



# Registration of Births, Deaths and Marriages (Special Provisions) Act 1957

1957 CHAPTER 58 5 and 6 Eliz 2

An Act to provide for the registration of births, deaths and marriages occurring out of the United Kingdom among members of the armed forces and certain other persons, or occurring on board certain ships or aircraft; and for purposes connected with the matters aforesaid. [31st July 1957]

## Extent Information

E1 For the extent of this Act see s. 7(3)

## Modifications etc. (not altering text)

C1 Act extended by S.I. 1972/971, art. 4, Sch. 1

## 1 Records of deaths, births and marriages among armed forces and service civilians and their families overseas.

- (1) Her Majesty may by Order in Council provide for the keeping of records of deaths and births occurring, [<sup>F1</sup>marriages [<sup>F2</sup>entered into] and civil partnerships formed,] outside the United Kingdom among <sup>F3</sup>...—
  - (a) members of Her Majesty's naval, military or air forces, or
  - [<sup>F4</sup>(b) civilians subject to service discipline.]
- (2) An Order in Council under this section may provide—
  - (a) for the transmission of certified copies of any such records to the Registrar General for England and Wales, and
  - (b) for the transmission by the said Registrar General in such cases as may be specified in the Order of extracts from such certified copies to the Registrar General of Births, Deaths and Marriages in Scotland or the Registrar General for Northern Ireland.
- (3) An entry in a record kept under an Order in Council under this section which relates to [<sup>F5</sup>a civilian subject to service discipline ] shall not be questioned on the ground that

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that person did not fall within any [<sup>F6</sup>particular description of such civilians] contained in the Order.

- (4) After the commencement of this Act no further entry shall be made under the <sup>M1</sup>Registration of Births, Deaths and Marriages (Army) Act 1879 (which, as amended under the <sup>M2</sup>Air Force (Constitution) Act 1917, provides for the recording of deaths, births and marriages of members of Her Majesty’s military or air forces or their families overseas), in any register kept under that Act and an Order in Council under this section may provide for the transmission of any such registers to the Registrar General for England and Wales and for the transmission by him of certified copies of entries in such registers to the Registrar General of Births, Deaths and Marriages in Scotland or the Registrar General for Northern Ireland.

**Textual Amendments**

- F1** Words in s. 1(1) substituted (15.4.2005 for specified purposes, 5.12.2005 in so far as not already in force) by [Civil Partnership Act 2004 \(c. 33\)](#), s. 263(10)(b), **Sch. 27 para. 21**; S.I. 2005/1112, art. 2, Sch. 1; S.I. 2005/3175, art. 2(2)
- F2** Words in s. 1(1) substituted (E.W.S.) (10.12.2014 for E.W., 16.12.2014 for S.) by [The Marriage \(Same Sex Couples\) Act 2013 \(Consequential and Contrary Provisions and Scotland\)](#) and [Marriage and Civil Partnership \(Scotland\) Act 2014 \(Consequential Provisions\) Order 2014 \(S.I. 2014/3168\)](#), art. 1(2)(3), **Sch. para. 4(2)(a)**; and extended to N.I. (N.I.) (13.1.2020) by [The Marriage \(Same-sex Couples\) and Civil Partnership \(Opposite-sex Couples\) \(Northern Ireland\) Regulations 2019 \(S.I. 2019/1514\)](#), regs. 1(2), **149(d)(i)** (with regs. 6-9)
- F3** Words in s. 1(1) repealed (28.3.2009 for specified purposes and 31.10.2009 in so far as not already in force) by [Armed Forces Act 2006 \(c. 52\)](#), s. 383(2), **Sch. 16 para. 39(2)(a)**, **Sch. 17**; S.I. 2009/812, art. 3(a)(b) (with transitional provisions in S.I. 2009/1059); S.I. 2009/1167, art. 4
- F4** S. 1(1)(b) substituted (28.3.2009 for specified purposes and 31.10.2009 in so far as not already in force) by [Armed Forces Act 2006 \(c. 52\)](#), s. 383(2), **Sch. 16 para. 39(2)(b)**; S.I. 2009/812, art. 3(a)(b) (with transitional provisions in S.I. 2009/1059); S.I. 2009/1167, art. 4
- F5** Words in s. 1(3) substituted (28.3.2009 for specified purposes and 31.10.2009 in so far as not already in force) by [Armed Forces Act 2006 \(c. 52\)](#), s. 383(2), **Sch. 16 para. 39(3)(a)**; S.I. 2009/812, art. 3(a)(b) (with transitional provisions in S.I. 2009/1059); S.I. 2009/1167, art. 4
- F6** Words in s. 1(3) substituted (28.3.2009 for specified purposes and 31.10.2009 in so far as not already in force) by [Armed Forces Act 2006 \(c. 52\)](#), s. 383(2), **Sch. 16 para. 39(3)(b)**; S.I. 2009/812, art. 3(a)(b) (with transitional provisions in S.I. 2009/1059); S.I. 2009/1167, art. 4
- F7** S. 1(6) substituted (E.W.S.) (10.12.2014 for E.W., 16.12.2014 for S.) by [The Marriage \(Same Sex Couples\) Act 2013 \(Consequential and Contrary Provisions and Scotland\)](#) and [Marriage and Civil Partnership \(Scotland\) Act 2014 \(Consequential Provisions\) Order 2014 \(S.I. 2014/3168\)](#), art. 1(2)(3), **Sch. para. 4(2)(b)**
- F8** S. 1(6) substituted for s. 1(5) (28.3.2009 for specified purposes and 31.10.2009 in so far as not already in force) by [Armed Forces Act 2006 \(c. 52\)](#), s. 383(2), **Sch. 16 para. 39(4)**; S.I. 2009/812, art. 3(a)(b) (with transitional provisions in S.I. 2009/1059); S.I. 2009/1167, art. 4

