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SELECT COMMITTEE ON DELEGATED POWERS AND REGULATORY REFORM

PROPOSAL FOR THE DRAFT REGULATORY REFORM
(REGISTRATION OF BIRTHS AND DEATHS) (ENGLAND AND WALES)
ORDER 2004

WEDNESDAY 10 NOVEMBER 2004

MR STEPHEN TIMMS, MP, MR DENNIS ROBERTS, MR KIERON MAHONEY
and MR RON POWELL

Evidence heard in Public

Questions 1 - 27

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Witnesses: **Mr Stephen Timms**, a Member of the House of Commons, Financial Secretary, **Mr Dennis Roberts**, Director of Registration Services at ONS, **Mr Kieron Mahoney**, Head of Policy for Civil Registration Reforms at the ONS, and **Mr Ron Powell**, Lawyer at the ONS, examined.

**Q1 Chairman:** Good morning, Mr Timms, and welcome to the Select Committee on Delegated Powers and Regulatory Reform. I mention the full title because, contrary to or as distinct from the House of Commons Committee with which we have close and good relations, traditionally our main concern is delegated powers in legislation, which probably means that this Committee is particularly sensitive to the possibilities of Parliamentary scrutiny of legislation of all kinds and I think that will emerge from our conversation here this morning. We have seen Mr Mahoney, Mr Roberts and Mr Powell before, so perhaps there is no need to reintroduce them and we are also in touch with them. Today our Clerk is on an international obligation and not with us, but Simon Burton, who has clerked this Committee before, takes her place. Perhaps you want to start the proceedings by saying something.

**Mr Timms:** I will do so very briefly. Thank you very much for the opportunity to be here. You will be aware that this is the first of two Orders which are due to be presented to you and what we are aiming for is the most far reaching reform of the Civil Registration Service in
England and Wales since it was introduced in 1837, and it has been remarkably unchanged since then. The second of the draft Orders that will follow the current one will deal with marriage law reform, but taken together they do represent what I think most people acknowledge is a long overdue modernisation of a very important public service. I am told that this is the first occasion that the Committee has asked a Minister to give evidence about a Regulatory Reform Order, so I am particularly pleased to be here and I am looking forward to the opportunity to give evidence and helping the Committee in its work.

Q2 Chairman: That is very good of you. I think we have two types of question, although they are related. The first type of question relates to the appropriateness of the instrument of a Regulatory Reform Order and they are really in the widest sense political questions, that is what is intended with the Regulatory Reform Act and how should we deal with a major part of legislation like this. It will be no secret to you that this Committee is concerned about the appropriateness. We have not really got very clear standards yet for assessing the appropriateness of this particular legislative instrument. There has been a lot of talk about large pieces of legislation and this is large by any standard. There has been concern about the controversial nature, not in political terms but in terms of those who will be affected. It is at least our impression that this is to some extent controversial. We have noted in the Commentary on Key Proposals that with something like the creation of a central database, which is one of the core pieces of the legislation, “Respondents were evenly divided on this proposal”, that sounds controversial, or with the proposal to “Provide alternative means for giving the information for the registration such as via the Internet or by telephone”, another important element, “Respondents were divided on this issue with a small majority against.” It appears - Mr Timms, here I confess we are groping, we do not entirely know how to assess things - to members of the Committee that we are talking about sensitive legislation which affects all members of the public and which may well raise questions and concerns which
would justify proper Parliamentary scrutiny as is given to legislation. That is a technical point which I have to make. When it comes to the Regulatory Reform Order, it is this Committee which may be able to stimulate changes but it is not the House. When it gets to the House it will be like a resolution, the House can say “yes” or “no” but it cannot change anything. There is much less Parliamentary scrutiny than there would be in the case of legislation. In the light of all this, what would you say about the appropriateness?

