

*These notes refer to the Presumption of Death Act (Northern Ireland) 2009 (c.6) which received Royal Assent on 2 July 2009*

# Presumption of Death Act (Northern Ireland) 2009

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## **EXPLANATORY NOTES**

### **OPTIONS CONSIDERED**

10. Four options were considered:
- i) Do nothing – doing nothing would have failed to meet the political imperative of legislating to enable the deaths of the disappeared to be registered and certificates issued to their families.
  - ii) Amend the Births and Deaths Registration (Northern Ireland) Order 1976 to allow registration of a missing person's death after an investigation had concluded that the person is believed to be dead and provided the person had been missing for 7 years. This limited proposal was rejected as it would sit uneasily with the existing system of death registration in Northern Ireland in the 1976 Order which requires the presence of a dead body and the involvement of a medical practitioner or coroner.
  - iii) Amend the Coroners Act (Northern Ireland) 1959 to allow a coroner to investigate the cases of missing persons where it is believed that the person was dead. This option was dismissed as, in the absence of a body, it was difficult to see how the coroner would be able to come to any determination as to how, when and where the missing person came by his or her death.
  - iv) Introduce a new comprehensive piece of legislation, modelled on the Presumption of Death (Scotland) Act 1977, which would confer on the High Court in Northern Ireland the power to issue a declaration that a person who is missing may be presumed to have died (a) if there is evidence that the person is likely to have died, or (b) where the missing person has not been known to be alive for a period of at least 7 years. The Act implements this fourth option.