**Marginal Citations**

- M1** 1879 c. 8.
- M2** 1917 c. 51.

**2 Records of deaths and births on board Her Majesty’s ships and service aircraft.**

- (1) Her Majesty may by Order in Council provide for the keeping of records—  
<sup>F9</sup>(a) .....

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<sup>F10</sup>(b) .....

<sup>F11</sup>(c) of the death outside the United Kingdom of any person who, being a traveller on [<sup>F11</sup>one of Her Majesty's aircraft (as defined by paragraph 1(4) of Schedule 15 to the Armed Forces Act 2006)], is killed on the journey in consequence of an accident.

- (2) An Order in Council under this section may provide—
- (a) for the transmission of certified copies of any such records to the Registrar General for England and Wales, and
  - (b) for the transmission by the said Registrar General in such cases as may be specified in the Order of extracts from such certified copies to the Registrar General of Births, Deaths and Marriages in Scotland or the Registrar General for Northern Ireland.
- (3) After the commencement of this Act no further entry shall be made under subsection (1) of section thirty-seven of the <sup>M3</sup>Births and Deaths Registration Act 1874 (which provides for the registration of deaths and births on board Her Majesty's ships), and an Order in Council under this section may provide for the transmission of certified copies of entries made under that subsection to any of the said Registrars General.

#### Textual Amendments

- F9** S. 2(1)(a) repealed (28.3.2009 for specified purposes, 31.10.2009 in so far as not already in force) by [Armed Forces Act 2006 \(c. 52\)](#), s. 383(2), Sch. 16 para. 40(a), **Sch. 17**; S.I. 2009/812, art. 3(a)(b) (with transitional provisions in S.I. 2009/1059); S.I. 2009/1167, art. 4
- F10** S. 2(1)(b) repealed (28.3.2009 for specified purposes, 31.10.2009 in so far as not already in force) by [Armed Forces Act 2006 \(c. 52\)](#), s. 383(2), Sch. 16 para. 40(a), **Sch. 17**; S.I. 2009/812, art. 3(a)(b) (with transitional provisions in S.I. 2009/1059); S.I. 2009/1167, art. 4
- F11** Words in s. 2(1)(c) substituted (28.3.2009 for specified purposes, 31.10.2009 in so far as not already in force) by [Armed Forces Act 2006 \(c. 52\)](#), s. 383(2), **Sch. 16 para. 40(b)**; S.I. 2009/812, art. 3(a)(b) (with transitional provisions in S.I. 2009/1059); S.I. 2009/1167, art. 4

#### Marginal Citations

- M3** 1874 c. 88.