Mr Timms: I think it is a very important point and I imagine that it is at the heart of the Committee’s deliberations. There has been pressure for a long time for reform of the civil registration system. Since about 1990 there have been proposals which it has not been possible to take forward because of a lack of Parliamentary time. I think this particular example was very much in mind when the Regulatory Reform Order making powers were taken through Parliament. Both in the debate and in the explanatory notes this specific example was cited as an appropriate use of these powers. I entirely agree with you that the change is a substantial one, it is complex, but I think it is reasonably straightforward and it is administrative in character. As you said, it is not politically controversial. It has certainly been the consistent position of the Government that the reform of regulatory regimes, even substantial reforms like this one, does represent an appropriate use of the powers in the 2001 Act. I noticed that in responding to the Deregulation Committee Report about the use of the powers the Government made the point in November 2001 that it was committed to using the new powers to deal with substantial reforms such as civil registration reforms. In terms of what was intended when these powers were introduced, I think it was always very clear that this particular example was a very good example of the potential for these powers to be used. In terms of the degree of controversy, I actually do not think there is very much controversy, particularly not about the births and deaths part that we are dealing with in the current Order. I am told, for example, that we do not know of any party that does not want this to go ahead.
I think there is a big and very widespread demand, including among those who have had some issues about the detail in the Order, that it really is high time that this change was made. I take your point that we have not yet clearly established what the appropriate criteria for using these procedures are, but I think there is general recognition that it is about both the size of the change and the degree of controversy. The point I would put to the Committee is that while certainly this is a big change, it is not really a very controversial one and I think going forward with it does command very widespread support.

**Chairman:** Thank you very much.

**Q3 Lord Mayhew of Twysden:** Minister, when you said you are not aware of any party, did you mean party in the political sense or in the legal sense?

**Mr Timms:** In the legal sense. There were well over 3,000 responses to the consultation. I am not aware that any of those respondents, particularly given the changes we have made in response to the consultation, would now take the view that this should not go forward.

**Q4 Lord Mayhew of Twysden:** I wonder how important a matter you think it is to the ordinary constituent, the ordinary person, the ordinary punter, that they should have a birth certificate rather than have the matter recorded centrally, so it would be the end of birth certificates. How important is that?

**Mr Timms:** I think the citizens will continue to be able to obtain what they need. Increasingly we are moving in public services generally to the use of electronic and then online systems. I think people are increasingly becoming comfortable with that and will do so more and more. I do not think citizens will lose any of the important facilities that they currently have access to.
Q5 Lord Mayhew of Twysden: Helpful though that reply is, it does not fully answer my question. How important do you think it is to people, having formed any assessment of this, that they should have their son/daughter’s birth certificate? Is it not the case that those who have been adopted will have separate arrangements under these proposals?

Mr Timms: Let me respond to the first point and then ask my colleague to comment on the second point.

Q6 Lord Mayhew of Twysden: It is essentially a political question it seems to me.

Mr Timms: People will still be able to obtain a printout from the register if they want it. I take your point that having a piece of paper is important for many people and they will still be able to do that if they wish to. On the point of adopted children, let me ask Mr Mahoney to comment.

Mr Mahoney: In respect of the records held in the adopted children register which is also maintained by the Registrar General, it is true that the proposals before you do not touch upon that register. In respect of those people who are adopted, they will continue to be able to have certificates in the way that they always have. As I am sure the Committee will appreciate, that immediately creates an anomaly in respect of adopted people and is something that will have to be addressed in the future. When the civil registration review began five years ago there was a decision to exclude those records from the scope of this reform.

Q7 Baroness Scott of Needham Market: I wanted to take a step back to the fundamental here and I think the dialogue we just had rather demonstrates my point, which is simply that something does not have to be politically controversial in the sense of people manning the barricades. This whole area is extremely complicated. As you have said yourself, this is proposed reforms in an area that has not been looked at for a great many years and life is very different now from the way it was envisaged then and the debate we have just had has raised
one area. I am still perplexed as to why you do not believe it is of significant merit to have proper Parliamentary scrutiny rather than a Regulatory Reform Order.

**Mr Timms:** In making the point, as I did earlier, that I do not think these are controversial changes I was not only talking about party controversy, I made the point that I think there is actually very, very wide support on the part of interested parties for going ahead with the change. I noticed, for example, that UNISON, the trade union, the Society of Registration Officers, the Federation of Family History Societies and the National Council on Archives in their oral evidence to the Commons committee have made clear that while they have concerns about some of the details of the proposals, they do want the draft Order to proceed onto the Statute Book. I think it was exactly this kind of administrative change - a lot of people are interested in it but it is administrative in character - that was in the minds of legislators when the Regulatory Reform Order powers were introduced. I think it is a very appropriate use of those powers.

