



Non-Parochial Registers Act 1840

1840 CHAPTER 92 3 and 4 Vict

An Act for enabling Courts of Justice to admit Non-parochial Registers as evidence of Births or Baptisms, Deaths or Burials, and Marriages. [10th August 1840.]

Modifications etc. (not altering text)

- C1 Short title given by [Short Titles Act 1896 \(c. 14\)](#)
- C2 Preamble, which recites appointment of commissioners to inquire into registers or records other than parochial registers and their report of commissioners, omitted under authority of [Statute Law Revision \(No. 2\) Act 1890 \(c. 51\)](#)

[^{F1}1.] **Certain registers to be deposited in the custody of the registrar general.**

.....

Textual Amendments

- F1 [S. 1](#) repealed (22.7.2004) by [Statute Law \(Repeals\) Act 2004 \(c. 14\)](#), [Sch. 1 Pt. 17](#) Group 10

2^{F2}

Textual Amendments

- F2 [S. 2](#) repealed by [Statute Law Revision Act 1950 \(c. 6\)](#), [Sch. 1](#)

3 **Declaratory provisions as to the general register office.**

.....^{F3} the execution of this Act shall be deemed to be a part of the business of the general register office.

Status: Point in time view as at 03/04/2008.

Changes to legislation: There are currently no known outstanding effects for the Non-Parochial Registers Act 1840. (See end of Document for details)

Textual Amendments

F3 Words repealed by [Registration Service Act 1953 \(c. 37\)](#), **Sch. 2**

F4 **Commissioners to identify the registers deposited.**

.....

Textual Amendments

F4 [S. 4](#) repealed (22.7.2004) by [Statute Law \(Repeals\) Act 2004 \(c. 14\)](#), **Sch. 1 Pt. 17** Group 10

5 Lists to be made; which shall be open to search; and certified extracts had therefrom.

The registrar general shall cause lists to be made of all the registers and records which may be placed in his custody by virtue of this Act; and every person shall be entitled, on payment of the fees herein-after mentioned, to search the said lists, and any register or record therein mentioned, [^{F5}at any time when the General Register Office is open for that purpose], but subject to such regulations as may be made from time to time by the registrar general, with the approbation of [^{F6}the Secretary of State], and to have a certified extract of any entry in the said registers or records; and for every search in any such register or record shall be paid the sum of [^{F7}5p], and for every such certified extract the sum of [^{F7}12½p], and no more.

Textual Amendments

F5 Words substituted by [Registration Service Act 1953 \(c. 37\)](#), **Sch. 1 para. 2**

F6 Words in [s. 5](#) substituted (3.4.2008) by [Transfer of Functions \(Registration\) Order 2008 \(S.I. 2008/678\)](#), [art. 1\(2\)](#), **Sch. 2 para. 1** (with [art. 4](#))

F7 Words substituted by virtue of [Decimal Currency Act 1969 \(c. 19\)](#), **s. 10(1)**

Modifications etc. (not altering text)

C3 [S. 5](#) extended by [Births and Deaths Registration Act 1858 \(c. 25\)](#), **s. 3**

C4 [S. 5](#): functions of the Secretary of State transferred (1.4.1996) to the Chancellor of the Exchequer by [S.I. 1996/273](#), [art. 3\(1\)](#), **Sch. 1 para. 1**

C5 [S. 5](#) transfer of functions (3.4.2008) by [Transfer of Functions \(Registration\) Order 2008 \(S.I. 2008/678\)](#), [art. 1\(2\)](#), **Sch. 1 para. 1** (with [art. 4](#))

6 Registers deemed in legal custody, and shall be receivable in evidence.

All registers and records deposited in the general register office by virtue of this Act, except the registers and records of baptisms and marriages at the Fleet and King’s Bench prisons, at May Fair, at the Mint in Southwark, and elsewhere, which were deposited in the registry of the bishop of London in the year One Thousand eight hundred and twenty-one, as herein-after mentioned, shall be deemed to be in legal custody, and shall be receivable in evidence in all courts of justice, subject to the provisions herein-after contained; and the registrar general shall produce or cause to be produced any such register or record, on subpoena or order of any competent court

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or tribunal, and on payment of a reasonable sum, to be taxed as the court shall direct, and to be paid to the registrar general, on account of the loss of time of the officer by whom such register or record shall be produced, and to enable the registrar general to defray the travelling and other expences of such officer.

