
D R A F T S T A T U T O R Y I N S T R U M E N T S

200[] No.

REGULATORY REFORM

**The Regulatory Reform (Registration of Births and Deaths)
(England and Wales) Order 200[]**

Made - - - - 200[]
Coming into force - -

Whereas —

- (a) the Chancellor of the Exchequer is of the opinion that this Order does not remove any necessary protection or prevent any person from continuing to exercise any right or freedom which he might reasonably expect to continue to exercise;
- (b) this Order creates burdens affecting persons in the carrying on of certain activities, and the Chancellor of the Exchequer is of the opinion that the provisions of this Order, taken as a whole, strike a fair balance between the public interest and the interests of the persons affected by the burdens being created, and that the extent to which this Order removes or reduces burdens or has other beneficial effects for persons affected by the burdens imposed by the existing law makes it desirable for this Order to be made;
- (c) the Chancellor of the Exchequer has consulted such organisations as appear to the Chancellor of the Exchequer to be representative of interests substantially affected by the Chancellor of the Exchequer’s proposals, statutory bodies whose functions are related to those proposals, organisations representative of such bodies, the National Assembly for Wales and such other persons as the Chancellor of the Exchequer considers appropriate;
- (d) the National Assembly for Wales has agreed to the making of this Order to the extent that it removes or modifies any function of that Assembly;
- (e) it appears to the Chancellor of the Exchequer that it is appropriate, following that consultation, to proceed with the making of this Order;
- (f) a document setting out the Chancellor of the Exchequer’s proposals has been laid before Parliament as required by section 6 of the Regulatory Reform Act 2001^(a) and the period for Parliamentary consideration under section 8 of that Act has expired;
- (g) the Chancellor of the Exchequer has had regard to the representations made during that period;
- (h) a draft of this Order has been laid before Parliament with a statement giving details of those representations and the changes to the Chancellor of the Exchequer’s proposals in the light of them; and
- (i) a draft of this Order has been approved by resolution of each House of Parliament.

^(a) 2001 c.6.

Now, therefore, the Chancellor of the Exchequer, in exercise of the powers conferred upon him by section 1 of the Regulatory Reform Act 2001, hereby makes the following Order:

PART I GENERAL

Citation, extent, commencement and interpretation

1.—(1) This Order may be cited as the Regulatory Reform (Registration of Births and Deaths) (England and Wales) Order 200[].

(2) This Order shall not extend to Scotland or Northern Ireland.

(3) This article shall come into force on the making of this Order and the other provisions of this Order shall come into force on such days as the Chancellor of the Exchequer may specify.

(4) The Chancellor of the Exchequer shall cause any day so specified to be notified in the London Gazette published not later than one week before that day.

(5) Different days may be specified under paragraph (2) for different provisions, different areas and different purposes, and in particular different days may be so specified so that—

- (a) during a period when any provisions of this Order are in force, the old enactments shall continue to have effect as though the provisions of this Order were not in force, and
- (b) the provisions of the old enactments kept in force in that way are progressively reduced,
- (c) any transitional provision of this Order ceases to have effect.

(6) The Chancellor of the Exchequer may specify that any provision brought into force under paragraph (2) shall apply—

- (a) to the Registrar General, or to one or more registration authorities, or both, and
- (b) in any such case, for one or more specified purposes.

(7) In this Order, unless the context otherwise requires—

“British citizen” has the same meaning as in the British Nationality Act 1981(a);

“Health Authority” has the same meaning as in the National Health Service Act 1977(b);

“Local Health Board” has the same meaning as in the National Health Service Act 1977;

“the old enactments” means the enactments relating to the registration of births and deaths as they were immediately before the coming into force of Parts III to IX of this Order;

“Primary Care Trust” has the same meaning as in the National Health Service Act 1977;

“qualified informant” in relation to any birth or death, means a person who is by the Births and Deaths Registration Act 1953(c) or, in the case of a birth or death occurring before the commencement of the Act, by any enactment repealed by that Act, required, or stated to be qualified, to give information concerning that birth or death;

“the register” means the register maintained by the Registrar General under section 1A of the Registration Service Act 1953(d);

“Registrar General” means the Registrar General for England and Wales;

“registration authority” means—

(a) 1981 c.61.

(b) 1977 c.49. Section 8 was substituted by section 1(1) of the Health Authorities Act 1995 (c.17) and amended by the s.65 of and Schedule 4 to the Health Act 1999 (c.8) and by s.148 of the Government of Wales Act 1998 (c.38); section 16A was inserted as respect England by s.2(1) of the Health Act 1999; section 16BA was inserted by the National Health Service Reform and Health Care Professions Act 2002 (c.17), section 6(1).

(c) 1953 c.20.

(d) 1953 c.37. Section 1A is inserted by article 9(3) of this Order.

- (a) in relation to England, a county council, the council of any district in an area for which there is no county council, a London borough council, the Common Council of the City of London or the Council of the Isles of Scilly, and
- (b) in relation to Wales, a county council or a county borough council.

Subordinate provisions

2.—(1) For the purposes of section 4 of the Regulatory Reform Act 2001 (statutory instrument procedure) the provisions of Schedules 1 to 14 are designated as subordinate provisions.

(2) A subordinate provisions order (within the meaning of section 4(4) of that Act) shall be subject to annulment in pursuance of a resolution of either House of Parliament.

PART II

NEW STRUCTURE OF THE REGISTRATION SERVICE AND RELATED TRANSITIONAL PROVISIONS

Repeals

3. Sections 6 to 9 and 18 of the Registration Service Act 1953 (which make provision relating to officers in the registration service) shall cease to have effect.

Transfer of superintendent registrars and registrars to local authority employment

4.—(1) On the day this article comes into force every person appointed under sections 6, 7, 8 or 9 of the Registration Service Act 1953 shall become an officer of the registration authority within the area of which his district or sub-district is situated.

(2) Every individual who becomes an officer of a registration authority by virtue of paragraph (1) above shall be treated—

- (a) as having been appointed under section 112(1) of the Local Government Act 1972^(a) (officers of local authorities),
- (b) for the purposes of the Employment Rights Act 1996^(b) (except the provisions modified by the Redundancy Payments (Continuity of Employment in Local Government, etc.) (Modification) Order 1999)^(c), as having a period of continuous employment which began on the relevant date.

(3) The relevant date is the day from which—

- (a) the individual held an office under section 6, 7, 8 or 9 of the Registration Service Act 1953 to which he was appointed—
 - (i) by the registration authority whose officer he becomes, or
 - (ii) in the case of an appointment under section 8, by a person whose district or sub-district is within the area of the registration authority whose officer he becomes, or
- (b) if earlier, from which the individual continuously—
 - (i) held such an office, or
 - (ii) was an officer of that authority.

(4) So long as an individual continues as an officer of the registration authority to which he transfers and until he is served with a statement in writing specifying new terms and conditions of employment, he shall enjoy terms and conditions of employment not less favourable than those which he enjoyed immediately before the date of transfer.

^(a) 1972 c.70.

^(b) 1996 c.18.

^(c) S.I. 1996 No 2277.

(5) Any period during which an individual held an office to which he was appointed under sections 6, 7, 8 or 9 of the Registration Service Act 1953, shall be treated as if it were employment by an employer specified in Part I of Schedule 2 to the Redundancy Payments (Continuity of Employment in Local Government, etc.) (Modification) Order 1999.

Transfer of register books, other property, rights and liabilities

5.—(1) Every register book kept by a person appointed under section 6, 7, 8 or 9 of the Registration Service Act 1953 with the records of his office immediately before the coming into force of this article, shall be delivered to and belong to the registration authority whose officer he becomes under article 4 (1).

(2) All other property, and all rights and liabilities to which a person referred to in article 4 (1) is entitled or subject to in connection with his office immediately before he becomes an officer of the registration authority under that article, are hereby transferred to the registration authority whose officer he becomes.

Ending of local schemes of organisation

6.—(1) In any scheme under section 14 of the Registration Service Act 1953 (preparation, submission and approval of local schemes), any provision made by virtue of paragraphs (e), (f), (g) or (h) of section 13(1) (local schemes of organisation) of that Act, shall cease to have effect.

(2) Any other provision in such a scheme shall cease to have effect when, and to the extent that a notification in the London Gazette given under article 1(2) requires a registration authority to discharge its functions under section 4A of the Registration Service Act 1953(a) by entering information into the register maintained by the Registrar General under section 1A of that Act.

Transitional transfer of functions of superintendent registrars and others to appointed local government officers

7.—(1) Any function in any enactment or in any scheme under section 14 of the Registration Service Act 1953, which is expressed to be a function of a superintendent registrar or registrar of births and deaths shall be a function of an officer of the relevant registration authority, appointed for that purpose.

(2) An officer appointed under paragraph (1)—

- (a) must carry out his functions in accordance with the enactments relating to the registration of births and deaths, and
- (b) shall be liable for failure to do so as though he were a superintendent registrar or registrar of births and deaths as the case may be.

(3) The discharge of any function of a superintendent registrar or registrar of births and deaths by an officer so appointed shall be sufficient for all purposes.

(4) A registration authority must appoint sufficient of its officers to carry out the functions which were those of superintendent registrars and registrars of births and deaths.

Quarterly returns

8. In section 26 of the Births and Deaths Registration Act 1953 (quarterly returns)—

- (a) in subsection (1), for the two occurrences of “to the superintendent registrar in the prescribed form” there is substituted “electronically to the Registrar General” and “certified by him in the prescribed manner” and “under his hand” are omitted, and
- (b) subsection (2) is omitted.

(a) Section 4A is inserted by article 9(5) of this Order.

PART III

NEW REGISTER AND FEES

Amendments to the Registration Service Act 1953

9.—(1) The Registration Service Act 1953 is amended as follows.

(2) Sections 5 (districts and sub-districts) and 10 to 16 (which make provision relating to local organisation of the registration service, custody and safeguarding registers and fees) shall, in so far as they relate to the registration of births and deaths, cease to have effect.

(3) After section 1 (Registrar General), there is inserted—

“The register

1A. The Registrar General shall create and maintain a register, in such a form as he may determine, which shall be accessible at all reasonable times for any person to carry out obligations imposed or exercise rights given by the enactments relating to the registration of births and deaths.”.

(4) After section 4 there is inserted—

“Functions of a registration authority

4A.—(1) A registration authority shall provide or arrange for the provision of registration services in their area and such provision must include at least one place at which a person may give information in accordance with article 10(1)(a) or (2)(a) of the Regulatory Reform (Registration of Births and Deaths) (England and Wales) Order 200[].

(2) If for any reason a registration authority is at any time unable to access the register to carry out their obligations, they must record in writing any information given to them concerning a birth or death on a form provided by the Registrar General, and must enter that information in the register at the earliest opportunity.”.

(5) In section 20(a) (regulations), paragraphs (a) and (b) are omitted.

(6) In section 21—

(a) in subsection (1)(b) (interpretation)—

(i) the definition of “local scheme” is omitted;

(ii) for the definition of “the Registration Acts there is substituted “the Registration Acts” means the enactments relating to the registration of births, marriages and deaths;”;

(iii) there are inserted after the definition of “the Registration Acts” the following definitions—

““ registration authority” means—

(a) in relation to England, a county council, the council of any district in an area for which there is no county council, a London borough council, the Common Council of the City of London or the Council of the Isles of Scilly, and

(b) in relation to Wales, a county council or a county borough council;

“registration services” means the functions of a registration authority under the enactments relating to the registration of births and deaths.”; and

(b) subsection (2) is omitted.

(a) Section 20(b) was amended by the Local Government Act 1972, section 251 and Schedule 29, paragraph 41(5).

(b) Section 21(1) was amended by the Local Government Act 1972, section 251 and Schedule 29 paragraph 41(2) and by article 5(1) and paragraph 13 of Schedule 2 to S.I. 1996/273.

Means of giving information

10.—(1) Any person required to give information concerning a birth may do so—

- (a) by personal attendance before an officer of a registration authority,
- (b) by any other means (if any) specified in Schedule 1 to a registration authority,
- (c) by any means specified in Schedule 1 to the Registrar General,

but not by any other means.

(2) Any person required to give information concerning a death may do so—

- (a) by personal attendance before an officer of a registration authority,
- (b) by any other means (if any) specified in Schedule 1 to a registration authority,
- (c) by any means specified in Schedule 1 to the Registrar General,

but not by any other means.

