
STATUTORY INSTRUMENTS

1997 No. 844

**REGISTRATION OF BIRTHS,
DEATHS, MARRIAGES, ETC.**

ENGLAND AND WALES

The Registration of Births and Deaths
(Amendment) Regulations 1997

Made - - - - *11th March 1997*

Coming into force - - *1st April 1997*

The Registrar General, in exercise of the powers conferred on him by sections 9(1)(1) and (2), 21(1), 23(3), 23A(1) and (3)(2), 29(2) and 39(a) of the Births and Deaths Registration Act 1953(3) as extended by section 26(3) of the Welsh Language Act 1993(4) and of all other powers enabling him in that behalf, with the approval of the Chancellor of the Exchequer(5), hereby makes the following Regulations—

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Registration of Births and Deaths (Amendment) Regulations 1997 and shall come into force on 1st April 1997.

(2) In these Regulations, unless the context otherwise requires—

“the principal Regulations” means the Registration of Births and Deaths Regulations 1987(6);
and

“the Welsh Language Regulations” means the Registration of Births and Deaths (Welsh Language) Regulations 1987(7).

(1) Section 9(1) was amended by S.I. 1996/2395.

(2) Section 23A was inserted by S.I. 1996/2395.

(3) 1953 c. 20. See section 41 (as amended by S.I. 1996/273) for definitions of “the Minister” and “prescribed”.

(4) 1993 c. 38.

(5) The approval of “the Minister” is required by section 39 of the Births and Deaths Registration Act 1953. The function of approving regulations was transferred to the Chancellor of the Exchequer by article 3(1) and paragraph 8(b) of Schedule 1 to the Transfer of Functions (Registration and Statistics) Order 1996 (S.I. 1996/273).

(6) S.I. 1987/2088, amended by S.I. 1988/638, S.I. 1989/497, S.I. 1991/2275, S.I. 1992/2753 and S.I. 1994/1948.

(7) S.I. 1987/2089, amended by S.I. 1988/687, S.I. 1989/511, S.I. 1992/1504 and S.I. 1995/818.

Amendment of provisions relating to the registration of births

2.—(1) The provisions of Parts III (registration of live-births) and VIII (registration of still-births) of the principal Regulations shall be amended in accordance with the following provisions of this regulation.

(2) In regulation 13 (declaration and registration under section 9 of the Act) at the beginning of paragraph (1) there shall be inserted the words “In relation to a live-birth,”.

(3) In regulation 33 (reference to coroner) in paragraph (1) for the words “a registrar” there shall be substituted the words “the relevant registrar”.

(4) After regulation 34 there shall be inserted the following regulation—

“Declaration and registration of a still-birth under section 9 of the Act

34A.—(1) In relation to a still-birth, the officer before whom a declaration for the purposes of section 9(1) of the Act (giving of information to a person other than the registrar may be made shall be any registrar) other than the relevant registrar.

(2) The officer before whom the declaration is to be made shall—

- (a) enter in the declaration the particulars required to be registered concerning the still-birth, using an approved form for the purpose;
- (b) show or read the particulars entered on the form to the informant and correct any error or omission, requiring the informant to initial any amendment and then to sign the declaration;
- (c) attest the declaration himself; and
- (d) send the declaration and either the certificate in form 10 or the declaration in form 11 to the relevant registrar in accordance with section 11(1B)(b) of the Act⁽⁸⁾.

(3) Except in a case to which regulation 33 applies, where it appears to the relevant registrar that the particulars contained in the declaration are in any material respect not proper to be registered, he shall return the declaration to the officer before whom it was attested together with a note of the matters in which it appears to need amendment, and—

- (a) that officer shall then in the presence of the declarant amend any error by striking out any incorrect particulars and inserting the correct particulars;
- (b) any amendment so made shall be initialled by the declarant and the declaration shall be returned to the relevant registrar.

