

2014 No. 511

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

**The Registration of Overseas Births and Deaths Regulations
2014**

<i>Made</i> - - - -	<i>5th March 2014</i>
<i>Laid before Parliament</i>	<i>7th March 2014</i>
<i>Coming into force</i> - -	<i>1st April 2014</i>

The Secretary of State, in exercise of the powers conferred by section 41(1)(g) and (h) of the British Nationality Act 1981(a), makes the following Regulations.

Citation and commencement

1. These Regulations made be cited as the Registration of Overseas Births and Deaths Regulations 2014 and come into force on 1 April 2014.

Interpretation

2. In these Regulations—

“the 1981 Act” means the British Nationality Act 1981;

“registration officer” means—

(a) any officer in the service of Her Majesty’s government authorised by the Secretary of State to conduct the registration of births and deaths in a country mentioned in Schedule 3 to the 1981 Act;

(b) any officer in the service of Her Majesty’s government authorised by the Secretary of State to conduct the registration of births and deaths in a foreign country;

“register” means the database, whether electronic or paper, kept for the purposes of these Regulations;

“ship” includes a hovercraft within the meaning of the Hovercraft Act 1968(b).

Fees

3. The fees to be charged for services performed in accordance with these Regulations shall be such fees as may from time to time be prescribed under the Consular Fees Act 1980(c).

(a) 1981 c. 61. Section 41 has been amended, so far as relevant, by section 2 of the British Overseas Territories Act 2002 (c. 8), S.I. 1986/948 and most recently the Legislative Reform (Overseas Registration of Births and Deaths) Order 2014.

(b) 1968 c. 59.

(c) 1980 c. 23.

Registers

4. The Secretary of State shall maintain a register of all births and deaths in respect of which a registration officer—

- (a) has received an application in accordance with regulation 5 or 8 (as the case may be);
- (b) has received the appropriate fee; and
- (c) is satisfied that the birth or death (as the case may be) should properly be entered in the register.

Births which may be registered

5.—(1) The following births, having occurred in a country mentioned in Schedule 3 to the 1981 Act or a foreign country, may, when reported in writing by an informant having knowledge of the event to the registration officer, be registered in accordance with these Regulations if it appears to the registration office to relate to—

- (a) the birth of a child, born on or after 1 January 1983, who was at birth a British citizen under the provisions of section 2 of the 1981 Act;
- (b) the birth of a child, born on or after 1 January 1983, who was at birth a British overseas territories citizen under the provisions of the 1981 Act or the British Overseas Territories Act 2002(a).

(2) A registration officer shall not register a birth unless satisfied as to the—

- (a) identity of the child whose birth is to be registered;
- (b) facts, by the production of a locally issued certificate of birth or, where certificates of birth are not issued, sufficient other documentary evidence as to the facts; and
- (c) claim to citizenship of the person whose birth is to be registered.

(3) The registration officer may at any time on the authority of the Secretary of State re-register the birth of a child born illegitimate before 1 July 2006 whose birth has previously been registered under paragraph (1) if the registration officer is satisfied by the evidence produced that the child has been legitimised by the subsequent marriage or civil partnership of the child's parents and that the appropriate fees have been paid.

Births on ships or aircraft

6. Without prejudice to the provisions of section 50(7) of the 1981 Act, in these Regulations a birth occurring aboard a registered ship or aircraft shall be deemed to have occurred in the place in which the ship or aircraft was registered, or if aboard an unregistered ship or aircraft of the government of any country, in that country.

Entries of births

7.—(1) Entries of births shall be made and numbered consecutively and each entry shall constitute a record of one birth.

(2) Each entry in the register shall contain the following information concerning the child—

- (a) date and place of birth, with time of birth in cases of twins or multiple births;
- (b) full names and surname;
- (c) sex;
- (d) whether it appears there is a claim to British citizenship or British overseas territories citizenship.

(a) 2002 c. 8.

(3) Each entry in the register shall contain the following information concerning the father or woman who is the parent of the child by virtue of sections 42 or 43 of the Human Fertilisation and Embryology Act 2008^(a)—

- (a) full names and surname;
- (b) date and place of birth;
- (c) occupation at time of child's birth;
- (d) claim to citizenship.

(4) Each entry in the register shall contain the following information concerning the mother—

- (a) full names and surname;
- (b) maiden surname (if applicable);
- (c) surname at marriage if different from maiden surname (if applicable);
- (d) date and place of birth;
- (e) occupation at time of child's birth;
- (f) claim to citizenship.