Information the Registrar General or a registration authority may enter in the register

11.—(1) The Registrar General may enter in the register—

- (a) the records of the events and the information specified in Schedule 2,
- (b) the information contained in the certified copies of entries sent to him (whether before or after the day on which this article comes into force) under the Births and Deaths Registration Act 1953 (or under any enactments repealed by that Act or under any previous relevant enactment),
- (c) the information contained in the register kept by the Registrar General under section 3A of the Births and Deaths Registration Act (registration births of abandoned children)(a), and
- (d) the information contained in any other records of births or deaths held by him certified copies of which are available to the public.

(2) The Registrar General or a registration authority may if satisfied that it is the case, annotate any entry in the register to record that any individual who is the subject of the entry is the subject of another, identified entry elsewhere in the register.

Procedures to be followed

12. A registration authority and so far as applicable the Registrar General must carry out their obligations under the enactments relating to the registration of births and deaths in accordance with the procedures set out in Schedule 3.

Audit trail of entries etc

13.—(1) When any entry or annotation in the register is completed, the register must show the identity of the individual who made it and the day, month, year and time when it was made.

(2) When any correction or amendment of the register is completed, the register must show—

- (a) the identity of the individual who made it,
- (b) the day, month, year and time when it was made,
- (c) the information in the entry as it was before the correction or amendment, and
- (d) the circumstances leading to the correction or amendment.

(a) Section 3A was inserted by the Children Act 1975 (c.72), section 92.

Code of Practice for registration authorities

14.—(1) In carrying out the obligations imposed by the Registration Service Act 1953 section 4A, a registration authority shall observe the Code of Practice set out in Schedule 4.

(2) A failure to observe any provision of the Code of Practice shall not of itself make a registration authority or any other person liable to any proceedings.

(3) The Code of Practice shall be admissible in evidence.

(4) If any provision of the Code appears to a court to be relevant to any question arising in proceedings before it, the court shall take the provision into account in determining that question.

Circumstances in which, and amount of, fees payable

15.—(1) Fees are to be paid in accordance with Schedule 5.

(2) A registration authority must not make any charge in respect of any of its obligations imposed by the Registration Services Act 1953 section 4A, unless, in respect of that obligation, a fee is specified in Schedule 5.

(3) The Registrar General or a registration authority may remit the whole or part of any fee if they consider it appropriate to do so.

PART IV

REGISTRATION OF BIRTHS

Amendments to the Births and Deaths Registration Act 1953 relating to registration of births

16.—(1) The Births and Deaths Registration Act 1953 is amended as follows.

(2) Sections 6, 8, 9, 12 and 13 are to cease to have effect.

(3) In section 1(a) (particulars of births to be registered)—

(a) in subsection (1)—

(i) “by the registrar of births and deaths for the sub-district in which the child was born” is omitted,

(ii) for “a register kept for that sub-district” there is substituted “the register”,

(iii) “and different registers shall be kept” is omitted, and

(iv) for “registrar of births and deaths for the sub-district in which”, in the second place where those words occur, there is substituted “the Registrar General or the registration authority within whose area”;

(b) after subsection (2)(a) there is inserted—

“(dd) in the case of a still-born child whose father and mother were not married to each other at the time of his birth, the person stating himself to be the father of the child;”.

(4) In section 2 (information concerning birth to be given to registrar within forty-two days)—

(a) for the heading to “sign the register” there is substituted—

(a) Section 1 was amended by section 108(1)(a) of and paragraph 13 of Schedule 3 to the Children Act 1975. The Children Act 1975 was repealed by Schedule 15 of the Children Act 1989 (c. 41) but paragraph 13 of Schedule 3 to the 1975 Act was saved by paragraph 38 of Schedule 14 to the 1989 Act.

“Information concerning birth to be given to registration authority or Registrar General within forty-two days

2. In the case of every birth it shall be the duty—

- (a) of the father and mother of the child; and
- (b) in the case of the death or inability of the father and mother, of each other qualified informant,

to give to a registration authority or the Registrar General before the expiration of a period of forty-two days from the date of the birth, information of the particulars required to be registered concerning the birth.”; and

(b) in proviso (i), “and the signing of the register” is omitted.

(5) In section 3(a) (information concerning finding of new-born child), for the first appearance of “the registrar” there is substituted “a registration authority or the Registrar General” and “and in the presence of the registrar to sign the register” is omitted.

(6) In section 3A (registration of births of abandoned children)—

- (a) in subsection (2), for “a register maintained at the General Register Office” there is substituted “the register” and in paragraph (a), for “registration district and sub-district where” there is substituted “the registration authority in whose area”; and
- (b) in subsection (4), after “of births” there is inserted “created and maintained under this Act”.

(7) In section 4(b) (registrar’s power to require information concerning birth)—

- (a) for the heading there is substituted “Power to require information concerning birth”;
- (b) for the first appearance of “registrar” there is substituted “registration authority in whose area the birth occurred or in whose area the child is found or the Registrar General,”;
- (c) paragraph (a) is omitted;
- (d) in paragraph (b), for “concerning the birth; and” there is substituted “concerning the birth, before such date (being not less than 7 days after the receipt of the notice nor more than 12 months after the date of the birth or finding) as may be specified in the notice;”;
- (e) paragraph (c) is omitted.

(8) In section 5 (registration of births free of charge), for the words “the registrar receives personally” there is substituted “a registration authority or the Registrar General receives”, for “three” there is substituted “twelve”, after “child, then,” there is inserted “subject to sections 7A and 7B, and” for “he” there is substituted “the registration authority or the Registrar General, as the case may be,” and the words “in the prescribed form and manner” are omitted.

(9) In section 7(c) (registration after twelve months from date of birth)—

- (a) in subsection (1), “written” is omitted, and
- (b) subsection (3) is omitted.

(10) After section 7 there is inserted—

“Initial record of information

7A. When a registration authority or the Registrar General receives information concerning a birth under sections 2, 3, 4 or 7 of this Act they shall enter that information in the part of the register designated for that purpose.

(a) Section 3 was amended by section 108(1) of, and paragraph 13 of Schedule 3 and Part VI of Schedule 4 to the Children Act 1975.

(b) Section 4 was amended by section 108(1) of, and paragraph 13 of Schedule 3 to the Children Act 1975.

(c) In section 7 words were omitted from sub-section (1) by section 108(1) of, and Part VI of Schedule 4 to the Children Act 1975 and sub-section (2) was repealed by article 4(1) of, and Schedule 2 to S.I. 1968/1242.

Completion of registration of birth

7B. If a registration authority or the Registrar General is satisfied that information about a particular birth has been given under section 2, 3, 4 or 7 of this Act and that particulars of that birth have been furnished to the Registrar General under article 18 of the Regulatory Reform (Registration of Births and Deaths) (England and Wales) Order 200[] (particulars of births to be furnished to the Registrar General) the registration authority or the Registrar General shall complete the registration of the birth by entering the particulars in the part of the register designated for that purpose.”.

(11) In section 10(a) (registration of father where parents not married)—

(a) for subsection (1), there is substituted—

“(1) Notwithstanding anything in the foregoing provisions of this Act and subject to section 10ZA of this Act, this section applies in the case of a child whose father and mother were not married to each other at the time of his birth.

(1AA) Where this section applies, no person shall as father of the child be required to give information concerning the birth of the child.

(1AB) No person’s name shall be entered in the register as the father of the child, unless—

- (a) the mother and the person stating himself to be the father jointly request any registration authority, or the Registrar General, to enter that person’s name as the father;
- (b) the mother and the person stating himself to be the father each request any registration authority, or the Registrar General, to enter that person’s name as the father and the person stating himself to be the father makes his request before the end of the period of six weeks beginning with the day on which the child was born;
- (c) the mother requests a registration authority, or the Registrar General, to enter a person’s name as the father, and produces—
 - (i) a declaration made by that person acknowledging that he is the father,
 - (ii) documentary evidence of a finding that the person to be registered as the father, was the father, together with a declaration by her stating that the finding has not been brought to an end by an order of a court, or
 - (iii) a copy of any agreement made between them under section 4(1)(b) of the Children Act 1989 in relation to the child, together with a declaration by her stating that the agreement was made in compliance with section 4 of that Act and has not been brought to an end by an order of a court; or
- (d) the person stating himself to be the father requests a registration authority, or the Registrar General, to enter his name as the father, and produces—
 - (i) a declaration made by the mother acknowledging that he is the father,
 - (ii) documentary evidence of a finding that he was the father together with a declaration by him stating that the order has not been brought to an end by an order of a court; or
 - (iii) a copy of any agreement made between them under section 4(1)(b) of the Children Act 1989 in relation to the child, together with a declaration by him stating that the agreement was made in compliance with section 4 of that Act and has not been brought to an end by an order of the court;”;

(b) subsection (1A) is omitted;

(a) Section 10 was substituted by section 24 of the Family Law Reform Act 1987 (c. 42) and was amended by section 2(1) of, and paragraph 2 of the Schedule to, the Human Fertilisation and Embryology (Deceased Fathers) Act 2003 (c. 24), section 108(1) of and paragraph 6 of Schedule 12 to the Children Act 1975, section 139(1) and (3) of and paragraph 6(a), (b) and (c) of Schedule 3 and Schedule 5 to the Adoption and Children Act 2002 (c. 38).

(c) in subsection (2), for the first appearance of “the registrar” there is substituted “a registration authority or the Registrar General”, for “paragraph (c) to (g) of subsection (1)” there is substituted “paragraph (b) or (d) of subsection (1AB)” and in paragraph (b), “and the signing of the register by him in the presence of the registrar” is omitted;

(d) after subsection (3) there is inserted—

“(4) In a case to which paragraph (b) of subsection (1AB) of this section applies, the registration authority, or as the case may be, the Registrar General, receiving the second of the requests shall enter in the register the name of the father of the child.

(5) Any document to be produced under paragraph (c) or (d) of subsection (1AB) of this section, may with the authority of the Registrar General be produced electronically.

(6) In this section “finding” means a finding made expressly in judicial proceedings in the United Kingdom or elsewhere.

(7) This section shall not apply in the case of a still birth.”.

(12) In section 10ZA(a) (registration of father by virtue of certain provisions of the Human Fertilisation and Embryology Act 1990)—

(a) in subsection (1), for the words “the registrar” there is substituted “a registration authority and the Registrar General”;

(b) in subsection (2)(a), for the words “the registrar” there is substituted “a registration authority or the Registrar General”; and

(c) in subsection (3)(c), for the words “the registrar” there is substituted “the registration authority or the Registrar General, as the case may be,”.

(13) In section 10A(b) (re-registration where parents not married)—

(a) in subsection (1), for the words from “the registrar shall re-register” to the end of the subsection there is substituted—

“a registration authority or the Registrar General shall re-register the birth so as to show a person as the father if—

(a) the mother and the person stating himself to be the father jointly request any registration authority, or the Registrar General, to enter that person’s name as the father;

(b) the mother and the person stating himself to be the father each request any registration authority or the Registrar General, to enter that person’s name as the father;

(c) the mother requests a registration authority or the Registrar General to enter a person’s name as the father, and produces—

(i) a declaration made by that person, acknowledging that he is the father, or

(ii) documentary evidence of a finding that the person to be registered as the father, was the father together with a declaration by her stating that the order has not been brought to an end by an order of a court, or

(iii) a copy of a parental responsibility agreement made between her and that person in relation to the child, together with a declaration by her stating that the agreement was made in compliance with section 4 of the Children Act 1989 and has not been brought to an end by an order of a court;

(d) the person stating himself to be the father requests a registration authority or the Registrar General to enter his name as the father, and produces—

(i) a declaration made by the mother acknowledging that he is the father, or

(a) Section 10ZA was inserted by section 2 of and the Schedule to the Human Fertilisation and Embryology Act 2003 (c.24).

(b) Section 10A was substituted by section 25 of the Family Law Reform Act 1987 (c.42) and was amended by section 108(4) and paragraph 6 of Schedule 12 to the Children Act 1989, section 139(1) and paragraph 7 of Schedule 3 to the Adoption and Children Act 2002, sections 2 and 3 and paragraphs 4 and 5 of the Schedule to the Human Fertilisation and Embryology (Deceased Fathers) Act 2003.