Modifications etc. (not altering text)

C6 S. 6 extended by [Births and Deaths Registration Act 1858 \(c. 25\)](#), s. 3

7 Fees to be accounted for.

Every sum received under the provisions of this Act by or on account of the registrar general shall be accounted for and paid by the registrar general, at such times as the Treasury from time to time shall direct, into the Bank of England to the credit of her Majesty's Exchequer,^{F8}

Textual Amendments

F8 Words repealed by [Statute Law Revision \(No. 2\) Act 1874 \(c. 96\)](#)

Modifications etc. (not altering text)

C7 S. 7 extended by [Births and Deaths Registration Act 1858 \(c. 25\)](#), s. 3

8 Every person who^{F9} shall wilfully insert or cause to be inserted in any of such registers or records any false entry of any birth or baptism, naming or dedication, death or burial, or marriage, or shall wilfully give any false certificate, or shall certify any writing to be an extract from any register or record knowing the same register or record to be false in any part thereof,^{F10} shall be guilty of felony.

Textual Amendments

F9 Words repealed by [Criminal Damage Act 1971 \(c. 48\)](#), [Sch. Pt. I](#)

F10 Words repealed by [Forgery Act 1913 \(c. 27\)](#), [Sch.](#)

Modifications etc. (not altering text)

C8 S. 8 extended by [Births and Deaths Registration Act 1858 \(c. 25\)](#), s. 3.

C9 "Any of such registers or records" means any register or record of birth or baptism, naming or dedication, death or burial or marriage deposited with Registrar General by virtue of this Act.

9 Extracts from registers to be stamped with the seal of office.

The registrar general shall certify all extracts which may be granted by him from the registers or records deposited or to be deposited in the said office, and made receivable in evidence by virtue of the provisions herein contained, by causing them to be sealed or stamped with the seal of the office; and all extracts purporting to be stamped with the seal of the said office shall be received in evidence in all civil cases, instead of the production of the original registers or records containing such entries, subject nevertheless to the provisions herein-after contained.

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Modifications etc. (not altering text)

C10 S. 9 extended by [Births and Deaths Registration Act 1858 \(c. 25\), s. 3](#)

10 Extracts to describe the register whence taken. Production of register shall be sufficient.

Every extract granted by the registrar general from any of the said registers or records shall describe the register or record from which it is taken, and shall express that it is one of the registers or records deposited in the general register office under this Act; and the production of any of the said registers or records from the general register office, in the custody of the proper officer thereof, or the production of any such certified extract containing such description as aforesaid, and purporting to be stamped with the seal of the said office, shall be sufficient to prove that such register or record is one of the registers and records deposited in the general register office under this Act, in all cases in which the register or record, or any certified extract therefrom, is herein respectively declared admissible in evidence.

Modifications etc. (not altering text)

C11 S. 10 extended by [Births and Deaths Registration Act 1858 \(c. 25\), s. 3](#)

11 Certified extracts may be used in courts of law and sessions, upon notice given.

In case any party shall intend to use in evidence^{F11} on the hearing of any matter which is not a criminal case^{F12} any extract, certified as herein-before mentioned, from any such register or record, he shall give notice in writing to the opposite party, his [^{F13}solicitor] or agent, of his intention to use such certified extract in evidence at such trial or hearing, and at the same time shall deliver to him, his [^{F13}solicitor] or agent, a copy of the extract, and of the certificate thereof; and on proof by affidavit of the service or on admission of the receipt of such notice and copy, such certified extract shall be received in evidence at such trial or hearing, if the judge or court shall be of opinion that such service has been made in sufficient time before such trial or hearing to have enabled the opposite party to inspect the original register or record from which such certified extract had been taken, or within such time as shall be directed by any rule to be made as herein-after provided.

Textual Amendments

F11 Words repealed by [Courts Act 1971 \(c. 23\), Sch. II Pt. IV](#)

F12 Words repealed by [Registration Service Act 1953 \(c. 37\), Sch. 2](#)

F13 Word substituted by virtue of [Solicitors Act 1974 \(c. 47\), s. 89\(6\)](#)

Modifications etc. (not altering text)

C12 S. 11 extended by [Births and Deaths Registration Act 1858 \(c. 25\), s. 3](#)

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12 If the original be used, notice must nevertheless be given.

In case any party shall intend to use in evidence on such trial or hearing any original register or record (instead of such certified extract), he shall nevertheless, within a reasonable time, give to the opposite party notice of his intention to use such original register or record in evidence, and deliver to such opposite party a copy of a certified extract of the entry or entries which he shall intend to use in evidence.

Modifications etc. (not altering text)

C13 S. 12 extended by [Births and Deaths Registration Act 1858 \(c. 25\), s. 3](#)

13 Certified extracts may be used in evidence on examination of witnesses, or at the hearing of the cause in courts of equity, upon notice.