(5) Each entry in the register shall contain the following information concerning the informant—

- (a) full names and surname;
- (b) relationship to child;
- (c) postal address.

(6) Each entry in the register shall contain the date of registration and the name of the registration officer making the entry.

(7) Where an entry in the register records the birth of a child to a father or mother born in Scotland or Northern Ireland the registration officer shall mark the entry with the letter "S" or "NI" as appropriate.

(8) Where doubt exists as to the date of an event, the approximate date may be entered preceded by the word "about".

Deaths which may be registered

8.—(1) The death of any person who died on or after 1 January 1983 in a country mentioned in Schedule 3 to the 1981 Act or a foreign country and who was a British citizen or a British overseas territories citizen at the time of their death may, when reported in writing by an informant having knowledge of the event to the registration officer, be registered in accordance with these Regulations.

(2) Subject to regulation 9 a registration officer shall not register a death unless satisfied as to the facts of the case by the production of a locally issued certificate of death.

(3) In a country where certificates of death are not issued by local authorities, the registration officer may require that there be produced a medical practitioner's certificate of death or such other documentary evidence as may be sufficient to satisfy the registration officer as to the occurrence of death and the identity of the deceased person.

(4) Details of the evidence of death produced shall be recorded in the entry by the registration officer.

Deaths on ships, aircraft and oil rigs and in territorial waters

9.—(1) A death occurring on a registered ship, aircraft or oil rig shall be deemed to have occurred in the place in which the ship, aircraft or oil rig was registered, or if on an unregistered ship, aircraft or oil rig of the government of any country, in that country.

(a) 2008 c. 22.

(2) A person found dead in the territorial waters of another country shall be deemed to have died in its territorial waters if it is not established that the person died elsewhere.

(3) Where a death occurs outside territorial waters, that death may be entered in the register kept by the Secretary of State.

(4) Where evidence of death is shown only by a certified copy of an extract from the official log of the ship or aircraft on or from which the death occurred, or by a certified copy of an extract from the official log of an oil rig, the death may be entered in the register kept by the Secretary of State.

Entries of death

10.—(1) Entries in registers of death shall be made and numbered consecutively and each entry shall constitute a record of one death.

(2) Each entry in the register shall contain the following information concerning the deceased—

- (a) date and place of death;
- (b) name and surname;
- (c) sex;
- (d) maiden name (if applicable);
- (e) date and place of birth;
- (f) occupation;
- (g) address of usual residence;
- (h) claim to citizenship;
- (i) evidence of death seen by registration officer.

(3) Each entry in the register shall contain the following information concerning the informant—

- (a) name and surname;
- (b) relationship to the deceased;
- (c) postal address.

(4) Each entry in the register shall contain the date of registration and the name of the registration officer making the entry.

(5) Where an entry in the register records the death of a person born in Scotland or Northern Ireland, or who is a British citizen by descent from a father or mother so born, the registration officer shall mark the entry with the letter “S” or “NI” as appropriate.

(6) Where doubt exists as to the date of an event, the approximate date may be entered preceded by the word “about”.

Sending copies of the register to the Registrar General

11.—(1) The registration officer for the time being in charge of any register of births and deaths must, at such times as are determined by the Secretary of State, send to the Registrar General for England and Wales the data relating to all entries made in the register since such details were last sent, and if there has been no such entry, confirmation of that fact.

(2) If any of the entries have the letter “S” or “NI” marked against the entry, the Registrar General for England and Wales shall send a copy of those entries to the Registrar General for Scotland or the Registrar General for Northern Ireland as the case may be.

(3) In all cases where amendments or cancellations have been made under regulation 12 and the original data has already been sent to the Registrar General for England and Wales, the registration officer shall inform the Registrar General of the amendment or cancellation.

Amendments of errors or omissions

12.—(1) If a registration officer discovers any error or omission in an entry in the register which has been completed, the registration officer may, if satisfied as to the correctness of any amendment to be made, insert a note containing the correction or additional information against the entry in the register to that effect. The note must be dated and contain the name of the registration office making the note.

(2) Before making such a note the registration officer must take such action as may be reasonable to ensure that notice in writing of the precise correction to be made is given to—

- (a) in the case of a birth, the original informant or the person whose birth entry is being corrected, or if that person is a minor, their parent or guardian;
- (b) in the case of a death, the original informant or, to the relatives or personal representatives of the deceased.