- (ii) documentary evidence of a finding that he was the father together with a declaration by him stating that the order has not been brought to an end by an order of a court, or
- (iii) a copy of a parental responsibility agreement made between him and the mother in relation to the child, together with a declaration by him stating that the agreement was made in compliance with section 4 of the Children Act 1989 and has not been brought to an end by an order of the court, or
- (e) in the case of a man who is to be treated as the father of the child by virtue of section 28(5A), (5B), (5C) or (5D) of the Human Fertilisation and Embryology Act 1990, if the condition in section 10ZA of this Act is satisfied.”;
- (b) subsections (1A) and (2) are omitted;
- (c) at the end there is inserted—
 - “(3) Any document to be produced under paragraph (c) or (d) of subsection (1) of this section, may with the authority of the Registrar General, be produced electronically.
 - (4) In this section “finding” means a finding made expressly in judicial proceedings in the United Kingdom or elsewhere.
 - (5) In a case to which paragraph (b) of subsection (1) of this section applies, the registration authority, or as the case may be, the Registrar General, receiving the second of the requests shall enter in the register the name of the father of the child.
 - (6) This section shall not apply in the case of a still-birth.”.
- (14) In section 11(a) (special provision as to registration of still-birth)—
 - (a) in subsection (1), for the first appearance of “the registrar” there is substituted “a registration authority or the Registrar General”, “either” is omitted, in paragraph (a) for “registrar” there is substituted “registration authority or the Registrar General” and paragraph (b) and the word “or” immediately preceding it are omitted;
 - (b) subsection (1B) is omitted;
 - (c) in subsection (2), for “registrar” there is substituted “registration authority or the Registrar General”, “under his hand” is omitted, for “he has registered the still-birth there is substituted “the still-birth has been registered” and for “he has received notice of the still-birth” there is substituted “notice of the still-birth has been received”; and
 - (d) in subsection (3), for “registrar” there is substituted “registration authority” and after “subsection” there is inserted “or the Registrar General, as the case may be,”.
- (15) In section 14(2)(b) (re-registration of births of legitimated persons), “and for that purpose to attend personally either at a registrar’s office or at any other place appointed by him” is omitted.

National Health Service Act 1977 section 124

17. In section 124 (special notices of births and deaths) of the National Health Service Act 1977(c)—

- (a) in the heading, the words “and deaths” are omitted;
- (b) in subsection (1), the words “and deaths” are omitted in both places where they occur; and
- (c) subsections (2), (3) and (7) are omitted.

(a) Section 11 was amended by section 2 of the Population Statistics Act 1960 (c.32), by article 4 and Schedule 2 to S.I. 1968/1242; and by article 2(3) of S.I. 1996/2395.

(b) Section 14(2) was amended by section 1(2) of the Legitimation (Re-registration of Birth) Act 1957 (c. 39).

(c) Section 124 was amended by section 2 of and paragraphs 1 and 36 of Schedule 2 to the National Health Service Reform and Health Care Professionals Act 2002 (c.17), by section 2 of and paragraph 55 of Schedules 1 and 3 to the Health Authorities Act 1995 and by section 31 of the Criminal Law Act 1977 (c.45)

Particulars of births to be furnished to the Registrar General

18. Each Primary Care Trust, Health Authority and Local Health Board shall in respect of each birth that occurs in its area, furnish to the Registrar General the particulars set out in Schedule 6, in such manner and at such times as he and that body may agree.

PART V

REGISTRATION OF DEATHS

Amendments to the Births and Deaths Registration Act 1953 relating to registration of deaths

- 19.—(1) The Births and Deaths Registration Act 1953 is amended as follows.
- (2) In section 15 (particulars of deaths to be registered)—
- (a) for “the registrar of births and deaths for the sub-district in which the death occurred” there is substituted “a registration authority or the Registrar General”;
 - (b) for “a register kept for that sub-district” there is substituted “the register”; and
 - (c) the words from “Provided that” to the end are omitted.
- (3) In section 16(a) (information concerning death in a house)—
- (a) in subsection (2)—
 - (i) in paragraph (b), for “sub-district” there is substituted “area of the registration authority”,
 - (ii) after paragraph (b), there is inserted—
“*(ba)* an executor of the will of the deceased;”,
 - (iii) after paragraph (c), there is inserted—
“*(ca)* any person finding or taking charge of the body;”,
 - (iv) in paragraph (e), for “inmate of” there is substituted “resident in”, and
 - (v) in paragraph (f), for “causing” there is substituted “making arrangements for”; and
 - (b) in subsection (3)—
 - (i) after paragraph (b), there is inserted—
“*(ba)* if there are no such relatives, of each such person as is mentioned in paragraph (a) of that subsection; or”,
 - (ii) in paragraph (c), for “relatives” there is substituted “persons” and after “paragraph (c)” there is inserted “, *(ca)*”,
 - (iii) in paragraph (d), for “(e) or (f)” there is substituted “(e), (f) or (g)”,
 - (iv) for the first occurrence of the words “the registrar” there is substituted “a registration authority or the Registrar General”,
 - (v) the words “, and in the presence of the registrar to sign the register” are omitted, and
 - (vi) in proviso (i), “and the signing of the register” is omitted.
- (4) In section 17 (information concerning other deaths)(b)—
- (a) after subsection (2)(a), there is inserted—
“*(aa)* an executor of the will of the deceased;”,
 - (b) in subsection (2)(d), for “causing” there is substituted “making the arrangements for”; and

(a) Section 16 was amended by section 1 of and Schedule 2 to the Coroners Act 1980 (c. 38).

(b) Section 17 was amended by section 1 of and Schedule 2 to the Coroners Act 1980.

(c) in subsection (3), for the first occurrence of “the registrar” there is substituted “a registration authority or the Registrar General”, the words “and in the presence of the registrar to sign the register” are omitted and in proviso (i), “and the signing of the register” is omitted.

(5) Section 18 (notice preliminary to information of death) is omitted.

(6) In section 19 (registrar’s power to require information concerning death)(a)—

(a) for the heading to the first occurrence of “the registrar” in subsection (1), there is substituted—

“Power to require information concerning a death

19.—(1) Where, after the expiration of five days from the date of the death or finding of the dead body of any person, the death of that person has, owing to the default of the persons required to give information concerning it, not been registered, the registration authority within whose area the death occurred or the body was found”;

(b) in subsection (1), paragraph (a) is omitted, paragraph (c) and the word “and” immediately preceding it are omitted and after “death” there is inserted “before such date (being not less than 7 days after the receipt of the notice nor more than 12 months from the date of the death or of the finding of the body) as is specified in the notice;” and

(c) subsection (2) is omitted.

(7) In section 20 (registration of death free of charge)(b), for “the registrar receives personally” there is substituted “a registration authority or the Registrar General receives”, for “he has” there is substituted “they have”, for “he shall” there is substituted “the registration authority or the Registrar General, as the case may be, shall” and “in the prescribed form and manner” are omitted.

(8) In section 21(1) (registration of death after twelve months)(c) the word “written” and the words “and in such manner and subject to such conditions as may be prescribed” are omitted.

(9) In section 22 (certificates of cause of death)(d)—

(a) in subsection (1), for “the registrar” there is substituted “a registration authority or the Registrar General”;

(b) subsection (2) is omitted;

(c) in subsection (3), for “registrar” there is substituted “registration authority or the Registrar General, as the case may be,”; and

(d) in subsection (4), for each occurrence of “registrar” there is substituted “registration authority” and for “registrar’s sub-district” there is substituted “registration authority’s area”.

(10) In section 23 (furnishing of information by the coroner)(e)—

(a) in subsection (2), for the first occurrence of “the registrar” there is substituted “a registration authority or the Registrar General”, “under the coroner’s hand” is omitted, for “registrar shall in the prescribed form and manner” there is substituted “registration authority or the Registrar General, as the case may be, shall” and for “prescribed manner without any alteration of” there is substituted “register as amendments to”;

(b) in subsection (2A), for the first occurrence of “the registrar” there is substituted “a registration authority or the Registrar General”, “under his hand” is omitted, for the second occurrence of “registrar” there is substituted “registration authority or the Registrar General, as the case may be,” and “in the prescribed form and manner” is omitted; and

(a) Section 19 was amended by section 1 of and Schedule 2 to the Coroners Act 1980.

(b) Section 20 was amended by article 4 of and Schedule 2 to S.I. 1968/1242.

(c) Section 21 was amended by article 4 of and Schedule 2 to S.I. 1968/1242.

(d) Section 22 was amended by section 1 and Schedule 2 to the Coroners Act 1980 and by section 36 of and paragraph 3 of Schedule 3 to the Coroners Act 1988 (c. 13).

(e) Section 23 was amended by section 36 of and paragraph 4 of Schedule 3 and by Schedule 4 to the Coroners Act 1988.

- (c) in subsection (3), for the first occurrence of “the registrar” there is substituted “a registration authority or the Registrar General”, “under his hand” is omitted, for the second occurrence of “registrar” there is substituted “registration authority or the Registrar General, as the case may be,” and “in the prescribed form and manner” is omitted.

(11) Section 23A is omitted.

(12) In section 24 (certificates as to registration of death)(a)—

- (a) in subsection (1), for “The registrar” there is substituted “A registration authority or the Registrar General”, for “under his hand that he has registered the death” there is substituted “that the death has been registered”, “written” is omitted, for “he has received a certificate” there is substituted “a certificate has been received”, for “under his hand that he has received notice of the death” there is substituted “that a notice of death has been received”, for “registrar shall not” there is substituted “neither the registration authority nor the Registrar General shall” and for “he is” there is substituted “they are”;
- (b) after subsection (1), there is inserted—

“(1A) A certificate under this section may be issued to an informant where the Registrar General or a registration authority receives information concerning a death, in circumstances to which section 4A(2) of the Registration Service Act 1953 (the register) applies.”;
- (c) in subsection (2), for “the registrar of the sub-district in which it is intended to dispose of the body” there is substituted “a registration authority or the Registrar General” and after “prescribed form” there is inserted “and shall record the issue of the certificate in the register”;
- (d) in subsection (3), “by the registrar” is omitted;
- (e) in subsection (4), for “registrar” there is substituted “registration authority” and after “this section” there is inserted “or the Registrar General, as the case may be”; and
- (f) in subsection (5), for “by the registrar” there is substituted “by a registration authority or the Registrar General” and for “the registrar shall” there is substituted “the Registrar General or the registration authority which issued the certificate or within whose area the coroner’s order was made shall”.

Amendments to the Coroners Act 1988

20.—(1) The Coroners Act 1988 is amended as follows.

(2) In section 11(7) (proceedings at inquest), for “the registrar of deaths” there is substituted “the registration authority within whose area the death occurred or the body was found or to the Registrar General” and “under his hand” is omitted.

(3) In section 16 (adjournment of inquest in the event of criminal proceedings)(b)—

- (a) in subsection (4), for “the registrar of deaths” there is substituted “the registration authority within whose area the death occurred or the body was found or to the Registrar General as the case may be” and “under his hand” is omitted;
- (b) in subsections (5) and (7), for “registrar of deaths” there is substituted “registration authority or to the Registrar General as the case may be” and “under his hand” is omitted.

(4) In section 19(3) (post-mortem examination without inquest) for “registrar of deaths” there is substituted “the registration authority within whose area the death occurred or the body was found or to the Registrar General” and “under his hand” is omitted.

(5) In section 35(1)(interpretation), after the definition of “Greater London” there is inserted—

(a) Section 24 was amended by article 4 of and Schedule 2 to S.I. 1968/1242.

(b) Section 16 was amended by sections 71(3) and 90(1) of and paragraph 135 of and Schedule 13 to the Access of Justice Act 1999 (c. 22); and by section 48 and paragraph 40 of Schedule 4 to the Road Traffic Act 1991 (c.40).

““Registrar General” means the Registrar General for England and Wales;
“registration authority” has the same meaning as in the Registration Service Act 1953;”.

Amendments to the Births and Deaths Registration Act 1926

21.—(1) The Births and Deaths Registration Act 1926(a) is amended as follows.

(2) In section 1 (prohibition of disposal except on registrar’s certificate or coroner’s order)(b)—

(a) in the heading, “registrar’s” is omitted; and

(b) in subsection (1), for both occurrences of “the registrar” there is substituted “a registration authority or the Registrar General”.

(3) In section 3 (notification of disposal to registrar)(c)—

(a) in the heading, for “registrar” there is substituted “registration authority or Registrar General”; and

(b) in subsection (1), for “the registrar” there is substituted “a registration authority or Registrar General”.

(4) In section 5 (burial of still-born children), for “the registrar” there is substituted “a registration authority or the Registrar General”.

(5) In section 9 (regulations), for “the registrar” there is substituted “a registration authority or the Registrar General”.