(4) On receiving the declaration and either the certificate in form 10 or the declaration in form 11 the registrar shall, subject to paragraph (3), enter the particulars of the birth in the register in the following manner—

- (a) in spaces 1 and 3 to 13 of form 9, he shall enter the particulars as appearing in the corresponding spaces of the declaration, except that where any particulars have been corrected in pursuance of paragraph (3) he shall enter in the register only the particulars as corrected, omitting any incorrect particular which has been struck out and the initials of the declarant;
- (b) in space 2 of form 9, he shall enter the cause of death and nature of the evidence that the child was still-born—
 - (i) if he has received a certificate in form 10, as they appear in that certificate; or
 - (ii) if he has received a declaration in form 11, as they appear in the corresponding spaces of the declaration for the purposes of section 9(1) of the Act, except

(8) Section 11(1B) was inserted by S.I. 1996/2395.

that where those particulars have been corrected in pursuance of paragraph (3) he shall enter in the register only the particulars as corrected, omitting any incorrect particular which has been struck out and the initials of the declarant.

- (c) in space 14 of form 9—
 - (i) he shall enter the name of the declarant in the form in which he signed the declaration and shall add the words “by declaration dated...”, inserting the date on which the declaration was made and signed;
 - (ii) if, pursuant to section 9(4) of the Act(9), a request made under paragraph (b) or (c) of section 10(1) of the Act(10) was included in the declaration, he shall after the words required by head (i) make the same addition as, on completion of registration under regulation 10, would be required under (as the case may be) head (ii) or (iii) of paragraph (1)(b) of that regulation;
- (d) in space 15 of form 9 he shall enter the date on which the entry is made; and
- (e) in space 16 of form 9 he shall sign the entry, adding his official description.”.

(5) In regulation 35 (registration on coroner’s notification where no inquest is held) in paragraph (1) after the words “in accordance with Regulation 34(2)” there shall be inserted the words “or, if a declaration is made for the purposes of section 9(1) of the Act, in accordance with regulation 34A(4)”.

Amendment of provisions relating to the registration of deaths

3.—(1) The provisions of Part X (registration of deaths) of the principal Regulations shall be amended in accordance with the following provisions of this regulation.

(2) After regulation 42 there shall be inserted the following regulation—

“Declaration and registration under section 23A of the Act

42A.—(1) The officer before whom a declaration for the purposes of section 23A of the Act (giving of information concerning a death to a person other than the registrar) may be made shall be any registrar other than the relevant registrar.

- (2) The officer before whom the declaration is to be made shall—
 - (a) enter in the declaration the particulars required to be registered concerning the death, using an approved form for the purpose;
 - (b) show or read the particulars entered on the form to the informant and correct any error or omission, requiring the informant to initial any amendment and then to sign the declaration;
 - (c) attest the declaration himself; and
 - (d) send the declaration to the relevant registrar in accordance with section 23A(3) of the Act.

(3) Except in a case to which regulation 41 applies, where it appears to the relevant registrar that the particulars contained in the declaration are in any material respect not proper to be registered, he shall return the declaration to the officer before whom it was attested together with a note of the matters in which it appears to need amendment, and—

- (a) that officer shall then in the presence of the declarant amend any error by striking out any incorrect particulars and inserting the correct particulars;

(9) Section 9(4) was substituted by section 93(3) of the Children Act 1975.

(10) Section 10 was substituted by section 24 of the Family Law Reform Act 1987 and amended by section 108(4) of and paragraph 6 of Schedule 12 to the Children Act 1989.

(b) any amendment so made shall be initialled by the declarant and the declaration shall be returned to the relevant registrar.

(4) On receiving the declaration the registrar shall, subject to paragraph (3), enter the particulars of the death in the register in the following manner—

- (a) in spaces 1 to 7 of form 13, he shall enter the particulars as appearing in the corresponding spaces of the declaration, except that where any particulars have been corrected in pursuance of paragraph (3) he shall enter in the register only the particulars as corrected, omitting any incorrect particular which has been struck out and the initials of the declarant;
- (b) in space 8 of form 13 he shall enter the cause of death as it appears in the certificate of cause of death delivered to the registrar under section 22(1) of the Act;
- (c) in space 9 of form 13 he shall enter the name of the declarant in the form in which he signed the declaration and shall add the words “by declaration dated”, inserting the date on which the declaration was made and signed;
- (d) in space 10 of form 13 he shall enter the date on which the entry is made; and
- (e) in space 11 of form 13 he shall sign the entry, adding his official description.”.

(3) In regulation 43 (registration where inquest is not held) in paragraph (1) after the words “in accordance with Regulation 42(2) to (7)” there shall be inserted “or, if a declaration is made for the purposes of section 23A of the Act, in accordance with Regulation 42A(4)”.