**Q8 Lord Mayhew of Twysden:** Do you believe that the people who are responding to this are aware that under this procedure the sort of details about which they have raised concerns will not be debated? Under normal primary legislation where interested parties have a concern it can be raised on the floor of either House and then the Minister’s reply is there for all to see, but that will not be available here and I wonder if your respondents are aware of that.

**Mr Timms:** The respondents have had, I think it would be widely agreed, a lot of opportunity to register their concerns. We have had two rounds of consultation and well over 3,000 responses to the last round of consultation and we have been able to make a number of changes to the proposals to reflect the concern expressed by those with genealogical interests in response to the consultation. I think the reality that underlies the introduction of the Regulatory Reform Order powers is that there just is not the Parliamentary time for every
change to go through Parliamentary scrutiny. The question is which kind of change is appropriate to go through the regulatory reform process. The argument that I am making to the Committee is that reform of civil registration is a very good example – and the point was made at the time that the legislation was being debated - of the kind of change which this process is appropriate for.

**Chairman:** Just for the record, I did mention before that we have this Commentary on Key Proposals with an analysis of the responses to the consultation, for example the “Creation of a central database for the recording of births, still-births and deaths”. I think it is the Department which sent a summary of responses and it says there, “Respondents were evenly divided on this proposal.” The other one I mentioned was to “Provide alternative means for giving the information for the registration such as via the Internet or by telephone. Respondents were divided on this issue with a small majority against.” I think it was the Department itself which in this connection raises the sort of question which Lord Mayhew raised which was: what is the reaction of the public likely to be? That is not a question, it is just a comment.

**Q9 Baroness Carnegy of Lour:** It seems to me that Mr Timms is absolutely right that from an administrative point of view it looks a thoroughly sensible idea and much more up-to-date and so on, but I wonder very much, as we have sat here looking at the details, as the House of Lords is inclined to do in quite a pernickety way, of what the implications are, whether Members of Parliament or their constituents, if they had been sitting here, would have been quite as sanguine as Members of Parliament seem to be at the moment. Looking at it from the point of view of people who go along at a very vulnerable time to register a death for example, if this goes through they will have in their minds some of the anxieties they have about ID cards, ie their names on the register perhaps with mistakes, they will have all the anxieties about ID cards that are controversial for that reason. There is the extraordinary
situation that because of devolution the databases are going to be separate. I live in Scotland, I was born in London and I may die in Ireland. It does not look very sensible to people. I think it will strike people as quite strange. All these things mean that from the point of view of the ordinary people it probably is a lot more controversial than it looks just in Parliament if one goes into the detail and your colleagues, Members of Parliament, have not had the chance of doing that. This Regulatory Reform Order is replacing Parliamentary scrutiny, so it means that these things are not going to come out in the press and the public eye and so on. Is this not the main reason for doubting whether the Regulatory Reform Order is the right way of doing it, because of the public anxiety there will probably be?

Mr Timms: I think most people probably would be rather surprised to know that there is already a centralised computer register with this information. I really do not think that is in itself a matter for controversy today. It is the case that the death registration information has been held centrally on the computer for over a decade and I guess all of us feature on lots of large databases held by banks and by other parts of government, the National Insurance system, the National Health Service system that is being developed and so on. While all of these things do have the potential for giving rise to concern, I do not believe that having a central database with births and deaths data on it is in itself a controversial proposal or one that the public generally will be unduly concerned about. My Lord Chairman quoted to me, quite fairly, from the commentary that was produced following the consultation, but the detailed comments that followed the one that he read I think makes the point that it is the detail of how this was to be done rather than the principle of whether or not it should be done that really gave rise to the discussion. For example, one of the dissenting voices mentioned there, the Society of Registration Officers, is one that, as I have said, has repeatedly made clear that they do want this change to go ahead. I visited my local Registry Office on the
Friday before last and they made it very clear to me that they are very anxious for this to happen after this very long wait. I do not believe that that is of itself a controversial change.

**Q10 Baroness Carnegy of Lour:** I do not think I was saying that it should not happen, of course I was not saying that. I was saying that it does need the detail discussed in public so that (a) it can be got right and (b) the public can understand exactly what it is all about. The detail is very complicated and has many ramifications for people.

