
STATUTORY INSTRUMENTS

2002 No. 1419

DEREGULATION

The Deregulation (Correction of Birth and Death Entries in Registers or Other Records) Order 2002

Made - - - - 23rd May 2002

Coming into force - - 24th July 2002

Whereas—

- (a) the Chancellor of the Exchequer is of the opinion that certain provisions of the Births and Deaths Registration Act 1953⁽¹⁾ and the Registration of Births, Deaths and Marriages (Special Provisions) Act 1957⁽²⁾ impose burdens affecting persons in the carrying on of a trade, business, profession or otherwise and that by amending the provisions concerned it is possible to remove or reduce the burdens without removing any necessary protection;
- (b) the Chancellor of the Exchequer has consulted such organisations as appear to him to be representative of interests substantially affected by his proposals and such other persons as he considers appropriate;
- (c) it appears to the Chancellor of the Exchequer that it is appropriate, following that consultation, to proceed with the making of this Order;
- (d) a document setting out the Chancellor of the Exchequer's proposals has been laid before Parliament as required by section 3 of the Deregulation and Contracting Out Act 1994⁽³⁾ and the period for Parliamentary consideration under section 4 of that Act has expired;
- (e) the Chancellor of the Exchequer has had regard to the representations made during that period;
- (f) a draft of this Order has been laid before Parliament with a statement giving details of those representations and the changes to the Chancellor of the Exchequer's proposals in the light of those representations; and
- (g) a draft of this Order has been approved by resolution of each House of Parliament.

Now, therefore, the Chancellor of the Exchequer, in exercise of the powers conferred upon him by section 1 of the Deregulation and Contracting Out Act 1994, hereby makes the following Order:

(1) 1953 c. 20.
(2) 1957 c. 58.
(3) 1994 c. 40.

Citation and commencement

1. This Order may be cited as the Deregulation (Correction of Birth and Death Entries in Registers or Other Records) Order 2002 and shall come into force at the end of the period of two months beginning with the day on which it is made.

Amendment of the Births and Deaths Registration Act 1953

2.—(1) In subsection (3) of section 29 of the Births and Deaths Registration Act 1953 (correction of errors in registers)~~(4)~~—

- (a) after “then” insert “either”, and
- (b) at the end insert “or, where it applies, in accordance with section 29A of this Act”.

(2) After that section insert—

“Alternative procedure for certain corrections.

29A.—(1) This section applies where, in an entry in a register of live-births, still-births or deaths, a person is wrongly shown as the father of the person to whose birth or death the entry relates.

(2) Where this section applies, the statutory declaration required by section 29(3) of this Act may be made—

- (a) in default of two qualified informants, by one qualified informant of the birth or death to which the entry relates;
- (b) in default of any qualified informant, by one credible person having knowledge of the truth of the case.

(3) Such a statutory declaration must be accompanied by documentary evidence of a finding that the person shown as the father was not the father.

(4) But subsection (5) applies if it appears to the officer having custody of the register that the only evidence on which the finding was made was that of the person making the statutory declaration.

(5) In that case, the officer may correct the error only if satisfied that another person, who is either a qualified informant or a credible person having knowledge of the truth of the case, has (whether before or since the making of the declaration) confirmed the material facts stated in the declaration.

(6) “Finding” means a finding made expressly in judicial proceedings in the United Kingdom or elsewhere.”.

Amendment of the Registration of Births, Deaths and Marriages (Special Provisions) Act 1957

3.—(1) In subsection (3) of section 3 of the Registration of Births, Deaths and Marriages (Special Provisions) Act 1957 (correction of errors in service departments registers)—

- (a) after “made” insert “either”, and
- (b) after “truth of the case” insert “or, where it applies, in accordance with section 3A of this Act”.

(2) After that section insert—

(4) Section 29(3) was amended by article 4(1) of, and Schedule 2 to, the Registration of Births, Deaths and Marriages (Fees) Order 1968 (S.I.1986/1242).

“Alternative procedure for certain corrections.

3A.—(1) This section applies where, in an entry relating to a birth or death in a register or other record to which section 3(3) of this Act applies, a person is wrongly shown as the father of the person to whose birth or death the entry relates.

(2) Where this section applies, the statutory declaration required by section 3(3) of this Act may be made by one credible person having knowledge of the truth of the case.

(3) Such a statutory declaration must be accompanied by documentary evidence of a finding that the person shown as the father was not the father.

(4) But subsection (5) applies if it appears to the officer specified in accordance with subsection (3) of section 3 of this Act that the only evidence on which the finding was made was that of the person making the statutory declaration.

(5) In that case, the officer may correct the error only if satisfied that another person, who is a credible person having knowledge of the truth of the case, has (whether before or since the making of the declaration) confirmed the material facts stated in the declaration.

(6) “Finding” means a finding made expressly in judicial proceedings in the United Kingdom or elsewhere.”.

23rd May 2002

Gordon Brown
Chancellor of the Exchequer

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 Order)

This Order is made under section 1 of the Deregulation and Contracting Out Act 1994. It introduces an alternative procedure for certain corrections in registers of live-births, still-births or deaths under section 29(3) of the Births and Deaths Registration Act 1953 and in registers or other records under section 3(3) of the Registration of Births, Deaths and Marriages (Special Provisions) Act 1957. The procedure applies where in a birth or death entry a person is wrongly shown as the father of the person to whose birth or death the entry relates.

Articles 2 and 3 enable a correction to be made on production of a single statutory declaration rather than the two previously required, provided that the declaration is accompanied by documentary evidence of a finding made in judicial proceedings that the person shown as the father was not the father. In certain circumstances additional confirmation of the material facts is required.

The existing procedures for correcting errors under section 29(3) of the Births and Deaths Registration Act and under section 3(3) of the Registration of Births, Deaths and Marriages (Special Provisions) Act are not affected by this Order.