

*These notes refer to the Civil Registration Act (Northern Ireland) 2011 (c.20) which received Royal Assent on 3 May 2011*

# Civil Registration Act (Northern Ireland) 2011

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## **EXPLANATORY NOTES**

### **INTRODUCTION**

1. These Explanatory Notes relate to the Civil Registration Act (Northern Ireland) 2011 which received Royal Assent on 3 May 2011. They have been prepared by the Department of Finance and Personnel in order to assist the reader in understanding the Act. They do not form part of the Act and have not been endorsed by the Assembly.
2. The notes need to be read in conjunction with the Act. They do not, and are not meant to be, a comprehensive description of the Act. So where a section or part of a section or Schedule does not seem to require an explanation or comment, none is given.

### **BACKGROUND AND POLICY OBJECTIVES**

3. The framework for the registration of births and deaths in Northern Ireland is set out in the Births and Deaths Registration (Northern Ireland) Order 1976 (“the 1976 Order”). The Marriage (Northern Ireland) Order 2003 replaced complex and outdated statutes. In recent years the General Register Office (GRO) recognised that the system for birth and death registration requires reform to respond more appropriately to the changing needs of society.

### **CONSULTATION**

4. Two previous Consultation Papers, the latest issued in 2006, and entitled ‘Civil Registration in the 21<sup>st</sup> Century, Modernising a Vital Service’, sought views from the public on the system for registering births and deaths in Northern Ireland and explained why change is necessary if the expectations of the citizen, government and society are to be met. It also provided a vision for a more flexible and efficient service underpinned by modern technology.
5. Respondents to the consultation paper supported a more responsive service with more choice in ways to register vital events, the provision of additional services and increased availability and use of electronic information.

### **OVERVIEW**

6. This Act contains 35 Sections and 2 Schedules which amend or introduce new provisions to a range of Northern Ireland Civil Registration legislation, such as,

the Births and Deaths Registration (NI) Order 1976, the Marriage (NI) Order 2003 and the Presumption of Death Act (NI) 2009.

## **COMMENTARY ON SECTIONS**

### ***Section 1: Registration of births***

Removes the geographic restrictions in relation to the registration of births (including still-births) to enable a birth occurring in Northern Ireland to be registered at any registration office in Northern Ireland. It also removes the requirement imposed on an informant to sign the register and imposes a requirement for information to be given in a particular manner.

It amends the definition of “birth” in Article 2 of the 1976 Order to clarify that a birth means a live or still-birth in Northern Ireland.

### ***Section 2: Infant children found exposed***

Imposes a requirement for information to be given in a prescribed manner in relation to the birth of a living child found exposed.

### ***Section 3: Issue of notice for information concerning births***

Removes the requirement for an informant to personally attend to sign the register in the presence of the registrar and imposes a requirement for information to be given in a prescribed manner, where a notice has been issued by the registrar to an informant who has failed to register the birth within 42 days from the date of birth.

### ***Section 4: Registration of father where parents not married***

Enables unmarried parents to give information separately at the time of registration as well as together, in order to have the father’s details included in the birth entry. It also removes the requirement for persons to sign the register and imposes a requirement for information to be given in the prescribed manner.

### ***Section 5: Time limit on registration of still-births***

Repeals Articles 13(3) and 15(1) of the 1976 Order which has the effect of extending the time period within which a still-birth may be registered from 3 months to 12 months, thereby bringing this aspect of registration of still-births into line with the registration of births and deaths.

### ***Section 6: Registration of still-births where parents not married***

Enables the unmarried father of a still-born child to have his name included in the entry without the mother being required to be present. It also allows the Registrar General to authorise the re-registration of the still-birth of a child of unmarried parents where the mother disputes the details of the registration.

***Section 7: Re-registration of births of legitimated persons***

Has the effect that the Registrar General may no longer require the informant (who has failed to re-register the birth within the relevant period) to attend personally at a specified place within a specified time and sign the register in the presence of the registrar. As a result the Registrar General may require the informant to take such steps, within a specified time, for the purposes of re-registration as are specified in the notice issued by the Registrar General.

***Section 8: Re-registration of births after declaration of parentage***

Removes the requirement for attendance at the registration office by an informant for the re-registration of a birth following a declaration of parentage.

***Section 9: Registration of deaths***

Removes the geographic restrictions in relation to the registration of deaths to enable the death of a person occurring in Northern Ireland to be registered at any registration office in Northern Ireland. It also removes the requirement imposed on the informant to sign the register and imposes a requirement for information to be given in a particular manner.

This Section also inserts a definition of “death” in Article 2 of the 1976 Order to clarify that a death means a death in Northern Ireland.

***Section 10: Issue of notice for information concerning deaths***

Has the effect that the registrar may no longer require the informant (who has failed to register the death within the relevant period) to personally attend at a specified place within a specified time and sign the register in the presence of the registrar. As a result the registrar may require the informant to give information in a particular manner within a specified time.