**Mr Timms:** The question is whether this particular procedure is appropriate for a change of this kind and my argument is that the Government’s view about this was made very clear at the time the legislation was introduced in 2001 and this is exactly the kind of administrative change which was envisaged when those powers were taken. Given the extensive consultation that there has been, the opportunity for people to respond to public consultation documents and that opportunity has been very widely taken up, we can be very confident about the procedure and the process addressing the concerns that people might raise.

**Q11 Lord Desai:** My question relates to legislative protection. What worries me is that my own experience is that when you have a complicated name it often is not correctly spelt at the other end and because of the multi-ethnic nature of our society names are coming up which are very complicated to spell out and a slight change in spelling may change the name very much. For example, I am Meghnad Desai and I have not seen it always spelt correctly because Arabic does not translate to English letters one for one. Those questions cannot be tackled by a telephone conversation. As Lady Carnegy was saying, it is like the ID card business, you get your name wrong and you are stuck with that and then people may accuse you of deliberately getting the name wrong. How are you going to deal with that?

**Mr Timms:** I think that is a very good and a very important point. Article 37 of the draft Order does enable the Registrar General, who would be managing the call centre, to make
available information about the birth or death that has been given to him and the telephone customers would expect that to mean that a copy of the information would be sent to the person providing the information either by post or electronically. There would be the opportunity for the member of the public to check that the information, including the spelling, is correct. In addition to that, the system will rely, as the current system with face-to-face registration does, on notification from the NHS about a birth or death and nothing will be made on the register until the Registrar General is satisfied that the information that has been given does tie up with the NHS notification. I think by those two mechanisms we can be confident that the details will be correctly recorded.

Q12 Lord Brooke of Sutton Mandeville: I want to follow up on the questions Lord Desai has asked. You, Minister, like me, have represented an inner perimeter seat and your secretary will be very familiar with a lot of the telephone conversations which she/he has had with constituents. I have to say, on the basis of Lord Desai’s questions, a very considerable part of the problem in dealing with a number of particularly immigration related cases has come about because of the extreme difficulty of gathering data over the telephone. I am not wholly convinced by the double-checking of the National Health Service. My experience of immigration cases is that the way in which the Home Office reports the name in the transcripts of tribunals which they send you frequently differs from the name which the constituent has been using in communicating with myself and I can see very considerable complication in terms of sorting out how the data works. The question is not intended in any way mischievously and I approve of your desire to future proof the legislation in terms of the technology. Can you perceive of this call centre being in India?

Mr Timms: That is a very interesting question. I suppose for some people that might simplify matters! I very much agree with your point about the difficulty of recording names over the telephone and that is why I very much identified with the concern that Lord Desai
raised, because, as you say, in the course of our ordinary constituency work we have difficulties that we are very familiar with. I do think that the opportunity both for the individual providing the information to check whether it is correct and the cross-check independently with the NHS system means we can have a high level of confidence in the accuracy that ultimately emerges. In addition to that, I would expect that there would be speakers at the call centres of the languages most frequently used by the people making the reports. I suppose one cannot exclude the possibility that some people who do not speak well any of the languages represented at the call centre might call from time to time, but I would expect that to be a small minority of the cases. In terms of where the call centre would be located, that would be a matter for the ONS to consider. I do not think I can give a binding answer on that point today.

**Q13 Lord Brooke of Sutton Mandeville:** Let me ask one other supplementary about it being a single, central call centre. When the Department of Social Security moved the provision of benefits in south London to Glasgow the high command of the Department came up to sit on the platform in Glasgow to launch it and a Glaswegian journalist said were they satisfied that the people in south London would be able to understand the voice of Glasgow which responded to them and nobody on the platform could even understand the Glaswegian question.

**Mr Timms:** I understand the Registrar General has given assurances to staff that the call centre will be in England and Wales and not in Glasgow.

**Q14 Lord Desai:** I know about India. The names do not have the structure that we think: they have a first name, a middle name and a last name and very often they are very puzzled as to what to put in. What if I was called “Abdul blah blah blah”? I do not have a last name. I
have a village name. Are we sufficiently flexible to be able to cope when names do not have the Christian structure that we are used to?

**Mr Timms:** Yes. That issue already arises very commonly in the current system and we will be able to maintain that flexibility in the new one.