(6) In section 12 (definitions)(d), the definition of “registrar” is omitted and after the definition of “prescribed” there is inserted the following definitions—

““Registrar General” means the Registrar General for England and Wales;

“registration authority” has the same meaning as in the Registration Service Act 1953;”.

PART VI

CORRECTING AND UPDATING THE REGISTER

Repeals

22. Sections 29 and 29A of the Births and Deaths Registration Act 1953 are to cease to have effect.

Correction of clerical or typographical errors

23. A person authorised for that purpose by the Registrar General may correct any clerical or typographical error in the register.

Correction of errors of fact or substance

24.—(1) The Registrar General may correct any error of fact or substance in the register.

(2) But the Registrar General shall not make any such correction unless the person requiring the error to be corrected produces to him a statutory declaration setting out the nature of the error and the true facts of the case, made in accordance with articles 25 or 27.

(a) 1926 c.48.

(b) Section 1 was amended by section 92(1) of and Part 1 of Schedule 3 to the Criminal Justice Act 1967 (c. 80).

(c) Section 3 was amended by section 43(2) and Schedule 2 to the Births and Deaths Registration Act 1953.

(d) Section 12 was amended by section 1(1) of the Still-Birth (Definition) Act 1992 and by article 5(1) of and paragraph 6 of Schedule 2 to S.I. 1996/273.

Evidence to support correction of errors of fact or substance generally

25. In the case of an entry relating to a live birth, still birth or death the statutory declaration required by article 24 shall be made—

- (a) by two qualified informants of the birth or death, or
- (b) in default of two qualified informants, either—
 - (i) by two credible persons having knowledge of the truth of the case, or
 - (ii) where it applies, in accordance with article 26.

Evidence to support a correction of the identity of the father in an entry

26.—(1) This article applies where, in an entry relating to a live birth, still birth or death, a person is wrongly shown in the register as the father of the person to whom the entry relates.

(2) Where this article applies, the statutory declaration required by article 25 (b)(ii) may be made—

- (a) by one qualified informant of the birth or death to which the entry relates, or
- (b) in default of any qualified informant, by one credible person having knowledge of the truth of the case.

(3) Such a statutory declaration must be accompanied by documentary evidence of a finding that the person shown as the father was not the father.

(4) But paragraph (5) applies if it appears to the Registrar General that the only evidence on which the finding was made was that of the person making the statutory declaration.

(5) In that case, the Registrar General may correct the error only if satisfied that another person, who is either a qualified informant or a credible person having knowledge of the truth of the case, has (whether before or since the making the declaration) confirmed the material facts stated in the declaration.

(6) “Finding” means a finding made expressly in judicial proceedings in the United Kingdom or elsewhere.

Amending the registration of a still-birth where parents not married

27.—(1) If in an entry in the register relating to a still-birth of a child whose father and mother were not married to each other at the time of the birth, no person is shown as the father of the child, the Registrar General or a registration authority must amend the entry so as to show a person as the father if—

- (a) the mother and the person stating himself to be the father each request the registration authority or the Registrar General to enter that person’s name as the father;
- (b) the mother requests the registration authority or the Registrar General to enter a person’s name as the father, and produces—
 - (i) a declaration made by that person, acknowledging that he is the father, or
 - (ii) such evidence that the person to be registered as the father was the father as satisfies the registration authority or the Registrar General;
- (c) the person stating himself to be the father requests the registration authority or the Registrar General to enter his name as the father, and produces—
 - (i) a declaration made by the mother acknowledging that he is the father, or
 - (ii) such evidence that he was father as satisfies the registration authority or the Registrar General; or
- (d) in the case of a man who is to be treated as the father of the child by virtue of section 28(5A), (5B), (5C) or (5D) of the Human Fertilisation and Embryology Act 1990, if the condition in section 10ZA of the Births and Deaths Registration Act 1953 is satisfied;

but no entry shall be amended under this article without the authority of the Registrar General.

(2) Any document to be produced under paragraph (1)(b) or (c) of this article, may with the authority of the Registrar General be produced electronically.

(3) In a case to which paragraph (1)(a) of this article applies, the registration authority or as the case may be, the Registrar General, receiving the second of the requests shall enter in the register the name of the father of the child.

Error certified by a coroner

28. If a coroner is satisfied by evidence that—

- (a) there is an error of fact or substance (other than an error relating to the cause of death) in a certificate of his concerning a death in respect of which he has held an inquest, or
- (b) there is an error relating to the cause of death in a certificate issued by him under section 16(4) (adjournment of inquest in event of criminal proceedings) or 17A(2) (adjournment of inquest in event of judicial inquiry) of the Coroners Act 1988 in the case of an inquest which was resumed following adjournment in compliance with section 16(1) or 17A(1) of that Act as the case may be,

he may certify to the Registrar General the nature of the error and the true facts of the case and the Registrar General must correct the register in accordance with the coroner's certificate.

Updating the register to record change of circumstance

29.—(1) A registration authority may amend the information in the register set out in Schedule 7 if any person requests it because of a change of circumstance.

(2) But no amendment is to be made under paragraph (1) unless the person making the request produces the evidence of the change set out in Schedule 7.

(3) The Registrar General may amend the information in the register set out in Schedule 7 if any person requests it and he is satisfied that it is appropriate to do so because of a change of circumstance.

PART VII

RECORDS

Repeals

30. Sections 25 to 28 and 30 to 34 of the Births and Deaths Registration Act 1953 (which make provision relating to registration records) shall cease to have effect.

Register to be open for inspection

31. Except as provided for in this Part, the register shall be available for inspection by the public.

Arrangements for inspecting the register

32.—(1) The Registrar General must make such arrangements as he considers appropriate for allowing any person to inspect the information in the register which is available for inspection by that person.

(2) The arrangements the Registrar General makes may include different arrangements for different cases, including different classes of persons.

Information not to be available for public inspection

33. In any entry in the register the information specified in Schedule 8 shall not be available for inspection by the public.

Information not to be immediately available for public inspection

34. In any entry in the register, the information specified in Schedule 9 shall not be available for inspection by the public until the date specified in that Schedule.

Access to entries by consent

35.—(1) The Registrar General shall make available for inspection any entry in the register, or any information contained in any entry, which is otherwise not available, if he is satisfied that the person wishing to inspect the entry or information is a person specified in Part 1 or Part 3 of Schedule 10 or has been given the explicit consent of any person specified in Part 2 or Part 4 of Schedule 10.

(2) If, in accordance with paragraph (1) of this article, the Registrar General makes any entry or information available for inspection, he shall do so only to the extent and for the purposes authorised by the consent.

Access to particulars of a still-birth

36.—(1) The Registrar General shall not make available for inspection by the public an entry in the register relating to a still-birth.

(2) But the Registrar General may, if he sees fit in any particular case, allow any person to have access to such an entry.

Copy of particulars at time of registration

37. If a person gives information concerning a live-birth, still-birth or death to the Registrar General, the Registrar General must if requested—

- (a) supply that person with the particulars entered in the register, or
- (b) make those particulars available to that person,

in a way that enables him to store and reproduce them.

Production of commemorative documents

38.—(1) The Registrar General and a registration authority may supply any person with a document commemorating any entry in the register relating to a birth or death.

(2) But any such document shall contain only information which is available for inspection by the person to whom the document is to be supplied.

(3) A registration authority may charge for supplying such a document.

(4) The Registrar General shall charge for supplying such a document the fee specified in Schedule 5.

Supply of a certified copy of an entry in the register

39.—(1) The Registrar General may supply any person with a copy of an entry in the register relating to a birth or death certified under his seal if he is satisfied that the copy is required for a purpose specified in Schedule 11.

(2) A registration authority may supply any person with a certified copy of an entry in the register if it is satisfied that the copy is needed for a purpose specified in Schedule 11.

(3) But any copies supplied under paragraphs (1) or (2) must contain only information which is available for inspection by the person to whom the copy is supplied.

(4) Purposes need not be specified in Schedule 11 under paragraph (1) or under paragraph (2) of this article, but if any circumstances are so specified the purposes specified under paragraph (1) may be circumstances which are different to those specified under paragraph (2).

Supply of a printed copy of an entry

40.—(1) The Registrar General and a registration authority must if requested supply any person with a printed copy of any entry in the register relating to a birth or death.

(2) But any copies supplied under paragraph (1) must contain only information which is available for inspection by the person to whom the copy is to be supplied.

Use of registration information by the Registrar General

41. The person for the time being appointed as Registrar General for England and Wales under section 1 of the Registration Service Act 1953 may use any information which comes into his possession in his capacity as Registrar General, in the exercise of any functions conferred on him in his capacity as administrative head of the Office for National Statistics.

List cleaning

42.—(1) The Registrar General may use information in the register to provide any person with a list cleaning service.

(2) A list cleaning service is one in which the Registrar General—

- (a) compares with the register a list of individuals supplied to him by that person,
- (b) identifies any individual on the list who he is satisfied is the subject of an entry on the register, and
- (c) notifies the person who supplied the list of the fact, nature and date of any such entry.

(3) The comparison of the list and the register may be made by such means as the Registrar General considers appropriate.

(4) In providing a list cleaning service the Registrar General must not disclose to the person for whom the list cleaning is undertaken any information concerning an individual other than the fact, nature and date of the entry concerned.

(5) The Registrar General may make such charges for the provision of a list cleaning service as he considers reasonable.

(6) The Registrar General's functions under this article may be exercised by, or by employees of, a person the Registrar General has contracted with for that purpose.

Use of registration information by registration authorities

43. A registration authority must not use any information which comes into their possession, or which they have access to in their capacity as registration authority, other than for the purpose of any of their functions as a registration authority.

Electronic copies of entries as evidence

44. An electronic copy of an entry in the register which appears on a website purporting to be maintained by or on behalf of the Registrar General shall be admissible as evidence in proceedings.

Provision of information to certain persons or bodies

45.—(1) The Registrar General may provide the information specified in Schedule 12 Part 1 to the persons or bodies specified there and for any purposes specified there, in such manner and at such times as he and the recipient may agree.

(2) The Registrar General must provide the information specified in Schedule 12 Part 2 to the persons or bodies specified there, in such manner and at such times as he and the recipient may agree.

Supply of copy in Welsh

46. If any person requests a copy of an entry under articles 37 to 41, and the entry is in Welsh and English, the copy issued may, if the person applying for it requests, be in Welsh only.

Existing rights

47. Nothing in this Part shall affect—

- (a) any other lawful authority to use, inspect or obtain information from the register or any part of it,
- (b) any enactment restricting public inspection or search of any register maintained by the Registrar General.

PART VIII STATISTICS

Amendments to the Population Statistics Act 1938

48.—(1) The Population Statistics Act 1938(a) is amended as follows.

(2) In section 1 (power to direct information to be furnished), for the words “in the Schedule to this Act” there is substituted “, as regards Scotland, in the Schedule to this Act, and as regards England and Wales, in Schedule 13 to the Regulatory Reform (Registration of Births and Deaths) (England and Wales) Order 200[]

(3) In section 7(2) (short title, interpretation and extent)(b), for “Births and Deaths Registration Act 1836 to 1929” there is substituted “enactments relating to the registration of births and deaths” and for the words “any superintendent registrar and registrar of births and deaths” there is substituted “a registration authority (as defined in the Registration Service Act 1953) or the Registrar General”.

Particulars to be furnished under the Population Statistics Act 1938

49. The particulars to be furnished under section 1 of the Population Statistics Act 1938 are those set out in Schedule 13.

Entry of particulars in the register

50. The particulars furnished under section 1 of the Population Statistics Act 1938 must be entered in the register.

(a) 1938 c.12.

(b) Section 7 was amended by section 1 of the Population Statistics Act 1960.

Application of section 4 of the Population Statistics Act 1938

51.—(1) Section 4(2) of the Population Statistics Act 1938 (penalties) shall apply to the information set out in paragraph (2) as it applies to information gathered by virtue of that Act.

(2) The information referred to in paragraph (1) is—

- (a) information obtained by virtue of article 17,
- (b) information as to the cause of death contained in—
 - (i) a certificate given under section 22(1) of the Births and Deaths Registration Act 1953 (certificates of cause of death), and
 - (ii) a certificate given under section 11(7) (proceedings at inquest) or 19(3) (post-mortem examinations without inquest) of the Coroners Act 1988.

Pilot schemes

52.—(1) A subordinate provisions order which amends Schedule 13 may be made so as to have effect for a specified period not exceeding 12 months.

