

## 1959 No. 406

**The Service Departments Registers Order, 1959**

Made - - - - 11th March, 1959

Coming into Operation 1st April, 1959

At the Court at Buckingham Palace, the 11th day of March, 1959

Present,

The Queen's Most Excellent Majesty in Council

Her Majesty, in pursuance of the powers conferred upon Her by sections one, two, three, five and six of the Registration of Births, Deaths and Marriages (Special Provisions) Act, 1957(a) (in this Order referred to as "the Act"), and of all other powers Her enabling, is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows:—

*Application of Order*

1. This Order applies to—

- (a) deaths and births occurring, and marriages solemnised, outside the United Kingdom among, or among the families of, persons of the classes mentioned in Part I of the Schedule to this Order,
- (b) deaths occurring outside the United Kingdom among persons of the classes mentioned in Part II of the Schedule to this Order,
- (c) deaths and births occurring in any part of the world (not being deaths or births registrable under the provisions of the Acts relating to the registration of deaths and births in England, Scotland or Northern Ireland) on board ships belonging to Her Majesty,
- (d) deaths and births occurring in any part of the world (not being deaths or births registrable under the provisions of the Acts relating to the registration of deaths and births in England, Scotland or Northern Ireland) on aircraft belonging to Her Majesty, or any other aircraft not registered in the United Kingdom but for the time being employed for the purposes of Her Majesty's forces, and
- (e) the death outside the United Kingdom of any person who, being a traveller on such an aircraft, is killed on the journey in consequence of an accident,

and applies to any such death, birth or marriage notwithstanding that it occurred or was solemnised before the commencement of the Act.

*Registering officers and provision of registers*

2.—(1) The following persons (in this Order referred to as "registering officers") may record deaths, births and marriages to which this Order applies—

- (a) any person authorised in that behalf by the Admiralty, the Army Council, the Air Council or the Minister of Supply,

- (b) any person holding an office or appointment, the holder for the time being of which has been authorised in that behalf by the Admiralty, the Army Council, the Air Council or the Minister of Supply.
- (2) The Registrar General for England and Wales shall provide registering officers with registers for the purpose of recording deaths, births and marriages to which this Order applies, and shall also provide them with forms for making certified copies of entries in such registers.
- (3) Until a registering officer has been provided with a register in accordance with paragraph (2) of this article, he may record deaths, births and marriages to which this Order applies in a register provided under the Registration of Births, Deaths and Marriages (Army) Act, 1879(a), as amended under the Air Force (Constitution) Act, 1917(b), and such a register shall for the purposes of this Order be deemed to be a register provided under this Order.

### *Qualified informants*

- 3.—(1) Subject to the provisions of paragraph (5) of this article, a registering officer shall not make an entry in a register provided under this Order recording any death, birth or marriage to which this Order applies, unless information as to the particulars to be registered is given by a qualified informant.
- (2) An entry in a register provided under this Order may be made on information given by a qualified informant in writing, provided that the document containing that information is signed by the qualified informant and provided that, unless he is a qualified informant by reason of his being
- (a) a captain of a ship belonging to Her Majesty on which a death or birth to which this Order applies has occurred,
  - (b) an officer in command of an appropriate record office, in relation to the death of a member of the naval, military or air forces of the Crown on active service, or
  - (c) a person who has solemnised a marriage to which this Order applies under section twenty-two of the Foreign Marriage Act, 1892(c) (as re-enacted by section two of the Foreign Marriage Act, 1947(d)),
- his signature is attested by an officer of the naval, military, or air forces of the Crown.
- (3) An entry in a register provided under this Order of particulars information as to which is given by a qualified informant orally shall not constitute an entry in such a register for the purposes of this Order unless the entry is signed by the qualified informant.
- (4) For the purposes of this Order "qualified informant" means any of the following:—
- (a) in relation to a death—
    - (i) any person present at the death;
    - (ii) any person who has seen the dead body;
    - (iii) any person who has caused the dead body to be buried or cremated;
    - (iv) if the death occurs on a ship belonging to Her Majesty, the captain of the ship;

(a) 42 & 43 Vict. c. 8.

(b) 7 & 8 Geo. 5. c. 51.

(d) 10 & 11 Geo. 6. c. 33.

(c) 55 & 56 Vict. c. 23.