**Lord Desai:** In the past people have thought my first name was “Lord”!

**Q15 Lord Tombs:** Minister, you mentioned once or twice that the registration of births and death was an example quoted at the time of regulatory reform legislation and of course it was an entirely desirable one. One can see at a glance that it is the sort of thing one would like to do, but would you accept that since then it has grown into a very large and very complicated proposed Order and that the limited consultation of practitioners in the field has shown dissent? Would you not, therefore, think that there is room for wider discussion of such a far reaching measure which, as has been said, affects every man, woman and child in the land?

**Mr Timms:** I can only say that my strong impression, having look at this over the last month and a half or so since I have been in this role, is that there is a very strong desire for this change to go ahead, that it is a long needed modernisation of, as you say, a very, very important service. The ideas have been around for well over a decade. If we were not to proceed through this procedure then who knows how long it would be before the opportunity for Parliamentary time did arise; it could be a long time. There are a number of other very welcome and important changes to government systems which depend on this one going forward. I think the overwhelming view of those who have thought about this is that we really should proceed. There have been debates about some of the details but I think we have been able to address those very satisfactorily through the changes we made following the consultation. I am not aware of any party saying that this change should not proceed.
Q16 Chairman: This is a slightly strange aspect of our conversation. No one is saying that there should not be changes along these lines, that they are not desirable, but we are essentially concerned with procedure and as a Committee we are essentially concerned with Parliamentary scrutiny and whether Parliamentary scrutiny is appropriate. Our questions are not intended to challenge the project but rather to elucidate arguments as to why it is appropriate to deal with it in this particular manner. This Committee is in a sense the only one which can express the concerns with any effect given the procedure for adopting Regulatory Reform Orders and that is why so many of the questions are directed at you as the Minister responsible and as the one who is politically accountable. For us this is quite a serious and awkward situation because we are not in the habit of challenging legislation as such and yet we have a responsibility to watch over the need for proper Parliamentary scrutiny. In a sense your arguments that this is desirable and many people would like it are fully accepted, but another point is raised.

Mr Timms: Specifically about the births and deaths part of this proposal given that we are not dealing today with the marriage part, I really think there is very, very little controversy about what is proposed, certainly I have seen very little controversy about what is proposed, certainly I have seen very little evidence.

Q17 Chairman: But there is the point which Lady Carnegie keeps on making which presses the Committee and that is that people perhaps have not put their minds to it. Once your colleagues in the other place begin to do that they may suddenly discover that much of it is more sensitive than they thought and they would have liked an opportunity to debate it with a view to expressing their opinions and with a view to changing it, which they could not do.

Mr Timms: I cannot entirely exclude the possibility that were that to happen somebody would come up with something that nobody has thought of up to now. We have had 1,000 people responding to the 1999 consultation and about a half of those are members of the public, and I have referred to the over 3,000 responses to the more recent consultation. I
really do not think, in any event, particularly as far as the births and deaths part of this is concerned, there are issues that we have not thought about or that might give rise to wider concern or controversy.

Q18 Lord Mayhew of Twysden: I expect that your experience is, along with most of us, Minister, that the devil is in the detail when it comes to legislation. Would you agree that in the matter of the registration of births and deaths and so forth the detail is exceptionally poor and it is a matter of detail with which you are going to be concerned and Parliament is going to be concerned? Could I mention that I was particularly interested in the question that you were put at question 104 before the House of Commons Committee by Dr Naysmith. He makes this point: “The proposal would have the effect of repealing numerous provisions which currently prescribe the processes by which registration is recorded and information is recorded and maintained and it would replace them with an administrative discretion with respect to these matters on the part of the Registrar General.” You possibly remember being asked about that. He goes on to conclude his question with these words: “… the present law is very careful to prescribe how information is to be recorded and how it is to be preserved which will inevitably be lost on transfer to a regime which has given away the power to determine the form of the register to an appointed office-holder.” Your reply concluded with the words, “But the precise way in which a system will be defined to some extent will depend on the technology available at a given point, and so I think I would suggest to the Committee it is not appropriate for us to be too prescriptive at this stage about precisely how it should be done.” The words ‘pig in a poke’ come to my mind and I wonder whether you think that they will come to the minds of those who when they come to understand what the Order is achieving would be anxious?