(2) Any subordinate provisions, which, by virtue of paragraph (1), are to have effect for a limited period are referred to in this article as a pilot scheme.

(3) A subordinate provisions order containing a pilot scheme may provide that the pilot scheme is to apply only in relation to—

- (a) one or more specified areas or localities;
- (b) one or more specified classes of person;
- (c) persons selected by reference to specified criteria, or on a sampling basis.

(4) A subordinate provisions order containing a pilot scheme may make consequential or transitional provision with respect to the cessation of the scheme on the expiry of the specified period.

(5) A pilot scheme (“the previous scheme”) may be replaced by a further pilot scheme making the same provision as that made by the previous scheme (apart from the specified period), or similar provision.

(6) In this article “subordinate provisions order” has the meaning given by section 4(4) of the Regulatory Reform Act 2001.

PART IX OFFENCES

Offences

53.—(1) A person is guilty of an offence if he—

- (a) accesses any information in the register without authority, or
- (b) uses for any unauthorised purpose any information in the register to which he has lawful access (other than information which is available for inspection by the public), or
- (c) does any act which causes any unauthorised addition to or modification in the contents of the register.

(2) A person guilty of an offence under this article shall be liable—

- (a) on summary conviction, to imprisonment for a term not exceeding twelve months or to a fine not exceeding the statutory maximum;
- (b) on conviction on indictment, to imprisonment for a term not exceeding two years.

PART X

TRANSITIONAL PROVISIONS

Local schemes of organisation

54.—(1) A scheme under section 14 of the Registration Service Act 1953 shall continue to have effect notwithstanding the repeal of section 13 and 14 of that Act.

(2) But any such scheme will cease to have effect when, and to the extent that, a registration authority is able to discharge its functions under section 4A of the Registration Service Act 1953 by entering information into the register maintained by the Registrar General under section 1A of that Act.

Short certificate of death

55. A certified copy of an entry in a register of deaths, issued under sections 30(2), 31(2) or 32 of the Births and Deaths Registration Act 1953 by virtue of article 59, must, if the applicant requests it, give only the information set out in Schedule 14.

Amendment of register book during transitional period of dual running

56.—(1) This article applies during any period when information relating to a birth or death is available for inspection by the public in the register maintained by the Registrar General under section 1A of the Registration Service Act 1953 and is also available under the old enactments.

(2) If any information is corrected or amended under article 23, 24, 27, 28 or 29, an equivalent amendment must be made to the register kept under the old enactments.

(3) If an amendment is made under paragraph (2) following an amendment under article 29, any certified copy of the entry issued afterwards must contain both the original information and the information as amended.

(4) If an amendment is made under paragraph (2) following any other amendment, any certified copy of the entry issued afterwards may, if the person requesting the copy requests, contain only the information as amended.

Issue of paper copies of old records

57.—(1) This article applies to any entry in the register which also exists as an entry in a register kept under the old enactments, and until article 59 comes into force.

(2) The Registrar General or a registration authority must if requested, supply any person with a printed and certified copy of any entry in a register kept under the old enactments.

(3) But the copy must contain only information which, under Part VII is available for inspection by the person to whom the copy is supplied.

Declaration under section 9 or 23A of the Births and Deaths Registration Act 1953

58.—(1) This article applies where any person makes a declaration under section 9 or 23A of the Births and Deaths Registration Act 1953 (giving of information concerning a birth or death to a person other than the registrar) before the coming into force of Parts III and IV of this Order, but the person to whom the declaration is sent does not receive it until after those Parts have come into force.

(2) The person receiving the declaration shall treat the declaration as information given on the day it is received.

PART XI

SAVINGS

General saving

59.—(1) Any provision of any enactment relating to the registration of births or deaths, which is repealed by any provision of this Order, shall nevertheless continue to have effect—

- (a) if the provision relates to information which the Registrar General may, under article 11(1)(b) enter in the register maintained by him under section 1A of the Registration Service Act 1953, until that information is so entered, and
- (b) if the provision relates to a register kept or maintained under the repealed provisions, until all the information contained in it has been so entered.

(2) In any provision which continues to have effect under paragraph (1), any obligation of a person appointed under section 6, 7, 8 or 9 of the Registration Service Act 1953, shall be an obligation of the registration authority whose employee that individual has become.

(3) Paragraphs (4) and (5) apply if any person applies to a registration authority or the Registrar General for the issue under this article of a certified copy of an entry kept or maintained under the old enactments.

(4) If the entry has been amended in any way the copy issued may, if the person applying for it requests, contain only the information as amended.

(5) If the entry is in English and Welsh, the copy issued may, if the person applying for it requests, be in Welsh only.

PART XII

CONSEQUENTIAL AMENDMENTS

Amendment to the Perjury Act 1911

60. In section 4(1) of the Perjury Act 1911(a)—

- (a) in paragraph (a), for “registrar of births or deaths” there is substituted “registration authority (as defined in the Registration Service Act 1953) or the Registrar General for England and Wales” and for “such registrar” there is substituted “such person”; and
- (b) in paragraph (b), for “Act” there is substituted “enactment”.

Amendment to the Census Act 1920

61. In section 3(1)(c) of the Census Act 1920(b), for “any superintendent registrar or registrar” there is substituted “a registration authority (as defined in the Registration Service Act 1953)”.

Amendment to the Visiting Forces Act 1952

62. In section 7 of the Visiting Forces Act 1952(c)—

- (a) in subsection (2), after “the registrar of deaths” there is inserted “, the registration authority (which in this section has the same meaning as in the Registration Service Act 1953) within whose area the death occurred or the body was found or the Registrar General for England and Wales”;

(a) 1&2 Geo V c.6; subsection (1) was amended by the Magistrates’ Courts Act 1980 (c.43), section 32(2).

(b) 10&11 Geo V c.41.

(c) 15&16 Geo 6 & Eliz 2 c.67; section 7(2) was amended by the Suicide Act 1961 (9&10 Eliz 2 c.60), section 2(3) and Schedule 1, Part 2.

- (b) in subsection (3), after the “registrar of deaths” there is inserted “, the registration authority within whose area the death occurred or the body was found or the Registrar General for England and Wales”; and
- (c) in subsection (5), for “the registrar shall not” there is substituted “neither a registration authority nor the Registrar General for England and Wales shall” and for “the registrar” there is substituted “them”.

Amendments to the Births and Deaths Registration Act 1953

63.—(1) The Births and Deaths Registration Act 1953 is amended as follows.

(2) In section 35 (offences relating to registers), in paragraph (a) the words “, being a registrar,” are omitted.

(3) In section 36 (penalties for failure to give information), in paragraph (a) for “the registrar” there is substituted in both places “a registration authority or the Registrar General”.

(4) In section 38 (prosecution of offences and application of fines), for “superintendent registrar” there is substituted “registration authority”, for “his district” there is substituted “the authority’s area” and for “him” there is substituted “them”.

(5) In section 41 (Interpretation)—

- (a) the definitions of “general search”, “particular search”, “registrar” and “superintendent registrar” are omitted;
- (b) after the definition of “house” there is inserted—
 - ““house in multiple occupation” has the same meaning as in section 345 of the Housing Act 1985;”(a);
- (c) for the definition of “occupier” there is substituted—
 - ““occupier” in relation to a public institution, includes any person responsible for its management, and in relation to a house in multiple occupation, includes any person with whom the deceased had a contract under which he could occupy the house, or that person’s agent, if in either case that person is resident in the house;”;
- (d) in the definition of “public institution” the words “, lock-up” are omitted;
- (e) after the definition of “qualified informant” there are inserted the following definitions—
 - ““the register” means the register maintained by the Registrar General under section 1A of the Registration Service Act 1953;
 - “registration authority” has the same meaning as in the Registration Service Act 1953;”;
- (f) for the definition of “relative”, there is substituted—
 - ““relative” includes—
 - (i) a relative by marriage, and
 - (ii) a person who at the time of the deceased’s death, was living with the deceased as husband, wife or unregistered civil partner,”.

(a) 1985 c.68.

Amendment to the Registration of Births and Deaths (Special Provisions) Act 1957

64. In section 3 of the Registration of Births and Deaths (Special Provisions) Act 1957(a) (general provisions as to service departments records)—

- (a) in subsection (2), “England and Wales” is omitted; and
- (b) after subsection (2), there is inserted—

“(2A) If the Registrar General for England and Wales receives a certified copy of an entry in a register or other record kept in pursuance of this Act, and he is not required by an Order under this Act to transmit an extract from that certified copy to the Registrar General of Births, Deaths and Marriages in Scotland or to the Registrar General for Northern Ireland, he shall enter the particulars of the entry in the register kept by him under section 1A of the Registration Services Act 1953.

(2B) The enactments relating to the registration of births and deaths in England and Wales shall apply to any entry made under subsection (2A).”.

Amendment to the Factories Act 1961

65. In section 178 of the Factories Act 1961(b) (certificates of birth)—

- (a) in subsection (1), “the Minister of Housing and Local Government or, as respects Scotland,” “or superintendent registrar of births and deaths” and “the Births and Deaths Registration Act 1953, or” and
- (b) in subsection (2), “superintendent registrar and” shall be omitted.

Amendment to the Social Security Administration Act 1992

66.—(1) The Social Security Administration Act 1992(c) is amended as follows.

(2) In section 124(d) (provisions relating to age, death and marriage)—

- (a) in subsection (1), “section 20 of the Registration Service Act 1953 or” and “superintendent registrars and” are omitted;
- (b) in subsection (3)(b), for the words after “a fee of” there is substituted “£4.00”; and
- (c) in subsection (5), the words from “(a) as it applies to England and Wales” to “as it applies to Scotland” are omitted.

(3) In section 125(1)(e) (regulations as to notification of death), paragraphs (a) and (c) are omitted.

Amendment to the Merchant Shipping Act 1995

67. In section 108(8) of the Merchant Shipping Act 1995(f) (returns of births and deaths in ships, etc)—

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- (a) 1957 c.58; section 3 was amended by the Deregulation (Correction of Birth and Death Entries in Registers and Other Records.
 - (b) 1961 c.34.
 - (c) 1992 c.5.
 - (d) Section 124 was amended by the Jobseekers Act 1995 (c.18), section 41(4) and Schedule 2, paragraph 59 and by the Tax Credits Act 1999 (c.10), section 1(2) and Schedule 1, paragraphs 1(a) and 3(d).
 - (e) Section 125(1) was amended by the Jobseekers Act 1995, section 41(4) and Schedule 2, paragraph 60, the Social Security (Recovery of Benefits) Act 1997 (c.27), section 33(1) and Schedule 3, paragraph 5, the Social Security Act 1998 (c.14), section 86 and Schedule 7, paragraph 89 and by the Social Security Contributions (Transfer of Functions, etc) Act 1999 (c.2), section 1(1) and Schedule 1, paragraphs 25(a) and (b).
 - (f) 1995 c.21; the meaning of section 108 was affected by the British Overseas Territories Act 2002 (c.8), section 2(3).

- (a) in paragraph (a), after “register” there is inserted “or the register maintained under section 1A of the Registration Service Act 1953, as the case may be”,
- (b) in paragraph (b), for “the marine” there is substituted “that”, and
- (c) the word “England,” is omitted.

PART XIII

REPEALS

68. The repeals set out in Schedule 15 are to have effect.

[] 2005

Chancellor of the Exchequer

SCHEDULE 1

Article 10

Means of giving information to the Registrar General

1. By telephone.
2. On line.

Events and information which the Registrar General may enter in the register

1. The information contained in the list submitted to the Registrar General under section 4 of the Foundling Hospital Act 1953(a) (as to list of persons to whom the Act applies).
2. Any birth or death a record of which has been kept under an Order in Council made under section 1 (record of deaths, births and marriages among armed forces and service civilians and their families overseas) or section 2 (records of deaths and births on board Her Majesty's ships and service aircraft) of the Registration of Births, Deaths and Marriages (Special Provisions) Act 1957.
3. Any death a certified copy of a return of which is sent to the Registrar General under regulations made under section 7 of (regulations: general provisions) and the Schedule to the Mineral Workings (Offshore Installations) Act 1971(b).
4. Any birth or death registered under regulations made under paragraphs (g), (h) or (i) of section 41(1) of the British Nationality Act 1981(c) (regulations and Orders in Council).
5. Any birth or death a record of which the Registrar General has filed and preserved in the Air Register Book of Births and Deaths kept by him under section 83(5) of the Civil Aviation Act 1982(d) (recording and registration of births and deaths, etc).
6. Any birth or death in a hovercraft, a certified copy of a record of which is sent to the Registrar General under regulations made under section 83 of the Civil Aviation Act 1982 (recording and registration of births and deaths, etc) as applied by article 5 of and Schedule 2 to, the Hovercraft (Application of Enactments) Order 1972(e).
7. Any birth or death a return or record of which is sent to the Registrar General under regulations made under section 108 of the Merchant Shipping Act 1995 (returns of births and deaths in ships, etc).
8. The birth or death of any British citizen information concerning which is not otherwise required by any enactment to be entered in the register.
9. Particulars under the Population Statistics Act 1938 furnished before Part VIII of this Order came into force.