- (v) if the death occurs on an aircraft belonging to Her Majesty, the person in command of the aircraft ;
- (vi) if the death is of a person, who being a traveller on an aircraft belonging to Her Majesty is killed on the journey in consequence of an accident, the person in command of the aircraft ; or
- (vii) if the death is of a member of the naval, military or air forces of the Crown on active service, an officer of his ship or unit, or the officer in command of the appropriate record office ;
- (b) in relation to a birth—
  - (i) if the child is legitimate, either parent ;
  - (ii) if the child is illegitimate, its mother ;
  - (iii) any person present at the birth ;
  - (iv) the person having charge of the child ;
  - (v) if the birth occurs on a ship belonging to Her Majesty, the captain of the ship ; or
  - (vi) if the birth occurs on an aircraft belonging to Her Majesty, the person in command of the aircraft ;
- (c) in relation to a marriage—
  - (i) either party to the marriage ; or
  - (ii) the priest or other person conducting the ceremony.

(5) The Registrar General for England and Wales may authorise a registering officer to make an entry recording a death, birth or marriage to which this Order applies, notwithstanding that information as to the particulars to be registered has not been given by a qualified informant, if a qualified informant is not readily available and satisfactory evidence of the death, birth or marriage is produced to the Registrar General.

(6) After the expiration of twelve months from the date of a death, birth or marriage to which this Order applies, that death, birth or marriage shall not be registered without the written authority of the Registrar General for England and Wales and the fact that his authority has been obtained shall be entered in the register.

#### *Legitimated persons*

4.—(1) If by virtue of section five of the Act (which provides for the re-registration or registration of the births of certain legitimated persons), the appropriate Registrar General authorises the re-registration or registration of a birth, the re-registration or registration shall be effected in accordance with the provisions of this article.

(2) The authority of the said Registrar General shall be forwarded to the Admiralty, Army Council, Air Council or Minister of Supply, as may be appropriate, who shall on receipt of the authority direct a registering officer to make an entry recording the birth in a register provided under this Order.

(3) The entry shall be made in such form and shall contain such particulars as may be specified in the authority.

(4) Where the entry is a re-registration, the person having the custody of the register in which the original entry was made shall enter a note in the margin of the original entry in the following form—

“ Re-registered under section 5 of the Registration of Births, Deaths and Marriages (Special Provisions) Act, 1957, on the.....  
 19....., on the authority of the Registrar General.....  
 dated..... ”,

inserting the official description of the appropriate Registrar General and the date of the authority.

*Correction of errors*

5.—(1) An error of fact or substance in any register or other record to which subsection (3) of section three of the Act applies may be corrected in accordance with that subsection by the person having the custody of the register or other record in which the original entry containing the error was made.

(2) If a registering officer making an entry in a register provided under this Order finds that he has made a clerical error in that entry, he shall before completing the entry correct the error and initial the alteration.

(3) If a registering officer or a Registrar General is satisfied that a clerical error has been made in a completed entry in any such register or other record as is mentioned in paragraph (1) which is in his custody, he shall correct the error and make a note of the correction in the margin of the entry in the following form—

“ Clerical error in column.....corrected on the.....  
19..... by me..... ”

*Form of entries*

6.—(1) A registering officer shall sign each entry and each correction of a completed entry made by him in a register provided under this Order.

(2) A registering officer shall state in every entry made by him on information given by a qualified informant the capacity in which the informant is qualified by virtue of paragraph (4) of article three of this Order, and, if that information is given in writing in accordance with paragraph (2) of that article, shall also state the name of the qualified informant.

(3) Where an entry is made in accordance with the provisions of paragraph (5) of article three of this Order the registering officer shall in the place provided in the register for the name of the qualified informant write the words—

“ No qualified informant available. Entered on the authority of the Registrar General dated..... ”  
inserting the date of the authority.

(4) Where an entry is made in accordance with the provisions of paragraph (6) of article three of this Order the registering officer shall in the place provided in the register for the date of registration write, in addition to the date of registration, the words—

“ Entered on the authority of the Registrar General dated..... ”  
inserting the date of the authority.

*Transmission of entries and registers to Registrars General*

7.—(1) A registering officer making an entry or correcting an entry in a register provided under this Order shall transmit or cause to be transmitted to the Registrar General for England and Wales a certified copy of such entry, or of such entry as corrected, on a form provided under this Order.

(2) A person having in his custody a register provided under the Registration of Births, Deaths and Marriages (Army) Act, 1879, as amended under the Air Force (Constitution) Act, 1917, which contains an entry a certified copy of which has not been transmitted to the Registrar General for England and Wales, shall transmit a certified copy of that entry to the Registrar General for England and Wales.

