



CHAPTER xxxvi

An Act to make provision for the issue in respect of certain children admitted to the Foundling Hospital of a shortened form of birth certificate and as to the particulars to be inserted therein and for other purposes. [31st July 1953.]

WHEREAS the Governors and Guardians of the Hospital for the Maintenance and Education of Exposed and Deserted Young Children (in this Act referred to as "the Corporation") were incorporated by royal charter dated the seventeenth day of October one thousand seven hundred and thirty-nine and for more than two hundred years have carried on a charity for the welfare of children widely known as "the Foundling Hospital" (hereinafter in this Act referred to as "the hospital"):

And whereas the establishment of the hospital was effected by means of donations and subscriptions received as a result of untiring efforts pursued by a sea captain named Thomas Coram who while residing in retirement at Rotherhithe witnessed with indignation as he journeyed day by day to and from London the spectacle of newly born and unwanted children cruelly deserted by the roadside and there left to die of hunger and exposure:

And whereas the movement which thus arose out of the indignation of Captain Coram at this heartless practice resulted in the constitution of the Corporation which was able by accepting the whole responsibility for these infants to rescue them from the fate which otherwise awaited them and provided for them a home and good nursing and carried on their maintenance education and upbringing until they came of age:

And whereas by the Foundling Hospital Act 1740 special provision was made (inter alia) with respect to the maintenance

education employment and control of children received into the hospitals and houses of the Corporation :

And whereas further powers were conferred upon the Corporation by the Foundling Hospital Act 1885 and the Foundling Hospital Act 1936 :

And whereas with the object of giving the children admitted into the hospital an opportunity of advancement in their careers untrammelled by the circumstances of their birth or by the conditions from which they had been rescued it was the practice of the Corporation to give to each child admitted into the hospital a new name and surname but not to disclose to the mother such new name and surname and so as to hide the secret of the mother it was also their practice to give a pledge not to disclose her identity to the child or to any other person :

And whereas by virtue of section 33 of the Births and Deaths Registration Act 1953 which re-enacts section 1 of the Births and Deaths Registration Act 1947 it is possible to obtain a shortened form of birth certificate which does not contain particulars relating to parentage :

And whereas since the twenty-ninth day of January one thousand nine hundred and forty-eight the Corporation have found it unnecessary to continue and have discontinued the practice hereinbefore referred to of giving new names and surnames to the children admitted to the hospital :

And whereas as respects all children admitted into the hospital before the said date it has not been possible as a result of the said practice for the Registrar-General to trace the connection between the new name and surname so given and those in which the children had originally been registered and no birth certificates can be issued :

And whereas the Corporation have for many years issued certified copies of entries in their records for use in lieu of birth certificates and these certified copies besides containing the dates of birth and dates of admission of the children to the hospital reveal the fact that the persons to whom they refer were maintained and educated in the hospital and are by inference illegitimate :

And whereas it is inexpedient to reveal in this way the origin of children admitted into the hospital :

And whereas to enable those persons who were admitted into the hospital before the said date and are likely to be alive at the passing of this Act and to require the same to obtain birth certificates issued by the Registrar-General it is expedient to provide for the issue in respect of each such person of a form of birth certificate as in this Act provided :

And whereas it is expedient that such other provisions should be made as are in this Act contained :

And whereas the objects of this Act cannot be attained without the authority of Parliament :

May it therefore please Your Majesty that it may be enacted and be it enacted by the Queen's most Excellent Majesty by and with the advice and consent of the Lords Spiritual and Temporal and Commons in this present Parliament assembled and by the authority of the same as follows :—

1.—(1) This Act may be cited as the Foundling Hospital Act 1953. Short and collective titles.

(2) The Foundling Hospital Acts 1740 to 1936 and this Act may be cited together as the Foundling Hospital Acts 1740 to 1953.

2.—(1) In this Act unless the subject or context otherwise requires— Interpretation.

“ the Corporation ” means the Governors and Guardians of the Hospital for the Maintenance and Education of Exposed and Deserted Young Children incorporated by royal charter dated the seventeenth day of October one thousand seven hundred and thirty-nine ;

“ the hospital ” means the hospital known as the Foundling Hospital ;

“ the list ” means the list of all persons to whom this Act applies submitted by the Corporation to the Registrar-General under section 4 (As to list of persons to whom this Act applies) of this Act.