### <sup>F12</sup><sup>F13</sup>3 General provisions as to service departments records.

- (1) All such registers and copies of entries in registers or records as have been duly transmitted to the Registrar General for England and Wales, the Registrar General of Births, Deaths and Marriages in Scotland or the Registrar General for Northern Ireland in pursuance of this Act, or of section two of the <sup>M4</sup>Registration of Births, Deaths and Marriages (Army) Act 1879 or of section thirty-seven of the <sup>M5</sup>Births and Deaths Registration Act 1874 [<sup>F12</sup>or of any relevant order], shall be known as “the Service Departments Registers”.
- <sup>F14</sup>(2) The enactments relating to the registration of births and deaths in England and Wales, Scotland and Northern Ireland (which contain provisions authorising the admission in evidence of, and of extracts from, certified copies of registers and duplicate registers) shall have effect as if the Service Departments Registers were certified copies or duplicate registers transmitted to the Registrar General in accordance with those enactments.

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- (3) An error of fact or substance in any register or other record kept in pursuance of this Act or of section two of the <sup>M6</sup>Registration of Births, Deaths and Marriages (Army) Act 1879 or of section thirty-seven of the <sup>M7</sup>Births and Deaths Registration Act 1874 [<sup>F12</sup>or of any relevant order], may be corrected by an entry in the margin (without any alteration of the original entry) by such officer as may be specified in an Order in Council under this Act upon production to him of a statutory declaration setting forth the nature of the error and the true facts of the case made [<sup>F15</sup>either]by two credible persons having knowledge of the truth of the case, [<sup>F15</sup>or, where it applies, in accordance with section 3A of this Act] and Her Majesty may by Order in Council provide for the correction of clerical errors in any such register or other record.
- [<sup>F13</sup>(4) In this section “relevant order” means any order made under section 104 of the Scotland Act 1998 in consequence of the Marriage and Civil Partnership (Scotland) Act 2014 which provides for the change of a civil partnership formed under Part 3 of the Civil Partnership Act 2004 in a country or territory outside the United Kingdom by—
- (a) a member of Her Majesty’s forces (within the meaning of the Armed Forces Act 2006) serving in the country or territory in which it is proposed they change their civil partnership;
  - (b) a civilian subject to service discipline within the meaning of the Armed Forces Act 2006 who is employed in that country or territory;
  - (c) a child of a person falling within paragraph (a) or (b) and whose home is with that person in that country or territory (including a person who is or has been treated as the child of a person (“P”) in relation to a marriage or civil partnership to which P is or was a party.]

#### Textual Amendments

- F12** Words in s. 3 inserted (E.W.S.) (10.12.2014 for E.W., 16.12.2014 for S.) by [The Marriage \(Same Sex Couples\) Act 2013 \(Consequential and Contrary Provisions and Scotland\)](#) and [Marriage and Civil Partnership \(Scotland\) Act 2014 \(Consequential Provisions\) Order 2014 \(S.I. 2014/3168\)](#), art. 1(2)(3), [Sch. para. 4\(3\)\(a\)](#)
- F13** S. 3(4) inserted (E.W.S.) (10.12.2014 for E.W., 16.12.2014 for S.) by [The Marriage \(Same Sex Couples\) Act 2013 \(Consequential and Contrary Provisions and Scotland\)](#) and [Marriage and Civil Partnership \(Scotland\) Act 2014 \(Consequential Provisions\) Order 2014 \(S.I. 2014/3168\)](#), art. 1(2)(3), [Sch. para. 4\(3\)\(c\)](#)
- F14** Words in s. 3(2) substituted (E.W.S.) (10.12.2014 for E.W., 16.12.2014 for S.) by [The Marriage \(Same Sex Couples\) Act 2013 \(Consequential and Contrary Provisions and Scotland\)](#) and [Marriage and Civil Partnership \(Scotland\) Act 2014 \(Consequential Provisions\) Order 2014 \(S.I. 2014/3168\)](#), art. 1(2)(3), [Sch. para. 4\(3\)\(b\)](#)
- F15** Words in s. 3(3) inserted (24.5.2002) by [S.I. 2002/1419](#), [art. 3\(1\)](#)

#### Marginal Citations

- M4** 1879 c. 8.  
**M5** 1874 c. 88.  
**M6** 1879 c. 8.  
**M7** 1874 c. 88.