***Section 11: Short death certificate***

Inserts new provisions into the 1976 Order which enable regulations to be made which will make provision for the issue of short death certificates, excluding the cause of death information, for a prescribed fee.

It also requires the Registrar General to cause any certificate issued under the new provisions to be stamped and sealed with the seal of the General Register Office, of which judicial notice shall be taken.

***Section 12: Discharge of functions of the Registrar General***

Has the effect of extending the Registrar General’s powers in relation to the discharge of his functions to enable additional officers to be authorised to carry out functions on behalf of the Registrar General.

***Section 13: Reproduction of registers and replacement of lost registers etc.***

Removes the need for reproduction or replacement registers to be authenticated by the signature of the Registrar General.

***Section 14: Access to information relating to births and deaths***

Inserts new provisions into the 1976 Order which enable regulations to be made which may: 1) make provision for persons to access birth (not still-birth) and death registration records; 2) make provision for the Registrar General to enter into arrangements with 3<sup>rd</sup> parties for the purpose of providing access to information contained in birth and death registration records; and 3) make provision for the Registrar General to transfer registration information to 3<sup>rd</sup> parties, subject to conditions, for the purpose of providing access to such information.

***Section 15: Correction of errors in registers***

Extends the type of errors which any person authorised by the Registrar General may correct.

***Section 16: Registration or alteration of child's name***

Repeals Article 37(2) of the 1976 Order so that the name change procedure contained in Article 37(3) is the only mechanism by which a change of name/surname in respect of a child under 18 years of age may be registered.

Dispenses with the requirement to produce, in respect of all name change procedures, documentary evidence to show that the new name/surname has been in use for a period of 2 years.

It also inserts new provisions into Article 37 which: 1) enable the Registrar General to notify such persons as the Registrar General deems appropriate that a change of name or surname has been recorded in the register; 2) enable any person who has made an application to have a change of name/surname recorded to apply to the Registrar General to have that change notified to other persons; 3) require any person making an application to pay a fee; 4) enable the Registrar General to impose conditions in relation to information on changes of name/surname notified to other persons and 5) enable the Registrar General to notify appropriate persons without an application having been made.

***Section 17: Certified copies***

Allows a certified copy issued under the 1976 Order to take the form of a document containing information extracted from any entry in the registers.

***Section 18: Issue of short birth certificate***

Enables regulations to be made providing for the issue of a short birth certificate by the Registrar General or any registrar (rather than the person having custody of the register).

***Section 19: Notification of births and deaths***

Inserts new provisions into the 1976 Order which: 1) enable the Registrar General to notify such persons as the Registrar General deems appropriate of registration information contained in birth (but not still-birth) and death registers; 2) enable an informant in relation to a birth or death registration to apply to the Registrar General to have the registration notified to such persons as required; 3) require any person making an application to pay a fee; 4) enable the Registrar General to impose conditions in relation to information contained in birth or death registers notified to other persons and 5) enable the Registrar General to notify appropriate persons without an application having been made.

***Section 20: Entries in registers as evidence***

Removes the requirement for a birth or death registration entry to be signed by the informant in order for that entry to be evidence of the birth or death. It provides that a birth or death registration entry which includes the name of the informant will suffice as evidence of the birth or death.

***Section 21: Refusal to give information***

Repeals Article 44(1)(b) of the 1976 Order as the Act removes the requirements in the 1976 Order to sign a register in the presence of a registrar.

***Section 22: Fees payable for searches, certified copies, etc***

Revises the wording of Article 47 of the 1976 Order to include additional documents for which fees shall be payable e.g. short death certificates.

***Section 23: Access to information relating to marriages and civil partnerships***

Amends the Marriage (NI) Order 2003 and the Civil Partnership Act 2004 to enable regulations to be made which may: 1) make provision for persons to access information contained in any marriage and civil partnership registration records; 2) make provision for the Registrar General to enter into arrangements with 3<sup>rd</sup> parties for the purpose of providing access to information contained in any marriage and civil partnership registration records; and 3) make provision for the Registrar General to transfer registration information to 3<sup>rd</sup> parties, subject to conditions, for the purpose of providing access to such information.

***Section 24: Notification of registration of marriages and civil partnerships***

Inserts new provisions in the Marriage (Northern Ireland) Order 2003 and the Civil Partnership Act 2004, which: 1) give the Registrar General power to notify such persons as the Registrar General deems appropriate of the registration of a marriage/civil partnership; 2) enable either party to the marriage/civil partnership to apply to the Registrar General to have the registration of the marriage/civil partnership notified to such persons as required; 3) require the applicant to pay a fee to the Registrar General; 4) enable the Registrar

General to impose conditions in relation to information on marriages/civil partnerships notified to other persons; and 5) enable the Registrar General to notify appropriate persons without an application having been made

***Section 25: Access to information in the Adopted Children Register***

Amends the Adoption (NI) Order 1987 to enable regulations to be made which may: 1) make provision for persons to access any information contained in the Adopted Children Register; 2) make provision for the Registrar General to enter into arrangements with 3<sup>rd</sup> parties for the purpose of providing access to information contained in the Adopted Children Register; and 3) make provision for the Registrar General to transfer registration information to 3<sup>rd</sup> parties, subject to conditions, for the purpose of providing access to such information. These provisions bring access to the Adopted Children Register into line with other registration records.