(a) 1953 c.xxxvi.

(b) 1971 c.61. The Schedule and in section 7, subsections (1) and (2), part of subsection (4), part of subsection (5) and subsections (7) and (8), were repealed subject to a saving for regulations already in force, by the Offshore Safety (Repeals and Modifications) Regulations 1993 (S.I. 1993/1823).

(c) Section 4(1)(i) was amended by article 7 of the Hong Kong (British Nationality) Order 1986 (S.I. 1986/948) and by section 2(2) of the British Overseas Territories Act 2002.

(d) 1982 c.16.

(e) S.I. 1972/971. The reference in the Schedule is to section 55 of the Civil Aviation Act 1949 (c.67) which was consolidated in the 1982 Act.

Procedures to be followed by the Registrar General and a Registration
Authority
General

Interpretation**1.** In this Schedule—

- (a) any reference to an officer is a reference to an individual appointed by a registration authority or the Registrar General to carry out functions under the enactments relating to the registration of births and deaths; and
- (b) “the Act” means the Births and Deaths Registration Act 1953.

Signature by mark or in foreign characters**2.** Where—

- (a) under any provision of the enactments relating to the registration of births or deaths a person is required to sign a declaration or statement in the presence of an officer, and
- (b) that person makes a mark or signs in characters other than those used in the English or Welsh language,

the officer must write against the mark or signature the words "The mark [or signature] of...", inserting the name and surname of the person.

Registration of Births: General

Registration of live-births

3.—(1) The particulars to be entered in respect of the parents of a child shall be those appropriate as at the date of its birth and the surname of the child to be entered shall be the surname by which at the date of registration of the birth it is intended that the child shall be known.

(2) With respect to the father's name and surname—

- (a) if, other than in a case to which sub-paragraph (b) applies, the father acquired after the child's birth a name or surname different from that borne by him at the date of the birth, the officer shall enter the name and surname as at the date of the birth, followed by the name and surname as at the date of registration preceded by the word "now" or, if the father is deceased, the name and surname at his death preceded by the word "afterwards";
- (b) in the case of a request made under section 10(1AB)(c) of the Act, the officer shall enter the name and surname of the father as recorded in the father's declaration, the finding or the agreement which is produced to him by the mother.

(3) With respect the father's place of birth and occupation—

- (a) in a case to which section 10 of the Act applies, the officer must not enter any particulars unless the name and surname of the father of the child have been entered;
- (b) if the father was deceased at the date of the birth the officer shall enter below the particulars the word "deceased";
- (c) if the father has changed his occupation since the birth of the child, the officer shall after the occupation as at the date of the birth, enter the occupation as at the date of registration preceded by the word "now" .

(4) With respect to the mother's name and surname—

- (a) if after the birth of the child the mother acquired a name or surname different from that borne by her at the date of the birth, the officer shall enter the name and surname as at the date of the birth, followed by the name and surname as at the date of registration preceded by the word "now" or, if the mother is deceased, the name and surname as at her death preceded by the word "afterwards";
- (b) if the mother has changed her occupation since the birth of the child, the registrar shall, after the occupation as at the date of birth, enter the occupation as at the date of registration preceded by the word "now".

(5) With respect the mother's surname at marriage, if married more than once the surname to be entered shall be that in which the mother contracted her most recent marriage except that if that surname is the same as that entered as her maiden surname nothing need be entered.

(6) With respect to the informant's usual address—

- (a) the address required shall be the address as at the date of registration;
- (b) if in pursuance of section 10(1AB)(a) or (b) of the Act, an entry has been made in respect of the father of the child, the officer shall enter the father's address followed by the mother's address if different;
- (c) except as provided by sub-paragraph (b), the officer shall not enter the address of the informant if that address is the same as the mother's usual address.

(7) In a case to which section 10(1AB) applies, the officer must enter which of paragraphs (a) to (d) applies or if it be the case, that section 10ZA applies.

(8) After entering all relevant information the officer shall check the information with the informant and make any corrections.

Registration after twelve months from date of birth

4. Where an officer is informed that a live-birth which occurred more than twelve months previously has not been registered, he shall make a report to the Registrar General stating, to the best of his knowledge and belief—

- (a) the particulars required to be registered concerning the birth;
- (b) the source of his information; and
- (c) the name, surname and address of any qualified informant available to give information for the registration.

Re-registration of Births: Children whose parents are not married to each other

Re-registration of birth

5.—(1) An officer shall re-register a birth pursuant to a request under section 10A of the Act as follows.

(2) The officer shall—

- (a) ascertain the particulars to be registered concerning the birth and enter them in the register;
- (b) enter in the register which of paragraphs (a) to (e) of section 10A(1) applies; and
- (c) check the information with the informant and make any corrections.

Re-registration of Births: Legitimation or declaration of parentage

Particulars on re-registration of legitimated person

6. Where under section 14(1) of the Act the Registrar General authorises the re-registration of the birth of a legitimated person, paragraph 3(1) shall apply as to the particulars to be recorded in respect of the parents except that—

- (a) the occupation of the father need not be recorded as at both the date of birth and the date of the re-registration,
- (b) the surname to be recorded in respect of the mother of the child shall be her surname immediately after her marriage to the father, and
- (c) the surname (if any) to be entered as the mother's surname at marriage being different from her maiden surname, shall be that in which the mother contracted her most recent marriage prior to re-registration.

Making of declaration where parent does not attend

7.—(1) A person who is not in England or Wales may verify the particulars by making and signing before a relevant authority, and sending to the Registrar General, a declaration of the particulars on an approved form.

(2) In paragraph (1) "relevant authority" means—

- (a) in the case of a parent who is in Scotland, Northern Ireland, the Isle of Man, the Channel Islands or any part of the Commonwealth outside the British Islands or who is in the Irish Republic, a notary public and any other person who, in the place where the declaration is made, is authorised to administer oaths;
- (b) in the case of a parent to whom sub-paragraph (a) above does not apply, one of Her Majesty's consular officers, a notary public and any other person who, in the place where the declaration is made, is authorised to administer oaths but a declaration made otherwise than before a consular officer shall be authenticated by such an officer if the Registrar General so requires;
- (c) in the case of a parent who is a member of Her Majesty's Forces and who is not in the United Kingdom, any officer who holds a rank not below that of Lieutenant-Commander, Major or Squadron-Leader.

Re-registration where particulars not verified by parent

8. Where, in a case to which any of the provisos to section 14(1) applies, the Registrar General authorises the re-registration of the birth of a legitimated person notwithstanding that the particulars to be registered have not been verified by either parent, the officer shall—

- (a) copy the particulars recorded in the authority into the register ; and
- (b) enter in the register that the re-registration has been made on the authority of the Registrar General;

Re-registration of birth under section 14A of the Act

9. An officer shall re-register a birth under section 14A of the Act by entering in the register the particulars of the birth from the Registrar General's authority.

Still Births

Reference to coroner

10.—(1) Where a officer is given information of an alleged still-birth and he has reason to believe that the child was born alive he shall report the matter to the coroner.

(2) The officer shall not register a still-birth which to his knowledge has been reported to the coroner until he has received either a coroner's certificate after inquest or a notification from the coroner that he does not intend to hold an inquest.

Registration where no reference to coroner

11.—(1) In the case of a still-birth in respect of which—

- (a) a certificate under section 11(1)(a) of the Act has been delivered ;
- (b) a report has not been, and is not required to be, made to the coroner; and
- (c) an officer receives personally from a qualified informant information of the particulars required to be registered concerning the birth,

the officer shall forthwith register the birth and the particulars, if not previously registered.

(2) Paragraph 3(1) applies as it applies to the registration of a live-birth.

(3) When entering the particulars in the register—

- (a) where a still-born child is found exposed and the date and place of the still-birth are unknown the officer shall enter the words "Found ...on...", inserting the relevant place and date,
- (b) where a name and surname are given by the informant in respect of the child, these shall be entered by the officer; and
- (c) where a certificate under section 11(1)(a) has been delivered, the officer shall enter the cause of death precisely as stated in the certificate, followed by the words "Certified by..." and the name, surname and qualification of the registered medical practitioner or, as the case may be, the name and surname of the midwife and the words "Registered Midwife",

Registration on coroner's notification where no inquest is held

12.—(1) Where an officer receives from a coroner notification that he does not intend to hold an inquest into a still-birth, the officer shall, subject to paragraphs (2) and (3), take such action as may be required to register the still-birth, entering the particulars required in accordance with paragraph 11.

(2) Where the coroner—

- (a) certifies in his notification that an examination made by his direction has disclosed that the child was still-born or that there was not sufficient evidence to show that the child was born alive; and
- (b) delivers to the officer a certificate showing the result of the examination,

the officer shall enter the cause of death precisely as stated in the certificate, followed by the words "Certified by...after post-mortem held by direction of...", inserting respectively the name, surname and qualification of the registered medical practitioner who made the examination and the name, surname and description of the coroner.

Registration on coroner's certificate after inquest

13. Where, an officer receives a coroner's certificate after inquest from which it appears that the child was still born or that there was not sufficient evidence to show that the child was born alive, the officer shall register the still-birth and the particulars (whether or not already registered) as follows—

14.—(1)

- (a) he shall enter, precisely as stated in the coroner's certificate, the particulars contained in the certificate as the particulars to be entered;
- (b) he shall enter the cause of death precisely as stated in the coroner's certificate followed by the words "Certificate after inquest held on...", inserting the date of the inquest as stated in the certificate;
- (c) he shall enter the name, surname and description of the coroner.

Certificates for disposal of bodies of still-born children

15. The certificate of an officer under section 11(2) of the Act that he has received notice of a still-birth shall be given on an approved form but a certificate shall not be given except for the purpose of burial in a burial ground in England or Wales, and then only—

- (a) where the case is one which is not required to be reported to the coroner; or
- (b) where the case has been reported to the coroner and the officer has been informed by the coroner that he has completed any investigation which he intends to make and has not issued any order authorising the disposal of the body.

Registration of Deaths

Reference to coroner

16.—(1) Where any officer is informed of the death of any person he shall, subject to paragraph (2), report the death to the coroner on an approved form if the death is one—

- (a) in respect of which the deceased was not attended during his last illness by a registered medical practitioner; or
- (b) in respect of which the officer—
 - (i) has been unable to obtain a duly completed certificate of cause of death, or
 - (ii) has received such a certificate with respect to which it appears to him, from the particulars contained in the certificate or otherwise, that the deceased was not seen by the certifying medical practitioner either after death or within 14 days before death; or
- (c) the cause of which appears to be unknown; or
- (d) which the officer has reason to believe to have been unnatural or to have been caused by violence or neglect or by abortion or to have been attended by suspicious circumstances; or
- (e) which appears to the officer to have occurred during an operation or before recovery from the effect of an anaesthetic; or
- (f) which appears to the officer from the contents of any medical certificate of cause of death to have been due to industrial disease or industrial poisoning.

(2) Where the officer has reason to believe, with respect to any death of which he is informed or in respect of which a certificate of cause of death has been delivered to him, that the circumstances of the death were such that it is the duty of some person or authority other than himself to report the death to the coroner, he shall either satisfy himself that it has been reported or report it himself.

(3) The officer shall not register any death—

- (a) which he has himself reported to the coroner;
- (b) which to his knowledge it is the duty of any other person or authority to report to the coroner; or
- (c) which to his knowledge has been reported to the coroner,

until he has received either a coroner's certificate after inquest or a notification from the coroner that he does not intend to hold an inquest.

Registration within twelve months from date of death where no report to coroner

17.—(1) Where—

- (a) a certificate of cause of death has been delivered to a registration authority or the Registrar General;
- (b) the death is not one which has been, or is required to be, reported to the coroner; and

- (c) before the expiration of 12 months from the date of death a registration authority or the Registrar General receives from any qualified informant information of the particulars required to be registered concerning the person's death,

an officer shall forthwith register the death, entering the particulars required in the register in accordance, where applicable, with the following provisions of this paragraph.