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### **[<sup>F16</sup>3A Alternative procedure for certain corrections.**

- (1) This section applies where, in an entry relating to a birth or death in a register or other record to which section 3(3) of this Act applies, a person is wrongly shown as<sup>F17</sup>—
  - (a) the father of the person to whose birth or death the entry relates, or
  - (b) a parent of that person (having been so registered on the basis of being such a parent by virtue of 42, 43 or 46(1) or (2) of the Human Fertilisation and Embryology Act 2008).
- (2) Where this section applies, the statutory declaration required by section 3(3) of this Act may be made 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 [<sup>F18</sup>or, as the case may be, that the person shown as a parent was not such a parent by virtue of 42, 43 or 46(1) or (2) of the Human Fertilisation and Embryology Act 2008 ].
- (4) But subsection (5) applies if it appears to the officer specified in accordance with subsection (3) of section 3 of this Act that the only evidence on which the finding was made was that of the person making the statutory declaration.
- (5) In that case, the officer may correct the error only if satisfied that another person, who is a credible person having knowledge of the truth of the case, has (whether before or since the making of 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.]

#### **Textual Amendments**

**F16** S. 3A inserted (24.5.2002) by [S.I. 2002/1419](#), [art. 3\(2\)](#)

**F17** Words in s. 3A(1) substituted (6.4.2009 for specified purposes and 1.9.2009 in so far as not already in force) by [Human Fertilisation and Embryology Act 2008](#) (c. 22), s. 68(2), [Sch. 6 para. 11\(2\)](#); [S.I. 2009/479](#), [art. 6\(1\)\(e\)\(2\)](#) (with [art. 7](#), [Sch.](#))

**F18** Words in s. 3A(3) inserted (6.4.2009 for specified purposes and 1.9.2009 in so far as not already in force) by [Human Fertilisation and Embryology Act 2008](#) (c. 22), s. 68(2), [Sch. 6 para. 11\(3\)](#); [S.I. 2009/479](#), [art. 6\(1\)\(e\)\(2\)](#) (with [art. 7](#), [Sch.](#))

## **4 Validation of certain entries in marine register books and in registers kept by Army and Royal Air Force.**

- (1) Where in any marine register book kept under subsection (7) of section thirty-seven of the <sup>M8</sup>Births and Deaths Registration Act 1874, a death or birth which occurred outside the United Kingdom, but not on board one of Her Majesty’s ships, among, or among the families of, persons serving in Her Majesty’s naval forces, the Royal Marines or any Marine reserve, or persons [<sup>F19</sup>within subsection (1A) below], was entered before the commencement of this Act, the said subsection (7) shall be deemed always to have applied as if it authorised the making of such entries.

[<sup>F20</sup>(1A) A person is within this subsection if—

- (a) he serves Her Majesty in, or is otherwise employed in any capacity connected with, Her Majesty's naval, military or air forces; or

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- (b) he belongs to or is employed by any organisation concerned with the welfare of members of those forces.]
- (2) Where in any register kept under section two of the <sup>M9</sup>Registration of Births, Deaths and Marriages (Army) Act 1879, by any of Her Majesty's military or air forces a death, birth or marriage which occurred or was solemnised outside the United Kingdom among, or among the families of, any such persons as are mentioned in subsection (1) of this section was entered before the commencement of this Act, the said section two shall be deemed always to have applied as if regulations under that section authorised the making of such entries.

#### Textual Amendments

- F19** Words in s. 4(1) substituted (28.3.2009 for specified purposes, 31.10.2009 in so far as not already in force) by [Armed Forces Act 2006 \(c. 52\)](#), s. 383(2), [Sch. 16 para. 41\(a\)](#); [S.I. 2009/812](#), art. 3(a)(b) (with transitional provisions in [S.I. 2009/1059](#)); [S.I. 2009/1167](#), art. 4
- F20** S. 4(1A) inserted (28.3.2009 for specified purposes, 31.10.2009 in so far as not already in force) by [Armed Forces Act 2006 \(c. 52\)](#), s. 383(2), [Sch. 16 para. 41\(b\)](#); [S.I. 2009/812](#), art. 3(a)(b) (with transitional provisions in [S.I. 2009/1059](#)); [S.I. 2009/1167](#), art. 4

#### Marginal Citations

- M8** 1874 c. 88.  
**M9** 1879 c. 8.

