

EXPLANATORY MEMORANDUM TO
THE REGISTRATION OF BIRTHS AND DEATHS REGULATIONS 1987
(AMENDMENT) REGULATIONS 2012

2012 No. 1203

1. This explanatory memorandum has been prepared by the Home Office and is laid before Parliament by Command of Her Majesty.

2. Purpose of the instrument

2.1 These Regulations amend the Registration of Births and Deaths Regulations 1987 and the Registration of Births and Deaths (Welsh Language) Regulations 1987 so as to make provision for changes to the registration processes for live-births and still-births by (a) removing the requirement for a superintendent registrar to carry out related statutory functions, (b) removing the restriction on a still-birth being registered after three months from the date of the event and (c) making consequential changes to the duties carried out by a registrar of births and deaths. The reforms are being made to remove unnecessary processes and to align still-birth registration with birth and death registration.

3. Matters of special interest to the Joint Committee on Statutory Instruments

3.1 None.

4. Legislative Context

4.1 The Births and Deaths Registration Act 1953 provides the framework for the registration processes relating to live-births and still-births. In addition, the Population (Statistics) Act 1938 requires registration officers to collect, on registration, additional particulars for the purpose of compiling statistical information. That framework has been amended by certain provisions of the Welfare Reform Act 2009, which are to be brought into force at the same time as these Regulations, namely section 56, in so far as it relates to the entries in, and paragraphs 5 to 9, 12(4), 14 and 20 of Schedule 6. These Regulations make amendments to the Registration of Births and Deaths Regulations 1987 ('the 1987 Regulations') and the Registration of Births and Deaths (Welsh Language)

Regulations 1987 ('the Welsh Language Regulations') in consequence of those provisions of the Welfare Reform Act 2009.

5. Territorial Extent and Application

5.1 This instrument applies to England and Wales.

6. European Convention on Human Rights

6.1 As the instrument is subject to negative resolution procedure and does not amend primary legislation, no statement is required.

7. Policy background

- *What is being done and why*

7.1 The Welfare Reform Act 2009 contains a number of provisions to remove unnecessary administrative steps in the process of registering births and to address a discrepancy in the process for registering still-births, which causes distress to parents. The Regulations make consequential amendments to the 1987 Regulations and the Welsh Language Regulations. The changes are relatively minor and are specifically to:

- remove the requirement for a superintendent registrar to attest a declaration of the particulars required to be registered where the birth is registered in the registration sub-district in which it occurs and more than three months have elapsed since the birth, and to remove the requirement for the superintendent registrar to sign the birth register in this situation;
- remove the requirement for a superintendent registrar to attest a declaration of the particulars required to be registered where a birth is registered by this means in a registration sub-district different from that in which the birth took place; this function is instead to be carried out by the registrar of that sub-district;
- remove the restriction on a still-birth being registered after three months from the date of the event, subject to the condition that after twelve months have elapsed from the date of the still-birth, the event may only be registered with the written authority of the Registrar General for England and Wales. This will bring still-birth registrations into alignment with live-birth registrations; and
- provide for confidential particulars, which are collected for the purpose of compiling statistics in respect of the population to be collected by a

registrar rather than by a superintendent registrar and also for them to be collected in respect of still-births which are registered within twelve months of the date of the event.

- ***Consolidation***

7.2 There are no current plans to consolidate the 1987 Regulations or the Welsh Language Regulations.

8. Consultation outcome

8.1 The Regulations are consequential on provisions in the Welfare Reform Act 2009, which have already received Parliamentary scrutiny. As such consultation on this instrument was not considered necessary.

9. Guidance

9.1 The General Register Office for England and Wales, which is responsible for the administration of registration law, will issue instructions and provide ongoing support to members of the registration service on the operation of the new processes. Both will work towards amending information leaflets, websites and any other public-facing information sources.

10. Impact

10.1 The changes do not impact on business, charities or voluntary bodies.

10.2 The impact on the public sector is low. The Regulations make minor changes to existing registration processes and the collection of statistical information. There are minor benefits in reducing processes for superintendent registrars, who are local authority employees.

10.3 An Impact Assessment has not been prepared for this instrument.

11. Regulating small business

11.1 The legislation does not apply to small business.

12. Monitoring & review

12.1 The Government has no specific targets in this area. Officials of the General Register Office routinely monitor the service and the changes brought about by these Regulations will form part of that continuous process.

13. Contact

John Cunningham at the Identity and Passport Service Tel. 0151 471 4590 or e-mail: John.Cunningham@ips.gsi.gov.uk can answer any queries regarding the instrument.