(2) As regards the date and place of death—

- (a) where a child lived for less than 24 hours, the officer shall enter after the date of the child's death the word "Aged...", inserting the age in completed hours or, if less than one hour, in minutes;
- (b) where the date, but not the place, of death is known, the officer shall enter the date of death followed by the words "Found dead...", inserting the place where the body was found;
- (c) where the place, but not the date, of death is known the officer shall enter the words "On or about...", inserting the date on which the body was found followed by the place of death;
- (d) where both the date and place of death are unknown, the officer shall enter the words "Deceased found on...", inserting the date on which the body was found followed by the place where it was found.

(3) As regards the occupation and usual address of deceased person—

- (a) where the deceased was a child under the age of 16 years, the officer shall enter the words "son [or daughter] of...", inserting the name, surname and occupation of the father, if that information is given, and the name, surname and occupation of the mother preceded where appropriate by the word "and", but if—
 - (i) the names and surnames of both parents are to be entered and the surname of the mother is different from that of the father, and
 - (ii) it is within the knowledge of the informant that the mother was known by the surname of the father at any time during the lifetime of the child,

the officer shall enter in respect of the mother that surname followed by her name and surname as at the death of the child preceded by the word "now" or, if the mother is deceased, the name and surname as at her death preceded by the word "afterwards";

- (b) where the deceased was a married woman or widow, the officer shall, after her occupation enter the words "Wife [or Widow] of...", inserting the name, surname and occupation of her husband or deceased husband.

(4) As regards the cause of death, the officer shall enter the cause of death precisely as stated in the certificate of cause of death, followed by the words "Certified by...", inserting the name, surname and qualification of the registered medical practitioner who signed the certificate.

(5) After entering all relevant information the officer shall check the information with the informant and make any corrections.

Registration where inquest is not held

18.—(1) Where, before the expiration of 12 months from the date of a death which has not been registered, a registration authority or the Registrar General is notified by the coroner that he does not intend to hold an inquest, an officer shall, take such action as may be required to register the death, entering the particulars required in the register, in accordance with paragraph 16(2)-(5) but subject, in relation to the cause of death, to paragraphs (2) and (3) below.

(2) Where the coroner in his notification certifies the cause of death disclosed by any report on a post-mortem examination of the body made by his direction under section 19 of the Coroners Act 1988, the officer shall enter the cause of death precisely as stated in the notification followed by the words "Certified by...", inserting the name, surname and description of the coroner followed by the words "after post-mortem without inquest".

(3) Where the coroner's notification shows that no post-mortem examination was held by his direction, and the officer is unable to obtain a certificate of cause of death, he shall enter the cause of death—

- (a) if the cause is stated in the coroner's notification, precisely as so stated;
- (b) in any other case, as stated by the informant.

(4) After the expiration of 12 months from its date a death shall not be registered under this Regulation.

Registration after inquest

19. Where, before the expiration of 12 months from the date of a death, a registration authority or the Registrar General receives with reference to that death a coroner's certificate after an inquest an officer shall register the death as follows—

- (a) he shall enter the particulars contained in the certificate, precisely as stated in the certificate, except that if any person is named in the certificate as having caused the death his name and surname shall be omitted;
- (b) as regards the informant—
 - (i) subject to head (ii) below, he shall enter the words "Certificate received from...", inserting the name, surname and description of the coroner followed by the words "Inquest held on...", inserting the date of inquest as stated in the certificate, or
 - (ii) if the inquest was adjourned, instead of the words "Certificate received from" he shall enter the words "Certificate on inquest adjourned received from ...".

Registration after twelve months

20.—(1) Where in respect of a death which occurred more than 12 months previously an officer—

- (a) is informed that the death has not been registered; or
- (b) receives a coroner's certificate upon an inquest with respect to the death,

he shall make a report to the Registrar General enclosing any certificate of the cause of death and any coroner's notification that he does not intend to hold an inquest or coroner's certificate after an inquest.

(2) Except in a case to which sub-paragraph (1)(b) applies, the officer shall, in his report to the Registrar General, state—

- (a) to the best of his knowledge and belief, the particulars required to be registered concerning the death;
- (b) the source of his information; and
- (c) the name, surname and address of any qualified informant available to give information for the registration.

(3) On receiving the Registrar General's authority to register the death on the information of a qualified informant, the officer shall register the death.

(4) On receiving the Registrar General's authority to register a death in respect of which the officer has received a coroner's certificate after an inquest the officer shall register the death.

(5) Subject to paragraph (6), the provisions of Regulation 16, 17 (other than paragraph (4)) or 18 (as the case may be) shall apply to registration under paragraph (3) or (4) as they apply on a registration within 12 months.

(6) After entering the date on which the entry is made, the officer shall enter the words "On the authority of the Registrar General".

Disposal of bodies of deceased persons

Certificates and declaration for disposal

21. An officer shall not give a certificate under section 24(1) of the Act that a notice of death has been received except for the purpose of burial in England or Wales, and then only—

- (a) if the death is one which is not required to be reported to the coroner; or
- (b) if the death has been reported, unless the officer has received a coroner's certificate after inquest or a notification from a coroner that he does not intend to hold an inquest and the officer is satisfied that a coroner's order has not been issued authorising the disposal of the body.

Enquiry in default of notification of disposal

22.—(1) Where in response to an enquiry under section 24(5) of the Act an officer is informed that the body of the deceased person has not been disposed of, he shall, unless he is informed that the body is being held for the purposes of the Anatomy Act 1984 or the Human Tissue Act 1961, report the matter to the officer responsible for matters of environmental health for the district in which the body is lying.

(2) Where after such an enquiry it appears to the officer that the body has been disposed of and notification of disposal has not been made to him within the time required by section 3(1) of the Births and Deaths Registration Act 1926 —

- (a) he shall immediately ask the person effecting the disposal of the body to deliver the notification to him; and
- (b) if the notification is not received within three days he shall report the matter to the Registrar General.

Code of Practice

Registration Service generally

A registration authority must provide—

- a face-to-face service for the registration of births and deaths
- public access to electronic registration records, or where no electronic records are available public access to information from its registers for records that relate to its own area

The service must be available to the public for no less than the access times for comparable services in the authority.

The service must include waiting areas for registration service clients (with chairs and toilets) and private interview rooms.

Accessibility Policy

A registration authority must have an access policy agreed by members of the authority and published.

The policy must include—

- modes of access
- opening hours including arrangements at weekends/holiday periods
- performance standards
- complaints procedures

that are not less than the requirements of this Code of Practice.

The policy must include a requirement that the corporate standards of the authority will be adhered to in responding to all communications on registration matters. The policy must either provide access that meets community requirements as indicated by community consultation or state the reasons for providing a different level of access to that indicated in community consultation.

Records

A registration authority must ensure that there are proper arrangements in place for the storage of registration records.

Consultation and planning

A registration authority must consult regularly with its community on the services offered, delivery of modes, places and times that registration services will be available in its area, the

quality and level of service to be offered and on changes to those aspects. The Registrar General will issue guidance on the form of consultation (to include guidance on proportionality).

A registration authority must adopt a business or strategy plan informed by community consultation. This must include a section covering business continuity issues.

A registration authority must make its strategy plan available for public inspection. It must publish actual results achieved and comparisons with planned levels of performance.

Staff

A registration authority must only allocate to registration services work staff who are fully competent with registration regulations and statutory requirements.

A registration authority must adopt policies that prevent unsuitable persons from being allocated to registration services work.

IT

A registration authority must provide appropriate hardware, software and communications links to allow reliable access to central national database through the use of GRO applications software and an appropriate level of technical support to ensure a high standard of local systems availability.

Evidence of results

A registration authority must be able to evidence to the Registrar General that it complies with all the requirements of this schedule.

A registration authority must if required by the Registrar General provide information on costs of services for the purposes of aiding the calculation of pricing of national statutory services.

A registration authority must if required by the Registrar General supply him with other administrative information relating to the carrying out of their registration functions.

SCHEDULE 5

Article 15

Circumstances in which and amount of, fees payable

Amending the register to record a change of name because of a change of circumstance (but not a change occasioned by marriage) (article 29)	£34
Inspecting, but not obtaining a copy of, an entry in the register (article 32)	£2
Supply by the Registrar General of a commemorative copy of an entry in the register (article 38)	£40
Supply of a certified copy (article 39)	£7
Supply of a printed copy of an entry in the register (article 40)	£3.50
Supply of a certified copy of an old record (article 57)	£6
Entering on the register the birth or death of a British citizen not otherwise capable of being entered on the register (Schedule 2, paragraph 8)	£20

**Particulars of birth or still-birth to be furnished to the Registrar General
by a Primary Care Trust, Health Authority and Local Health Board**

- 1.** Name.
- 2.** Name of mother.
- 3.** Date of birth.
- 4.** Place of birth.
- 5.** Birth weight.
- 6.** Sex.
- 7.** National Health Service number (if live-birth).
- 8.** Whether born in multiple birth.

SCHEDULE 7

Article 29

Information which may be amended because of a change of circumstance

<i>Information to be amended</i>	<i>Evidence required</i>
In the entry relating to the birth of the person making the request, his name.	An office copy of a deed evidencing the change of name, enrolled under the Enrolment of Deeds (Change of Name) Regulations 1994(a) or a statutory declaration as to change of name at common law by usage.
In the entry relating to the birth of a minor for whom the person making the request has parental responsibility, the minor's name.	An office copy of a deed evidencing the change of name enrolled under the Enrolment of Deeds (Change of Name) Regulations 1994; an order of a court under section 8 of the Children Act 1989 (residence, contact and other orders with respect to children) authorising the change of name; or a copy of an entry in a register book of baptisms certified as such under section 20 of the Parochial Registers and Records Measure 1978(b) (searches of certain register books).

(a) S.I. 1994/604.

(b) 1978 No 2. There are amendments to section 20 which are not relevant to this Order.

Information which is not to be available for inspection by the public

- 1.** Annotations made under article 11(2) (information the Registrar General or a registration authority may enter in the register).
- 2.** Information required to be shown in the register by article 13(2) (audit trail of entries etc) but not information required to be shown by paragraph (c) where an amendment has been made under article 29, which consists of a change of a name.
- 3.** Particulars under the Population Statistics Act 1938 furnished before Part VII of this Order came into force.

Information which is not to be immediately available for public inspection

PART 1

Dates on which information shall be available for inspection by the public

1. In any entry relating to a birth, the information specified in Parts 2 to 9 of this Schedule shall not be available for inspection by the public until—

- (a) the 1st January in the year following the year in which there occurs the 75th anniversary of the date the entry was made, or
- (b) such earlier date (not being before the 75th anniversary) as the Registrar General determines.

2. In an entry relating to a death, the information specified in Parts 2 to 9 of this Schedule shall not be available for inspection by the public until—

- (a) the 1st January in the year following the year in which there occurs the 25th anniversary of the date the entry was made, or
- (b) such earlier date (not being before the 25th anniversary) as the Registrar General determines.

PART 2 Information entered under article 13 of this Order

Information required to be shown in the register by article 13(2) (audit trail of entries etc) where a correction has been made under article 22, 23 or 27.

PART 3

Information in entries made under the Births and Deaths Registration Act 1953

1. In any entry relating to a birth—

- (a) the child's place of birth if this is the normal address of the mother or informant,
- (b) the mother's usual address, and
- (c) the informant's usual address.

2. In any entry relating to a death—

- (a) the place of death, if this is the normal address of the deceased or the informant,
- (b) the usual address of the deceased,
- (c) the informant's usual address, and
- (d) the cause of death.

PART 4

Information entered from a record kept under an Order made under the Registration of Births, Deaths and Marriages (Special Provisions) Act 1957

1. In any entry relating to a birth—

- (a) the place of birth, if a private residence, and

- (b) the informant's usual address or residence.
2. In any entry relating to a death—
- (a) the place of death, if a private residence,
 - (b) the informant's usual address, and
 - (c) the cause of death.

PART 5

Information entered from a copy of a return sent to the Registrar General under regulations made under the Mineral Workings (Offshore Installations) Act 1971

In any entry, the cause of death or loss, the usual place of residence of the deceased or person lost and the address of next-of-kin.