This Section also amends the definition of “prescribed” in Article 2(2) of the Adoption (Northern Ireland) Order 1987 to take account of the above.

***Section 26: Access to information in the Gender Recognition Register***

Amends the Gender Recognition Act 2004 to enable regulations to be made which may: 1) make provision for persons to access any information contained in the Gender Recognition Register; 2) make provision for the Registrar General to enter into arrangements with 3<sup>rd</sup> parties for the purpose of providing access to information contained in the Gender Recognition Register; and 3) make provision for the Registrar General to transfer registration information to 3<sup>rd</sup> parties, subject to conditions, for the purpose of providing access to such information.

***Section 27: Notification of entry in Register of Presumed Deaths***

Amends the Presumption of Death Act (Northern Ireland) 2009 to: 1) give the Registrar General power to notify such persons as the Registrar General deems appropriate that an entry has been made in the Register of Presumed Deaths; 2) enable the Registrar General to impose conditions in relation to entries in the Register of Presumed Deaths that are notified to other persons.

These provisions will bring notification of information from the Register of Presumed Deaths into line with other registration records.

***Section 28: Access to information in the Register of Presumed Deaths***

Amends the Presumption of Death Act (Northern Ireland) 2009 to enable regulations to be made which may: 1) make provision for any person to access any information contained in the Register of Presumed Deaths; 2) make provision for the Registrar General to enter into arrangements with 3<sup>rd</sup> parties for the purpose of providing access to information contained in the Register of Presumed Deaths; and 3) make provision for the Registrar General to transfer information from the Register of Presumed Deaths to 3<sup>rd</sup> parties, subject to

conditions, for the purpose of providing access to such information. These provisions bring access to the Register of Presumed Deaths into line with other registration records.

***Section 29: Correction of errors in the Register of Presumed Deaths***

Amends the Presumption of Death Act (Northern Ireland) 2009 to extend the type of errors which any person authorised by the Registrar General may correct in the Register of Presumed Deaths. This provision ensures that errors in the Register of Presumed Deaths are corrected in the same manner as set out for the register of deaths.

***Section 30: Production of commemorative documents***

Gives the Registrar General power to issue commemorative documents upon payment of the prescribed fee. It is intended that these documents may be used to mark life events. However, they will be of no legal or evidential value.

***Section 31: Record of Northern Ireland Connections***

Requires the Registrar General to maintain a register (and relevant index) called the Record of Northern Ireland Connections. This Section enables people with Northern Ireland connections to apply to the Registrar General for an event listed in Schedule 1 to be entered in the Record of Northern Ireland Connections in the prescribed form on payment of the prescribed fee. This Section allows any person, upon payment of a fee to the Registrar General, to search the index of and the entries contained in this register. It also requires the Registrar General to provide them with a copy of any entry in this register. The Registrar General has the power to amend or delete any entry which has been made under this provision.

***Section 32: Interpretation***

Sets out the definition of the phrase ‘1976 Order’.

***Section 33: Repeals***

Repeals are set out in Schedule 2.

***Section 34: Commencement***

Provides that the substantive provisions shall come into force at a date appointed by the Department.

***Section 35: Short title***

Provides that the Act may be known as the Civil Registration Act (Northern Ireland) 2011.

***Schedule 1: Events which may be recorded under Section 31***

This Schedule lists events which may be recorded in the Record of Northern Ireland Connections.

***Schedule 2: Repeals***

This Schedule lists provisions to be repealed as a result of this Act.

**HANSARD REPORTS**

The following table sets out the dates of the Hansard reports for each stage of the Act's passage through the Assembly.

<i>STAGE</i>	<i>DATE</i>
Briefing to the Committee for Finance and Personnel	28 May 2008
Introduction to the Assembly	17 June 2008
Second Stage Debate	1 July 2008
Committee Stage – Evidence from the Association of Professional Genealogists (APGI) and the Council of Irish Genealogical Organisations (CIGO)	14 January 2009
Committee Stage – Consideration of issues arising from evidence	21 January 2009
Committee Stage – Clause by Clause scrutiny	28 January 2009
Committee's Report on the Act – Report number 01/08/09R	18 March 2009
Committee Stage – Consideration of Amendments	16 February 2011
Consideration Stage	28 February 2011
Further Consideration Stage	8 March 2011
Final Stage	21 March 2011
Royal Assent	3 May 2011