



Births and Deaths Registration Act 1874

1874 CHAPTER 88

Miscellaneous

38 Register when not evidence

An entry or certified copy of an entry of a birth or death in a register under the Births and Deaths Registration Acts, 1836 to 1874, or in a certified copy of such a register, shall not be evidence of such birth or death, unless such entry either purports to be signed by some person professing to be the informant and to be such a person as is required by law at the date of such entry to give to the registrar information concerning such birth or death, or purports to be made upon a certificate from a coroner, or in pursuance of the provisions of this Act with respect to the registration of births and deaths at sea.

When more than three months have intervened between the day of the birth and the day of the registration of the birth of any child, the entry or certified copy of the entry made after the commencement of this Act of the birth of such child in a register under the Births and Deaths Registration Acts, 1836 to 1874, or in a certified copy of such a register, shall not be evidence of such birth, unless such entry purports,

- (a) if it appear that not more than twelve months have so intervened, to be signed by the superintendent registrar as well as by the registrar ; or,
- (b) if more than twelve months have so intervened, to have been made with the authority of the Registrar General, and in accordance with the prescribed rules.

Where more than twelve months have intervened between the day of a death or the finding of a dead body and the day of the registration of the death or the finding of such body, the entry or certified copy of the entry made after the commencement of this Act of the death in a register under the Births and Deaths Registration Acts, 1836 to 1874, or in a certified copy of such register, shall not be evidence of such death, unless such entry purports to have been made with the authority of the Registrar General, and in accordance with the prescribed rules.

39 Penalty for not giving information, complying with requisition, &c

Every person required by the Births and Deaths Registration Acts, 1836 to 1874, to give information concerning any birth or death., or any living new-born child, or any dead body, who wilfully refuses to answer any question put to him by the registrar relating to the particulars required to be registered concerning such birth or death, or fails to comply with any requisition of the registrar made in- pursuance of those Acts, and every person who refuses or fails without reasonable excuse to give or send any certificate in accordance with the provisions of the said Acts, shall be liable to a penalty not exceeding forty shillings for each offence; and the parent of any child who fails to give information concerning the birth of such child, as required by the said Acts, shall be liable to a like penalty ; and a person required by the said Acts to give information concerning a death in the first instance, and not merely in default of some other person, shall, if such information as is required by the said Acts is not duly given, be liable to the same penalty.

40 Penalty for false statements, &c

Any person who commits any of the following offences; that is to say,

- (1) Wilfully makes any false answer to any question put to him by a registrar relating to the particulars required to be registered concerning any birth or death, or wilfully gives to a registrar any false information concerning any birth or death, or the cause of any death ; or,
- (2) Wilfully makes any false certificate or declaration under or for the purposes of this Act, or forges or falsifies any such certificate or declaration, or any order under this Act, or, knowing any such certificate, declaration, or order to be false or forged, uses the same as true, or gives or sends the same as true to any person; or,
- (3) Wilfully makes, gives, or uses any false statement or representation as to a child born alive having been still-born, or as to the body of a deceased person or a still-born child in any. coffin, or falsely pretends that any child born alive was still-born ; or
- (4) Makes any false statement with intent to have the same entered in any register of births or deaths ;

shall for each offence be liable on summary conviction to a penalty not exceeding ten pounds, and on conviction on indictment to fine or to imprisonment with or without hard labour for a term not exceeding two years, or to penal servitude for a term not exceeding seven years.

41 Sending certificates, &c. by post

All notices, informations, declarations, certificates, requisitions, returns, and other documents required or authorised by this Act to be delivered, sent, or given to the Registrar General, a superintendent registrar, or a registrar, or by a registrar to a person who is required to give information concerning any birth or death, or who gives notice of any death, may be sent by post in a prepaid letter, and the date at which they would be delivered to the person to whom they are sent in the ordinary course of post shall be deemed to be the date at which they are received; and in proving such sending, it shall be sufficient to prove that the letter was prepaid, properly addressed, and put into the post.

42 Explanation of 6 & 7 W. 4. c. 86. ss. 36, 37

In the principal Act and this Act,—

The term " general search " shall mean a search during any number of successive hours not exceeding six, without stating the object of the search; and

The term " particular search " shall mean a search over any period not exceeding five years for any given entry.

43 Use of forms

The forms in the first schedule to this Act, or forms as nearly resembling the same as circumstances admit, shall be used in all cases in which they are applicable, and when so used shall be valid in law.