PART 6

Information entered from a certified copy of a record made under section 183 of the Civil Aviation Act 1982 and that Act as applied by the Hovercraft (Application of Enactments) Order 1972

1. In an entry relating to a birth—
- (a) the father's usual residence,
 - (b) the mother's usual residence, and
 - (c) the informant's home address.
2. In any entry relating to a death—
- (a) the usual residence of the deceased at time of death,
 - (b) cause of death, and
 - (c) the informant's home address.

PART 7

Information entered from registration made under regulations made under the British Nationality Act 1982

1. In any entry relating to a birth—
- (a) the place of birth, if a private residence, and
 - (b) the informant's postal address.
2. In any entry relating to a death—
- (a) the address of usual residence of the deceased and the evidence of death seen by the registration officer, and
 - (b) the informant's postal address.

PART 8

Information entered from a return or record made under regulations made under the Merchant Shipping Act 1995

1. In any entry relating to a birth—

- (a) the father's usual residence,
 - (b) the mother's usual residence, and
 - (c) the informant's usual address.
2. In any entry relating to a death—
- (a) the usual residence of the deceased at time of death or loss, and the cause of death or loss, and
 - (b) the informant's usual address.

PART 9

Information not otherwise required by any enactment to be entered

1. In any entry relating to a birth, any information relating to the usual address of any person.
2. In any entry relating to a death—
- (a) any information relating to the usual address of any person, and
 - (b) any information relating to the cause of death.

PART 10

Population Statistics Act

In any entry, the particulars furnished under section 1 of the Population Statistics Act 1938 shall not be available for inspection by the public until—

- (a) the 1st January in the year following the year in which there occurs the centenary of the date of the entry was made, or
- (b) such earlier date (not being before the centenary) as the Registrar General determines.

Persons who have access to restricted information or who may give consent to restricted information being inspected

PART 1

Persons who have access (other than to an annotation made under article 11(2))

1. Any person the subject of an entry.
2. The parents, step-parents or guardian of any person the subject of an entry if that person has not attained the age of 16 years.
3. As regards any person the subject of an entry,
 - (a) that person's spouse or partner, a partner being a person with whom the person the subject of the entry lives as their husband or wife or as their civil partner (whether registered under the Civil Partnership Act 2004 or not),
 - (b) that person's children or step-children,
 - (c) that person's siblings (including half or step siblings),
 - (d) that person's grandparents or step-grandparents,
 - (e) that person's grandchildren or step-grandchildren,
 - (f) that person's uncles or aunts,
 - (g) a properly appointed representative of that person.
- 4.—(1) An adopted person who wishes access to the register with a view to tracing their relatives.
- (2) An adoption support agency registered under the Care Standards Act 2000, which wishes access to the register with a view to tracing for an adopted person the relatives of that person.

PART 2

Persons who may give consent to information being accessed (other than access to an annotation made under article 11(2))

1. Any person the subject of an entry.
2. The parent or guardian of any person the subject of an entry if that person has not attained the age of 16 years.
3. Where any person the subject of an entry is dead, the next of kin of that person.
4. A properly appointed representative of any person the subject of an entry

PART 3

Persons who have access to annotations made under article 11(2)

1. Any person the subject of the entry which is annotated.
2. The parent or guardian of any person the subject of the entry which is annotated if that person has not attained the age of 16 years.

3. Any person who while giving information concerning a death confirms that the deceased is the subject of another, identified entry in the register.

4. The next of kin of any person the subject of the entry which is annotated, if that person has died.

PART 4

Persons who may give consent to annotations under article 11(2) being accessed

1. Any person having access to an annotation under paragraph 1, 2 or 4 or Part 3 of this Schedule.

Purposes for which a certified copy may be supplied

1. As regards the Registrar General, for use in connection with—
 - (a) any proceedings in any court, or
 - (b) the applicant's dealings with any person or body having functions of a public nature.
2. As regards a registration authority, for use in connection with the applicant's dealings with any person or body having functions of a public nature.

PART 1

Information which the Registrar General may provide to certain persons or bodies

<i>Information</i>	<i>Recipient</i>
1. Name, surname, usual address and date of death of any registered medical practitioner	The registrar of General Medical Council.
2. Name, surname, usual address and date of death of any barrister.	The Bar Council.
3. Name, surname, usual address and date of death of any solicitor.	The Law Society.
4. Any information—	The Secretary of State, or at his direction to another health service body as defined in section 4(2) the National Health Service and Community Care Act 1990(a), for the purpose of assisting him in the performance of his functions in relation to health service.
(a) entered in any register kept under the Births and Deaths Registration Act 1953,	
(b) entered in the register kept under section 1A of the Registration Service Act 1953, and	
(c) kept by the Registrar General under any other enactment and which relates to any birth or death.	
5. Such particulars of each birth as are entered in the register.	Any local education authority (as defined in section 12 of the Education Act 1996)(b) for the area where the birth occurred or which includes the usual residence of either parent.
6. Such particulars of each birth and death as are entered in the register kept under section 1A of the Registration Service Act 1953.	Any Primary Care Trust or Local Health Board for the area where the birth or death occurred or which includes the usual residence of either parent or the deceased.
7. Name, surname, usual address and date	The registrar of the General Dental Council.

(a) 1990 c.19. Section 4(2) was amended by the Health Authorities Act 1995, sections 2(1) and 5(1), Schedule 1, paragraphs 68(a) and (b) and Schedule 3, by the Health Act 1999 (c.8), section 65 and Schedule 4, paragraphs 74 and 76(a)(ii), by the National Health Service Reform and Health Care Professions Act 2002, sections 1(3), 6(2) and 65(2), Schedule 1, Part 2, paragraphs 39 and 40 and Schedule 5, paragraphs 30 and 31, by the Health (Wales) Act 2003 (c.4), section 7(1) and Schedule 3, paragraph 6, by the Health and Social Care (Community Health and Standards) Act 2003 (c.43), sections 190 and 196, Schedule 13, paragraph 6(a) and Schedule 14, Parts 4 and 7 and by the Health and Personal Social Services (Northern Ireland Consequential Amendments) Order 1991/95, article 7(3).

(b) 1996 c.56.

of death of any registered dentist.

8. Name, surname, usual address and date of death of any ophthalmic or dispensing optician.

The registrar of the General Optical Council.

9. Name, surname, usual address and date of death of any registered pharmaceutical chemist.

The registrar of the Council of the Pharmaceutical Society of Great Britain.

10. Name, surname, usual address and date of death of any registered veterinary surgeon.

The registrar of the Royal College of Veterinary Surgeons.

11. Any information in the register.

Such persons as the Registrar General considers appropriate for use in accordance with section 33 of the Data Protection Act 1998(a) (research, history and statistics).

PART 2

Information which the Registrar General must provide to certain persons or bodies

<i>Information</i>	<i>Recipient</i>
1. Name, surname, usual address and date of death of any person.	Inland Revenue for the purpose of its functions under the Social Security Contributions and Benefits Act 1992(b), the Social Security Administration Act 1992, the Jobseekers Act 1995, the Social Security (Recovery of Benefits) Act 1997, the Social Security Act 1998, the State Pension Credit Act 2002(c).
2. Such particulars of each birth as are entered in the register kept under s.1A of the Registration Service Act 1953.	Inland Revenue for the purpose of its functions under functions relating to child benefit under the Social Security Contributions and Benefits Act 1992 and to child tax credits under the Tax Credits Act 2002(d).
3. Such particular of each birth as are entered in the register.	National Health Service Central Register.

(a) 1998 c.29.

(b) 1992 c.4.

(c) 2002 c.16.

(d) 2002 c.21.

Particulars to be furnished under section 1 of the Population Statistics Act
1938

On registration of a birth (including a still-birth but not a live-birth which occurred more than 12 months previously or the re-registration of a live-birth on the authority of the Registrar General)

1. In all cases the date of birth of the mother and the post code of her address.
2. Where the name of any person is to be entered in the register as father of the child, the date of birth of that person and the post code of his address if his address is different to that of the mother.
3. Except where the birth is of a child whose parents are not married to each other—
 - (a) the date of the parent's marriage,
 - (b) whether the mother had been married before her marriage to the father of the child, and
 - (c) the number of children of the mother by her present husband and by any former husband, and how many of them were born alive or were still-born.
4. As regards the mother and the person entered in the register as the father, their occupation and the industry in which they work.

On registration of a death (but not the death of a child under the age of 16 years or a death which occurred more than 12 months previously or the re-registration of a death on the authority of the Registrar General)

1. Whether the deceased was single, married, widowed or divorced.
2. The age of the surviving spouse, if any, of the deceased.
3. The occupation of the deceased and the industry in which he worked.
4. The post code of the address of the deceased and of the informant.

SCHEDULE 14

Article 55

Information which may be given in a certified copy of an entry in a register of deaths

1. Registration district or authority.
2. Date of death.
3. Name and surname.
4. Sex.
5. Maiden name of woman who has married.
6. Date of birth.
7. Place of birth.
8. If married or widowed, the name of the husband or wife.
9. If under 16, the names of the father and mother.
10. Name and surname of informant.
11. Informant's qualification.
12. Date of registration.
13. Name of person registering the event.

SCHEDULE 15

Article 68

Repeals

<i>Chapter</i>	<i>Short title</i>	<i>Extent of repeal</i>
1858 c.25	The Births and Deaths Registration Act 1858	The whole Act
1887 c.40	The Savings Bank Act 1887	Section 10
1954 c.61	The Pharmacy Act 1954	Section 13(3)
1966 c.36	The Veterinary Surgeons Act 1966	In section 13(1) the words “and, on registering” to the end.
1968 c.14	The Public Expenditure and Receipts Act 1968	In Schedule 3, the entries relating to the Savings Bank Act 1887, the Births and Deaths Registration Act 1953 and the Registration Service Act 1953 in so far as they relate to England and Wales
1983 c.54	The Medical Act 1983	Section 30(6)
1984 c.24	The Dentists Act 1984	In section 23(1) the words “and on registering” to the end
1989 c.44	The Opticians Act 1989	Section 10(2)
1996 c.14	The Education Act 1996	Section 564

EXPLANATORY NOTE

(This note is not part of the Order)

This Order is made under section 1 of the Regulatory Reform Act 2001. It reforms the law relating to the registration of births and deaths in England and Wales.

Part I provides for the citation, commencement and interpretation of the Order. The Order allows for it to be brought into force in a staged manner. The provisions of all the Schedules to the Order (other than that dealing with repeals) are designated subordinate provisions.

Part II transfers all existing statutory office holders to local authority employment. It makes consequential provision in relation to property, rights and liabilities and transitional provision in relation to duties of statutory office holders.

Part III brings to an end the use of register books for recording births and deaths. It creates instead an obligation on the Registrar General for England and Wales to establish and maintain a register which registration authorities (specified local authorities) and the public must be able to access, without specifying its form. Information concerning births and deaths of British citizens outside England and Wales may be entered on the register as may the contents of all the old register books; records relating to the same individual may be linked; use of the register must leave an audit trail. Detailed rules and guidance are given to those entering information and fees established (the registering of a birth or death under a statutory obligation, remains free).

Parts IV and V make detailed provision concerning the registration of births and deaths using the new register. Any person required to give information concerning a birth or death will no longer have to do so locally, but will be able to do so by going to any registration authority. The Order allows for events to be registered on the telephone or through the internet.

Part VI re-enacts the system for correcting errors in the register, both simple and complex, established in the previous legislation. But it also makes new provision for the register to be updated to take account of a change of circumstance, currently limited to a change of name.

Part VII makes new provision relating to access to information on the register. The register is made available for public inspection, subject to limitations. Apart from when an original and a changed name are shown, the original of corrected and amended information will never be public, nor will linking information. In birth entries information concerning addresses will remain confidential for 75 years. In death entries the cause of death and information concerning addresses will remain confidential for 25 years. Full access will however be available to the family and with the consent, amongst others, of the subject or next of kin.

Provision is made for the disclosure of information to certain professional and public authorities and for the circumstances in which paper copies of entries can be obtained. Powers are given to the Registrar General to use, or allow the use of information on the register for research and statistical purposes and for list cleaning.

Part VIII amends the Population Statistics Act 1938 to provide greater flexibility in what statistical information is collected when births and deaths are registered.

Part IX creates new offences relating to the unlawful access to, use or modification of information on the register.

Part X establishes provisions to cover the transition from the old to the new system.

Part XI makes a general saving to keep the old legislation in force as regards access to old registers until the information they contain is entered onto the new register.

Part XII makes minor consequential amendments, including the modernisation of the list of persons who may give information concerning a death.

Part XIII makes consequential repeals.

This Order does not impose a cost on business.