Mr Timms: No, I would not accept that characterisation, as you would expect. This is a fairly common problem, that the availability of a new technology makes inappropriate some
of the prescription which has been appropriate in the past. The matter of detail here will continue to be prescribed in regulations. I am being reminded that the Registrar General already has similar powers to those they are envisaging in the Gender Recognition Act 2004 and the Adoption and Children Act 2002. I think it is important that we reflect here the flexibility that is required by future changes in technology as well. I do not think we are about to embark on a ‘pig in a poke’.

Q19 Lord Mayhew of Twysden: Would the regulations be subject to Parliamentary scrutiny?

Mr Timms: The regulations would in the normal way, yes.

Q20 Lord Brooke of Sutton Mandeville: I want to go back to the remarks you have made about the nature of the consultation and the 1,000 replies in 1999 and the 3,383 which you have had in the latest consultation. May I give you an analogy? It goes back to public reaction as against the reaction of experts. The Government carried out a consultation on the future status of the BBC and they received 5,500 responses, with a very heavy emphasis among those who replied on their view that the BBC was being dumbed down and in principle without any further reaction and that would cause the Government, in their thinking and indeed their actions in relation to the BBC, to be responding to that question because that was the key issue which came back in the responses to the consultation. The Government decided that they would actually do research with the general public and the outcome of that general research, which was done on a national basis, was that 40 per cent thought that the BBC was being dumbed down, 40 per cent thought it was not and 20 per cent had no opinion. That information suggests that the people who respond to a consultation are people who have, for whatever reason, a particular interest in the subject, but if their view was taken as
representative of the public’s view it may actually turn out to be an error. Have you done any research with the general public?

**Mr Timms:** We have not done research beyond the consultations that I have described. I think the notion that Government should have its data held on computers is one which is really not controversial now and people understand the benefits in terms of the good provision of service as well as efficiency from doing that. Given that the work we have done, the two consultation exercises, has not, as far as I can see, given rise to any sense on the part of any of those who responded that in its current form this should not proceed, I think we can have a high degree of confidence. I recall the exercise that you describe, I think you were the Secretary of State, but I think this is rather different in character.

**Lord Brooke of Sutton Mandeville:** I think I am describing more recently than that.

**Q21 Baroness Carnegy of Lour:** My Lord Chairman, just to come back to a point I made earlier, could I ask about the need for a common United Kingdom database. We appreciate that registration is devolved, that the subject is devolved, and, therefore, if it has to be a common database it has to be agreed with different parts of the United Kingdom. Where are we on this? It does seem completely ridiculous to end up with an England and Wales database and a separate one for Scotland which could be even on a different basis.

**Mr Timms:** I understand that there have always been separate systems in Scotland and England and Wales but I do not think that is as a result of the devolution settlement, that has always been the case. Let me just ask Dennis to comment on the relationship between the two.

**Mr Roberts:** It has always been the case that the arrangements have been on different bases. You are quite right, there is interest in a UK service and one of the purposes for which this information is collected is to help people, like the UK Passport Service, in tackling things like identity fraud and in particular *Day of the Jackal* type identity fraud, which has been a recent
exercise we have been carrying out. The UKPS wants information on a UK basis, it is no good just looking at England and Wales. The Registrar Generals work very closely together to try to provide a seamless service to those departments so that they are not faced with all of these differences, but the basic legislation is different in each of the countries and always has been. Basic arrangements are subject to local decision in those countries. We have to work within that. In practice, it has always worked reasonably well and we do manage to provide a good service to those who need a UK service.

Q22 Baroness Carnegy of Lour: But the situation is changing. The common database to be used in the way that is anticipated, which is the up-to-date way, is changing. Surely the laws should be brought together. Is there any resistance in Scotland to a common database?

Mr Roberts: Certainly there would be resistance in Scotland to bringing the legislation together. Essentially they are moving in the same direction. When we set up a database, if we do move ahead with such a one, we already collect most of this information to go on the database already, if we do move to a web-based system, as we are proposing, it will use software which is common generally throughout the world. The basic ways in which these are collected are going to be the same in Scotland and Northern Ireland as they will be in England and Wales. They will differ a little bit in degree simply because the legislation is slightly different so it will have to be set up in a slightly different way, but the basic format will be the same and it will be possible to pass the information to other government departments and so on that need that information in a fairly seamless way.