## 5 Registration of births of legitimated persons in the service departments registers.

- (1) Where in the case of—
- a person whose birth is recorded in the Service Departments Registers, or
  - a person born outside the United Kingdom whose father at the time of the birth was a member of Her Majesty's naval, military or air forces or <sup>F21</sup>a civilian subject to service discipline (within the meaning of the Armed Forces Act 2006),]

evidence is produced to the appropriate Registrar General which appears to him to be satisfactory that that person was, whether before or after the commencement of this Act, legitimated by the subsequent marriage <sup>F22</sup>or civil partnership] of his parents, the said Registrar General may authorise at any time the re-registration or, as the case may be, the registration of that person's birth, and the re-registration or registration shall be effected in such manner and at such place as may be provided by an Order in Council under this Act:

Provided that, except where—

- the paternity of the legitimated person has been established by an affiliation order or otherwise by a decree of a court of competent jurisdiction, or
- a declaration of the legitimacy of the legitimated person has been made by a court of competent jurisdiction in the United Kingdom,

the said Registrar General shall not authorise re-registration or registration unless information with a view to obtaining it is furnished by both parents.

- (2) In this section “the appropriate Registrar General” means, in relation to a person whose father was at the time of the marriage <sup>F23</sup>or formation of the civil partnership] domiciled in Scotland, the Registrar General of Births, Deaths and Marriages in Scotland, in relation to a person whose father was at the time of the marriage <sup>F23</sup>or

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formation of the civil partnership] domiciled in Northern Ireland, the Registrar General for Northern Ireland, and in any other case the Registrar General for England and Wales.

[<sup>F24</sup>(3) In relation to a person who has a parent by virtue of section 43 of the Human Fertilisation and Embryology Act 2008—

(a) any reference to the person's father is a reference to the woman who is a parent by virtue of that section,

<sup>F25</sup>(b) .....

(c) the reference in that subsection to paternity is a reference to parentage by virtue of section 43 of that Act.]

#### Textual Amendments

**F21** Words in s. 5(1)(b) substituted (28.3.2009 for specified purposes and 31.10.2009 in so far as not already in force) by [Armed Forces Act 2006 \(c. 52\)](#), s. 383(2), [Sch. 16 para. 42](#); [S.I. 2009/812](#), art. 3(a)(b) (with transitional provisions in [S.I. 2009/1059](#)); [S.I. 2009/1167](#), art. 4

**F22** Words in s. 5(1) inserted (2.12.2019) by [The Civil Partnership \(Opposite-sex Couples\) Regulations 2019 \(S.I. 2019/1458\)](#), regs. 1(2), [20\(a\)](#)

**F23** Words in s. 5(2) inserted (2.12.2019) by [The Civil Partnership \(Opposite-sex Couples\) Regulations 2019 \(S.I. 2019/1458\)](#), regs. 1(2), [20\(b\)](#)

**F24** S. 5(3) inserted (6.4.2009 for specified purposes and 1.10.2009 in so far as not already in force) by [Human Fertilisation and Embryology Act 2008 \(c. 22\)](#), s. 68(2), [Sch. 6 para. 12](#); [S.I. 2009/479](#), art. 6(1)(e)(2) (with art. 7, [Sch.](#))

**F25** S. 5(3)(b) omitted (2.12.2019) by virtue of [The Civil Partnership \(Opposite-sex Couples\) Regulations 2019 \(S.I. 2019/1458\)](#), regs. 1(2), [20\(c\)](#)

## 6 Provisions as to Orders in Council.

- (1) Any power of making an Order in Council under this Act shall include a power of varying or revoking such an Order.
- (2) An Order in Council under section one or section two of this Act may include provisions with respect to deaths or births occurring, and marriages solemnised, before the commencement of this Act.
- (3) Any power conferred by this Act to make provision by Order in Council shall include power to make that provision for specified classes of cases and to make different provision for different classes of cases.

## 7 Short title, etc.

- (1) This Act may be cited as the Registration of Births, Deaths and Marriages (Special Provisions) Act 1957.

<sup>F26</sup>(2) .....

- (3) It is hereby declared that the provisions of this Act affecting the Acts relating to the registration of births, deaths and marriages extend to Northern Ireland.

<sup>F27</sup>(4) .....

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**Changes to legislation:** There are currently no known outstanding effects for the Registration of Births, Deaths and Marriages (Special Provisions) Act 1957. (See end of Document for details)

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#### Textual Amendments

- F26** S. 7(2) repealed (22.7.2004) by [Statute Law \(Repeals\) Act 2004 \(c. 14\)](#), [Sch. 1 Pt. 17](#) Group 10
- F27** S. 7(4) repealed (22.7.2004) by [Statute Law \(Repeals\) Act 2004 \(c. 14\)](#), [Sch. 1 Pt. 17](#) Group 10



**Changes to legislation:**

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