(4) After regulation 44 there shall be inserted the following regulation—

“Registration after receipt of declaration and coroner’s notification of cause of death

44A. Where the registrar receives a notification as mentioned in regulation 43(2) in respect of a death in respect of which a declaration has been made for the purposes of section 23A of the Act, but that death has not yet been registered, he shall register that death in accordance with regulation 42A and shall enter in the margin of the entry the particulars required by regulation 44(a).”.

(5) In regulation 47 (registration after twelve months) at the end of paragraph (3) there shall be inserted the words “or shall enter in the register the particulars of death given in a declaration made for the purposes of section 23A of the Act, in accordance with regulation 42A”.

Amendment of general provisions

4.—(1) Parts II (general provisions as to registration) and XII (correction of errors) of the principal Regulations shall be amended in accordance with the following provisions of this regulation.

(2) In regulation 3 (preparation of draft particulars) in paragraph (2) for the words “Regulation 11, 12 or 13”, there shall be substituted the words “Regulation 11, 12, 13, 34A or 42A”.

(3) In regulation 55 (correction of minor clerical errors after completion) in paragraph (2)—

- (a) in sub-paragraph (c) for the words “or 17(2)(b)(i)” there shall be substituted the words “17(2)(b)(i) or 34A(4)(c)”; and
- (b) at the end of sub-paragraph (f)(i) there shall be inserted the words “, 34A or 42A”.

Amendment of the Registration of Births and Deaths (Welsh Language) Regulations 1987

5.—(1) The Welsh Language Regulations shall be amended in accordance with the following provisions of this regulation.

(2) In regulation 5 (registration of still-births occurring in Wales) for paragraph (2) there shall be substituted the following paragraphs—

“(2) Subject to paragraph (2A), where a qualified informant, giving information relating to the registration of a still-birth which occurred in Wales, elects for the particulars required by Part VIII of the principal Regulations to be entered in Welsh as well as in English, the registrar shall enter those particulars accordingly.

(2A) Paragraph (2) of this regulation shall apply only where—

- (a) the informant gives the requisite information either—
 - (i) personally to the relevant registrar; or
 - (ii) by declaration under section 9 of the Act, before a registrar in Wales; and
- (b) the informant gives such information in Welsh and the officer to or before whom he gives it can understand and write Welsh.”.

(3) In regulation 6 (registration of deaths occurring in Wales) for paragraph (3) there shall be substituted the following paragraphs—

“(3) Subject to paragraphs (3A) and (4), where a qualified informant giving information relating to the registration of a death which occurred in Wales, elects for the particulars required by Part X of the principal Regulations to be entered in Welsh as well as in English, the registrar shall enter those particulars accordingly.

(3A) Paragraph (3) shall apply only where—

- (a) the informant gives the requisite information either—
 - (i) personally, to the relevant registrar; or
 - (ii) by declaration under section 23A of the Act, before a registrar in Wales; and
- (b) the informant gives the requisite information in Welsh and the officer to or before whom he gives it can understand and write Welsh.”.

Given under my hand on

10th March 1997

Dr D Holt
Registrar General

I approve,
Signed by authority of the Chancellor of the Exchequer

11th March 1997

Angela Knight
Economic Secretary to the Treasury

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Registration of Births and Deaths Regulations 1987 and the Registration of Births and Deaths (Welsh Language) Regulations 1987. They make provision for the implementation of the Deregulation (Still-Birth and Deaths Registration) Order 1996 (S.I.1996/2395), which will allow persons registering a death or still-birth to do so by making a declaration before a person other than the registrar for the sub-district where the death or still-birth occurred.

Regulations 2 and 3 prescribe the officer before whom a declaration may be made for the purpose of giving information for the registration of a still-birth or death and the manner in which the relevant registrar is to enter the still-birth or death in the register. They also make consequential amendments to other provisions in Parts III (registration of live-births), VIII (registration of still-births) and X (registration of deaths) of the Registration of Births and Deaths Regulations 1987.

Regulation 4 amends the general provisions on registration of births and deaths and the provisions on correction of entries.

Regulation 5 makes consequential amendments to the provisions on the use of the Welsh language in the registration of births and deaths.

These Regulations impose no costs on business.