(3) A person having in his custody a log book containing an entry made under subsection (1) of section thirty-seven of the Births and Deaths Registration Act, 1874(a), of a birth or death on one of Her Majesty's ships, in

respect of which no return under subsection (6) of that section has been made, shall transmit a certified copy of that entry to the Registrar General of Births and Deaths to whom the return under that subsection should have been made, but for the repeal by the Act of the said section thirty-seven.

(4) Where an entry is made in a register provided under this Order on information given in writing by a qualified informant, the registering officer shall transmit the document containing that information to the Registrar General for England and Wales with the certified copy of the entry.

(5) If it appears to the Registrar General for England and Wales that a certified copy of an entry in a register transmitted to him under this Order records the death or marriage of a person or the birth of a child of a person ordinarily resident in Scotland or Northern Ireland, he shall send a copy of that entry to the Registrar General of Births, Deaths and Marriages in Scotland, or to the Registrar General for Northern Ireland, as may be appropriate.

8. Persons having in their custody registers provided under this Order or registers kept under the Registration of Births, Deaths and Marriages (Army) Act, 1879, as amended under the Air Force (Constitution) Act, 1917, shall transmit them when they have been completed or are no longer required to the Registrar General for England and Wales.

#### *Interpretation*

9. The Interpretation Act, 1889(a), applies for the purpose of the interpretation of this Order as it applies for the purpose of the interpretation of an Act of Parliament, and as if this Order were an Act of Parliament.

#### *Citation and commencement*

10.—(1) This Order may be cited as the Service Departments Registers Order, 1959.

(2) This Order shall come into force on the first day of April, 1959.

W. G. Agnew.

## THE SCHEDULE

### PART I

#### CLASSES OF PERSONS REFERRED TO IN PARAGRAPH (a) OF ARTICLE ONE OF THE ORDER

1. Members of the naval, military or air forces of the Crown.
2. Other persons in the service of the Crown employed with or accompanying any naval, military or air force of Her Majesty outside the United Kingdom.

### PART II

#### CLASSES OF PERSONS REFERRED TO IN PARAGRAPH (b) OF ARTICLE ONE OF THE ORDER

1. Persons in the service of any of the following organisations who are employed with or are accompanying any naval, military or air force of Her Majesty outside the United Kingdom:—

- (1) Navy, Army and Air Force Institutes;
- (2) Combined Services Entertainments;
- (3) Services Central Book Depot;

- (4) Forces Broadcasting Service ;
- (5) British Red Cross Society ;
- (6) The Venerable Order of the Hospital of St. John of Jerusalem ;
- (7) St. Andrew's Ambulance Association ;
- (8) Soldiers', Sailors' and Airmen's Families Association ;
- (9) Council of Voluntary Welfare Work including the Young Men's Christian Association, the Young Women's Christian Association, the Catholic Women's League Services Clubs Committee, the Salvation Army, the Church Army, the Church of Scotland Committee on Hut and Canteen Work for Her Majesty's Forces, Methodist and United Board Churches, Toc H, the Church of England Soldiers', Sailors' and Airmen's Institute and the Mission to Mediterranean Garrisons ;
- (10) Sandes' Soldiers' and Airmen's Homes ;
- (11) Soldiers' and Airmen's Scripture Readers' Association ;
- (12) Forces Help Society and Lord Roberts' Workshops ;
- (13) Malcolm Clubs ;
- (14) Women's Voluntary Service ;
- (15) Royal Naval Film Corporation ;
- (16) Royal Naval Lay Readers' Society ;
- (17) British Sailors' Society ;
- (18) Missions to Seamen ;
- (19) Army Kinema Corporation ;
- (20) Royal Air Force Cinema Corporation.

2. Members of the family of a person of the class specified in paragraph 1 of this part of this Schedule residing with him at or in the vicinity of the Station of the force with which he is employed or which he is accompanying.

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### EXPLANATORY NOTE

*(This note is not part of the Order, but is intended to indicate its general purport.)*

The Registration of Births, Deaths and Marriages (Special Provisions) Act, 1957, empowers Her Majesty by Order in Council to provide for the keeping of records of deaths and births occurring and marriages solemnised outside the United Kingdom among members of the armed forces, service civilians and members of welfare organisations occupied in connection with the armed forces, or their families, and also of records of deaths and births in H.M. ships and service aircraft.

This Order makes the requisite provision. It specifies the persons whose births, deaths or marriages may be recorded (art. 1), the persons to act as registering officers (art. 2), and the qualified informants, on whose information alone registering officers may act (art. 3). It also provides for certain incidental matters such as the registration or re-registration of the birth of a legitimated person (art. 4), the form and procedure for making entries and the custody of records (arts. 5 to 8).