44 Power of Local Government Board and Registrar General to alter forms in schedules under 6 & 7 W. 4. c. 86., and make regulations

It shall be lawful for the Local Government Board or the Registrar General, with the consent of the Local Government Board, by order to alter from time to time all or any of the forms contained in the schedules to the principal Act and this Act, or in any order under this section, in such manner as may appear to them best for carrying into effect the Births and Deaths Registration Acts, 1836 to 1874, or to prescribe new forms for that purpose, and from time to time to make regulations for prescribing any matters authorised by this Act to be prescribed, and to revoke and alter such

Any order made in pursuance of this section shall be published in the London Gazette, and shall be laid before both Houses of Parliament, if Parliament is sitting, within fourteen days after the issue of the same, or if Parliament is not then sitting, within fourteen days after the commencement of the then next session.

Every form when altered in pursuance of this section shall have the same effect as if it had been contained in a schedule to the principal Act or this Act, as the case may be, and every regulation made in pursuance of this section shall, while in force, have the same effect as if it were enacted in this Act.

45 Recovery of penalties

All fines and forfeitures imposed by the principal Act and all penalties imposed by this Act may, unless otherwise directed, be recovered on summary conviction before two justices in manner directed by the Summary Jurisdiction Acts, and when so recovered shall be paid into the receipt of Her Majesty's Exchequer in such manner as the Treasury may from time to time direct, and be carried to the Consolidated Fund.

Where the court of summary jurisdiction before whom a person is charged summarily with an offence under this Act, which is also punishable on indictment, think that proceedings ought to be taken against such person by indictment, they may adjourn the case to enable such proceedings to be taken.

46 Time for prosecution of offence

A prosecution on indictment for an offence under this Act shall be commenced within three years after the commission of such offence.

47 Particulars required to be registered concerning birth or death

The particulars required to be registered concerning a birth or death shall be the particulars specified in the forms in Schedules A. and B. respectively to the principal Act, as amended by the Births and Deaths Registration Act, 1837, and by this Act, or as altered in pursuance of this Act.

48 Interpretation

In this Act, if not inconsistent with the context—

The term " public institution " means a prison, lock-up, workhouse, lunatic asylum, hospital, and any prescribed public or charitable institution:

The term " house " includes a public institution as above defined :

The term " occupier " includes the governor, keeper, master, matron, superintendent, or other chief resident officer of every public institution, and where a house is let in separate apartments or lodgings includes any person residing in such house who is the person under whom such lodgings or separate apartments are immediately held, or his agent:

The term " relative " includes a relative by marriage:

The term "prescribed " means prescribed by regulations made from time to time in pursuance of section five of the principal Act or of this Act:

The term " appointed fee " means the fee specified in the second schedule to this Act:

The term " guardians " includes any body of persons performing the functions of guardians within the meaning of the Acts relating to the relief of the poor :

The term " union " means any union or incorporation of parishes under any general or local Act, and includes any single parish having guardians under any such Act:

The term " common fund " means, in the case of a single parish, the fund out of which the expenses of the guardians of such parish are paid:

The term " Summary Jurisdiction Acts " means the Act of the session of the eleventh and twelfth years of the reign of Her present Majesty, chapter forty-three, intituled " An Act to " facilitate the performance of the duties of justices of the " peace out of sessions within England and "Wales with " respect to summary convictions and orders," and any Acts amending the same:

The term " court of summary jurisdiction " means any justice or justices of the peace, metropolitan police magistrate, stipendiary or other magistrate, or officer, by whatever name called, to whom jurisdiction is given by the Summary Jurisdiction Acts, or any Acts therein referred to.

49 Definition of registrar and superintendent registrar

Where reference is made in this Act to a registrar or superintendent registrar in connexion with any birth or death or other event, or any register, such reference shall (unless the contrary be expressed) be deemed to be made to the registrar who is the registrar for the sub-district in which such birth or death or other event took place, or who keeps the register in which the birth or death or other event is or is required to be registered, or who keeps the register referred to, and to the superintendent registrar who superintends such registrar as aforesaid.

50 Commencement

This Act shall not come into operation until the first day of January one thousand eight hundred and seventy-five, which day is referred to in this Act as the commencement of this Act.

51 Extent of Act

This Act, save as is herein otherwise expressly provided, shall extend only to England and Wales.

52 Construction of Act with 6 & 7 W. 4. c. 86., and 7 W. 4. & 1 Vict. c. 22., and 21 & 22 Vict. c. 25., and short title

This Act shall, so far as is consistent with the tenor thereof, be construed as one with so much as is unrepealed of the Acts mentioned in the third schedule to this Act, and the first of those Acts is in this Act referred to as the principal Act, and each of those Acts may be cited as the Births and Deaths Registration Act of the year in which it was passed, and those Acts, together with this Act, may be cited as the Births and Deaths Registration Acts, 1836 to 1871.

53 Short title

This Act may be cited as the "Births and Deaths Registration Act, 1874"