(2) Any reference in this Act to any enactment shall be construed as a reference to that enactment as applied extended amended or varied by or by virtue of any subsequent enactment including this Act.

3. The persons to whom this Act applies are all persons— Application of Act.

(a) who were received as children into the hospital between the first day of January eighteen hundred and fifty-three and the twenty-ninth day of January nineteen hundred and forty-eight (both dates inclusive) ;

(b) whose births were duly registered in England and Wales ;

(c) who on admission to the hospital were given names or surnames different from those recorded when their births were so registered ; and

(d) who are not known by the Corporation to be dead.

As to list of persons to whom this Act applies.

4.—(1) Not later than twelve months after the date of the passing of this Act or within such extended period as the Registrar-General may permit the Corporation shall submit to the Registrar-General a list in the form set out in the First Schedule to this Act of all persons to whom this Act applies giving in respect of each such person the particulars specified in the headings of the said form. The list shall be authenticated by having affixed thereto the seal of the Corporation and shall be accompanied by a statutory declaration signed by the treasurer and the secretary of the Corporation stating in respect of each person whose name appears in the list that according to the information disclosed by the records of the Corporation and to the best of their knowledge and belief the child who was admitted to the hospital on the date mentioned in column 7 of the list and who was given the name and surname mentioned in column 8 of the list is the same child as that whose name sex and date of birth are mentioned in columns 1 to 3 of the list and the name and surname of whose mother is mentioned in column 4 of the list.

(2) The list shall form part of the records in the custody of the Registrar-General but except under an order of a court of competent jurisdiction the Registrar-General shall not disclose to any person any information contained in the list which would enable the parentage of any person to whom this Act applies to be traced.

Form of birth certificate.

5.—(1) Any person on payment of the like fee as is for the time being payable for a shortened form of certificate issued under section 33 (Short certificate of birth) of the Births and Deaths Registration Act 1953 and on furnishing the name given on admission to the hospital to the person to whom this Act applies in respect of whom the application is made and the date of the birth of such person shall be entitled to obtain from the Registrar-General a certificate compiled from the records in the custody of the Registrar-General of the birth of the person in respect of whom the application is made in the form set out in the Second Schedule to this Act or in such other form as may be prescribed under subsection (2) of this section:

Provided that the name and surname to be entered in any certificate issued under this section shall be those given by the Corporation when the person to whom it relates was admitted to the hospital.

(2) Section 39 (Regulations) of the said Act of 1953 shall extend and apply so as to authorise the making of regulations prescribing a form of certificate in substitution for the form set out in the Second Schedule to this Act the manner in which the

substituted form of certificate is to be compiled and the particulars which are to be contained therein as if a certificate issued under this section were a certificate issued under the said section 33.

6. All costs charges and expenses of and incidental to the preparing for obtaining and passing of this Act or otherwise in relation thereto shall be paid by the Corporation out of their general funds. Costs of Act.

SECOND SCHEDULE

CERTIFICATE OF BIRTH

Name and surname.....

Sex

Date of birth.....

Country of birth.....

Certified to have been compiled from records in the custody of the Registrar-General given at the General Register Office Somerset House London under the seal of the office this.....day of.....19.....

Table of Statutes referred to in this Act

Short title	Session and chapter
Foundling Hospital Act 1740	13 Geo. 2. c. 29
Foundling Hospital Act 1885	48 & 49 Vict. c. 6
Foundling Hospital Act 1936	26 Geo. 5. & 1 Edw. 8. c. lvii
Births and Deaths Registration Act 1947	10 & 11 Geo. 6. c. 12
Births and Deaths Registration Act 1953	1 & 2 Eliz. 2 c. 20

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ARRANGEMENT OF SECTIONS

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3. Application of Act.
4. As to list of persons to whom this Act applies.
5. Form of birth certificate.
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SCHEDULES:

First Schedule—Form of the list to be supplied by the Corporation to the Registrar-General in respect of the persons to whom this Act applies.

Second Schedule—Certificate of birth.