In case any party shall intend to use in evidence on any examination of witnesses, or at the hearing of any cause in any court of equity, any extract, certified as herein-before mentioned, he shall, ten clear days at the least before publication shall pass in any cause where no commission has issued for the examination of the witnesses of the party intending to give such evidence or, where such commission shall issue, then seven clear days at the least before the opening of such commission, deliver to the clerk or clerks in court of the opposite party or parties a notice in writing of his intention to use such certified extract in evidence on the examination of witnesses or at the hearing of the cause (as the case may be), and shall at the same time deliver to the clerk or clerks in court of the opposite party or parties a copy or copies of such extract, and of the certificate thereof, and thereupon such certificated extract shall be received in evidence; provided that at the hearing of the cause the service of such certified copy and notice be admitted or proved by affidavit.

Modifications etc. (not altering text)

C14 S. 13 extended by [Births and Deaths Registration Act 1858 \(c. 25\), s. 3](#)

14 If the original be used, notice must nevertheless be given.

In case any party shall intend to use in evidence, on such examination or hearing in any court of equity any original register or record (instead of such certificated extract), he shall nevertheless, within the number of days herein-before respectively mentioned, deliver to the clerk or clerks in court of the opposite party or parties a notice of his intention to use such original register or record in evidence, together with a copy of a certified extract of the entry or entries which he shall intend to use in evidence.

Modifications etc. (not altering text)

C15 S. 14 extended by [Births and Deaths Registration Act 1858 \(c. 25\), s. 3](#)

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15 Certified extract to be used in interlocutory proceedings and in the master's office.

In case any party shall intend to use in evidence, upon any petition, motion, or other interlocutory proceedings in any court of equity or in the master's office, any extract, certified as herein-before mentioned, he shall produce to the court or master (as the case may be) an extract, certified as herein-before mentioned, accompanied by an affidavit stating the deponent's belief that the entry or entries in the original register or record is correct and genuine.

Modifications etc. (not altering text)

C16 S. 15 extended by [Births and Deaths Registration Act 1858 \(c. 25\), s. 3](#)

16 Certified extract to be used in ecclesiastical courts; and the Judge may order the production of the original.

In case any party shall intend to use in evidence in any ecclesiastical court, or in the [^{F14}High Court], any extract, certified as herein-before mentioned, he shall plead and prove the same in the same manner to all intents and purposes as if the same were an extract from a parish register, save and except that any such extract, certified as herein-before mentioned, shall be pleaded and received in proof without its being necessary to prove the collation of such extract with the original register or record: Provided always, that the judge of the court, on cause shown by any party to the suit (or of his own motion when the proceedings are in poenam), may, after publication, issue a monition for the production at the hearing of the cause of the original register or record containing the entry to which such certified extract relates.

Textual Amendments

F14 Words substituted by virtue of [Supreme Court of Judicature \(Consolidation\) Act 1925 \(c. 49\), s. 224\(1\)](#) and [Administration of Justice Act 1956 \(c. 46\), ss.1\(1\), 7\(2\)](#)

Modifications etc. (not altering text)

C17 S. 16 extended by [Births and Deaths Registration Act 1858 \(c. 25\), s. 3](#)

17 In criminal cases the originals to be produced.

In all criminal cases in which it shall be necessary to use in evidence any entry or entries contained in any of the said registers or records, such evidence shall be given by producing to the court the original register or record.

Modifications etc. (not altering text)

C18 S. 17 extended by [Births and Deaths Registration Act 1858 \(c. 25\), s. 3](#)

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[^{F15}**17A Application to registers or records deposited under the Births and Deaths Registration Act 1858.**

Sections 5 to 17 shall apply to the registers or records deposited in the General Register Office under the Births and Deaths Registration Act 1858 as they apply to the registers or records deposited under this Act.]

Textual Amendments

F15 [S. 17A](#) inserted (22.7.2004) by [Statute Law \(Repeals\) Act 2004 \(c. 14\)](#), [Sch. 2 para. 3](#)

18, 19. ^{F16}

Textual Amendments

F16 [Ss. 18, 19, 21](#) repealed by [Statute Law Revision \(No. 2\) Act 1874 \(c. 96\)](#)

20 Fleet and May Fair Registers, &c.

The several registers and records of baptisms and marriages performed at the Fleet and King’s Bench prisons, at May Fair, and at the Mint in Southwark, and elsewhere, which were deposited in the registry of the bishop of London in the year One thousand eight hundred and twenty-one, by the authority of one of his late Majesty’s principal secretaries of state, shall be transferred from the said registry to the custody of the registrar general, who is hereby directed to receive the same for safe custody: Provided nevertheless that none of the provisions herein-before contained respecting the registers and records made receivable in evidence by virtue of this Act shall extend to the registers and records so deposited in the registry of the bishop of London in the year One thousand eight hundred and twenty-one as aforesaid.

21 ^{F17}

Textual Amendments

F17 [Ss. 18, 19, 21](#) repealed by [Statute Law Revision \(No. 2\) Act 1874 \(c. 96\)](#)

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