They themselves will locate the entry and pay for only one certificate as required. Also the GRO encourages restrictions on the years a registrar will allow his staff to search for the public — a further surmountable obstacle.

**Conclusion**

If the legal aspects can be cleared up (possibly from existing legislation without the delay attendant upon a Parliamentary timetable) and if registers deposited locally under similar conditions and arrangements we have outlined, then many problems at present facing searchers could be overcome. Archivists, surely, would welcome the prospect of having such useful study material available alongside their other authority, parish and census microfilm records. If the Public Records Act 1958 (First Schedule, para 2(b)) were to include GRO copies and local registers as public records, then the PRO could take custody of the GRO copies as it has with census returns and the local registers would become the responsibility of the Lord Chancellor who under sect. 4 of this Act could direct them to local places of deposit he has approved of for other public records already. This would be another solution quite simply achieved by the insertion of civil registers in the above schedule 2 (b). Microfilming could take place then as resources and time permitted. It would not all fall on the PRO as it does at present for microfilming the census returns.

Finally, we would emphasise that all legal aspects of this problem must be very carefully considered before any action is taken.