Q23 Lord Brooke of Sutton Mandeville: This is a separate question. It relates to questions 121 and 125 of the Commons Committee where Mr Brian White was asking Mr Roberts about services in the private sector which were potentially going to be put out of business by the outcome of this Order. Minister, you said that it was a new issue to you and you thought
it would be helpful if you were to write. You said you would be extremely surprised if any of
the changes would have the negative impact that was being described. I wonder whether in
the past week you have had the opportunity of putting your mind around this.

Mr Timms: Yes, I have had some opportunity. I understand what these organisations do is to
make available cards which people making a report can fill in separately from their official
registration and those activities will not be affected by the changes that we are proposing here.
I do not think those businesses will be affected. I am thinking out loud now. I suppose if
people are making these reports from home over the Internet or over the telephone then they
will not have access to one of these cards provided by one of the companies, so there is an
issue for the companies as to how they capture the information. The critical point, which I
had not understood when Brian White was raising that interesting question with me, is that
these organisations do not actually use the register at the moment.

Q24 Lord Brooke of Sutton Mandeville: I simply wanted to know whether there was any
movement forward. I realise that you are going to write to the Commons Committee and
obviously we will see the reply. I do have one other question. I appreciate that you had
returned to the Treasury only a short time before this Order was promulgated, and also that
you were in the Treasury before so Treasury business would have been familiar to you. Are
you, or have you been, surprised by the deluge of questions which the Order has, in fact,
provoked?

Mr Timms: I do not think it is surprising that there has been such a high degree of interest in
this because, as the point has been made by Lord Tombs, all of us are affected by this, we all
engage with the registration service at a number of points in our lives. I do not think that has
been surprising, no.
**Q25 Chairman:** I think we are reaching the end of the time which we can legitimately ask you to give us. In your evidence to the Commons Committee there was some talk of debating the whole thing in the House. I am not sure I fully understood what that would mean. At the moment, I do not see how it could apply to the House of Lords. Would you try and explain what you meant?

**Mr Timms:** Yes. What I suggested to the Committee was I thought it was desirable, and the Committee, and specifically the Chairman, is of this view as well, that Parliament ought to be given an opportunity to debate the reforms. The Commons might do so in a Westminster Hall debate, for example. I know that Dr Brian Iddon MP, who has followed this matter with particular interest, did put to the Leader of the House last week the idea of a debate. I would very much welcome that opportunity because I think it would give the opportunity for Members of Parliament to air any concerns that they do have, and the point has been made around this Committee that there might be things that could arise that Members of Parliament would be able to draw to the attention of ministers. I think that would be a useful step to ensure that we had taken the fullest possible account of any public concerns that there might be. Also, I suggested that it might be appropriate as well for there to be further debate at two specific points: firstly, when we are on the brink of initiating the telephone based service; secondly, when we are on the brink of initiating the Internet based services. I think there are a separate set of issues likely to arise at each of those two points which, again, a parliamentary debate would help to inform ministers and to reassure the public.

**Q26 Chairman:** There is very little time if we follow the procedures for Regulatory Reform Orders, is there not?

**Mr Timms:** We think that there is a slot that we could identify where it would be appropriate. Perhaps I could ask Dennis to talk about that.
Mr Roberts: It is only for the first debate, of course, the subsequent debate would not be until a future time. It would be after these Committees had reported before we entered into second scrutiny stage and there would be an opportunity for people to make their views known during that period.

Q27 Chairman: I want to thank you very much indeed. You have a fully justified reputation for being extremely informative and helpful on occasions like this, and I am sure that we have benefited greatly from having you essentially on this major issue of appropriateness. We are left with a dilemma, and I will not leave you in any doubt about that, and we will have to consider whether there are any ways in which we can at least test the opinion of the House of Lords, that is in a debate or some such instrument. I hope you appreciate that we take your points about desirability of change after all this time and at the same time I hope you appreciate that this question of parliamentary scrutiny is one of critical importance when it comes to legislation, and this is legislation which affects so many people in the areas which, as you have seen, may be sensitive in some respects and are bound to be sensitive in others. Having said that, I really want to thank you very much indeed. We will stay in touch over this. We do not plan any great drama but we do plan to do our job properly.

Mr Timms: Can I just thank you very much for the opportunity that you have given to me and also express appreciation for the care with which you are considering these matters, and I agree with you about their importance. Thank you all very much.