(3) Where after completion of an entry in the register of births, the person to whom the entry relates is given one or more Christian or forenames in baptism or otherwise, which differ from the Christian or forenames (if any) recorded in the entry, the name or names so given may, subject to the production of satisfactory evidence that the child has been known by the new or additional name or names since its earliest years, be recorded in the register, together with the date from which the child has been known by the new or additional name or names, without alteration of the previous name or names.

(4) Where any entry relates to a birth or death which should not have been entered, a registration officer may cancel the entry by making a note to that effect. The note must be dated and contain the name of the registration officer making the note.

Procedure in doubtful cases

13. If such documentary evidence as may have been furnished to the registration officer in accordance with these Regulations does not satisfy the registration officer of the accuracy of the statements made in relation to the entry or if the registration officer is not fully satisfied as to the citizenship of the person whose birth or death is to be registered, the registration officer should refer the matter to the Secretary of State.

Power to waive conditions

14. Where the Secretary of State is satisfied that a birth or death is one which should be registered in a register of births or deaths or that an amendment or correction of any entry is one that should be made and that these Regulations cannot reasonably be complied with, the Secretary of State may authorise the registration, re-registration or amendment subject to such conditions as the Secretary of State considers appropriate.

Adoptions

15.—(1) A registration officer shall, upon receipt of information from the Registrar General for England and Wales as to the making, quashing or revoking of an adoption order made in the United Kingdom in respect of a person whose birth overseas has been recorded in the register of births kept by the Secretary of State, make such additional notes on the entry as may be specified by the Registrar General.

(2) A registration officer shall forward a copy of the note made under paragraph (1) to the Registrar General.

Certified copies

16.—(1) A certified copy of any entry in a register, other than an entry which has been invalidated, shall be provided, upon request and on payment of the appropriate fee, by the Secretary of State when the request is made at the time of the application relating to the entry in

the register and until such time as a certified copy is available from the Registrar General for England and Wales, Scotland or Northern Ireland.

(2) At all other times a certified copy of any entry in a register, other than an entry which has been invalidated, shall be provided, upon request and on payment of the appropriate fee, by the Registrar General for England and Wales, Scotland or Northern Ireland.

(3) Every certified copy shall be a copy of the whole entry and show any notes made in relation to the entry.

Revocations

17. The following regulations are revoked—

- (a) The Registration of Overseas Births and Deaths Regulations 1982(a);
- (b) The Registration of Overseas Births and Deaths (Amendment) Regulations 1985(b);
- (c) The Registration of Overseas Births and Deaths (Amendment) Regulations 1997(c).

Foreign and Commonwealth Office
5th March 2014

Mark Simmonds
Parliamentary Under-Secretary of State

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations, which come into force on 1 April 2014, set out the process by which the birth or death overseas of a British citizen or British overseas territories citizens in any Commonwealth or foreign country may be registered by a registration officer. A registration officer, defined in regulation 2, means any officer in the service of Her Majesty's Government who is authorised by the Secretary of State to register these births and deaths. The registration officer may be overseas or in the United Kingdom. Regulation 4 places an obligation on the Secretary of State to maintain registers of births and deaths.

Regulations 5 to 7 set out the procedure for registering births which occurred overseas including the details which must be provided to the registration officer and the requirements that must be satisfied in order for the birth to be registered.

Regulations 8 to 10 set out the procedure for registering deaths which occurred overseas including the details which must be provided to the registration officer and the requirements that must be satisfied in order for the death to be registered.

Regulation 11 obliges copies of all registrations to be sent to the Registrar General for England and Wales, who will forward on relevant registrations to the Registrars General for Scotland and Northern Ireland. Once registrations have been sent to the Registrars General, certified copies of the entries may be obtained, upon payment of a fee, directly from the appropriate Registrar General. Until this time, certified copies are available from the Secretary of State (regulation 16).

(a) S.I. 1982/1123.
(b) S.I. 1985/1574.
(c) S.I. 1997/1466.

Regulation 12 makes provision for entries to be amended or cancelled and regulation 13 enables any registration officer to refer cases to the Secretary of State when there is doubt as to whether the birth or death should be registered to the Secretary of State.

Regulation 14 enables the Secretary of State to waive any conditions set down in these Regulations if appropriate.

Finally the Regulations revoke the existing provisions which govern these registrations.

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