

Status: Point in time view as at 16/11/2012.

Changes to legislation: There are currently no known outstanding effects for the Presumption of Death Act (Northern Ireland) 2009, SCHEDULE 1. (See end of Document for details)

SCHEDULES

SCHEDULE 1

Section 15(3).

REGISTER OF PRESUMED DEATHS

Entries in Register of Presumed Deaths

1.—(1) Where a declaration under section 1 has been made by the High Court, the Court must—

- (a) where no appeal has been brought against the declaration, on the expiration of the time within which such an appeal may be brought; or
- (b) where an appeal has been brought against the declaration, on the conclusion of any appellate proceedings,

send a copy of the declaration and such particulars as may be prescribed to the Registrar General.

(2) On receipt of a copy of a declaration in accordance with sub-paragraph (1), the Registrar General must—

- (a) make an entry in the Register of Presumed Deaths containing the name of the missing person to whom the declaration relates and such other particulars as may be prescribed in relation to that person's presumed death;
- (b) secure that each entry made in the Register of Presumed Deaths is included in the index of the register of deaths; and
- (c) make traceable the connection between the entry in the Register of Presumed Deaths and the index of the register of deaths.

[^{F1}(3) The Registrar General may notify such persons as the Registrar General considers appropriate that an entry has been made in the Register of Presumed Deaths.

(4) Any notification under sub-paragraph (3) shall be subject to such conditions as the Registrar General considers appropriate.]

Textual Amendments

- F1** Sch. 1 para. 1(3)(4) added (16.11.2012) by [Civil Registration Act \(Northern Ireland\) 2011](#) (c. 20), [ss. 27, 34](#); [S.R. 2012/406](#), [art. 2](#), [Sch.](#)

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Amendment and cancellation of entries in Register

2.—(1) Where a variation order has been made by the High Court, the Court must—

- (a) where no appeal has been brought against the order, on the expiration of the time within which such an appeal may be brought; or
- (b) where an appeal has been brought against the order, on the conclusion of any appellate proceedings,

send a copy of the order and such particulars as may be prescribed to the Registrar General.

(2) On receipt of a copy of a variation order in accordance with sub-paragraph (1), the Registrar General must—

- (a) where the variation order amends a declaration made under section 1—
 - (i) amend the entry in the Register of Presumed Deaths in relation to the person to whom the declaration relates; and
 - (ii) amend any entry relating to that person made in the index of the register of deaths by virtue of paragraph 1(2)(b);
- (b) where the variation order revokes a declaration made under section 1—
 - (i) cancel the entry in the Register of Presumed Deaths relating to the person to whom the declaration relates;
 - (ii) cancel any entry relating to that person made in the index of the register of deaths by virtue of paragraph 1(2)(b).

Searches of indexes and examination of entries

3.—(1) Any right to search the index of the register of deaths includes the right to search entries included in it by virtue of paragraph 1(2)(b).

(2) Any person may examine any entry in the Register of Presumed Deaths.

(3) Any person may require the Registrar General to provide him or her with a certified copy of an entry in the Register of Presumed Deaths.

(4) A certified copy of an entry in the Register of Presumed Deaths must be stamped with the seal of the General Register Office, of which judicial notice shall be taken.

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[^{F2} Access to information

Textual Amendments

- F2** Sch. 1 para. 3A inserted (16.11.2012) by [Civil Registration Act \(Northern Ireland\) 2011 \(c. 20\)](#), ss. 28(2), 34; S.R. 2012/406, art. 2, Sch.

3A.—(1) Regulations made by the Department may make provision for any person to have access on payment of the prescribed fee to any information contained in the Register of Presumed Deaths.

(2) In sub-paragraph (1) “the prescribed fee” means the fee of such amount as may be prescribed by order made by the Department under paragraph 7(1).

(3) Regulations under sub-paragraph (1) may provide that the relevant period must have expired in relation to the information.

(4) In sub-paragraph (3) “the relevant period” means, in relation to information relating to a presumed death, the period of 50 years from the presumed date of death or such other period as may be prescribed.

(5) Regulations under sub-paragraph (1) may provide for the Registrar General—

- (a) to make arrangements with any person for the purpose of providing access to information as mentioned in that sub-paragraph; and
- (b) for that purpose to transfer information to that person subject to conditions (including conditions as to the making of payments by that person to the Registrar General).

(6) This paragraph is without prejudice to paragraph 3.]

Correction, etc. of Register

4.—(1) Where it appears to the Registrar General that there is [^{F3}an error] in the Register of Presumed Deaths, the Registrar General may authorise any person to correct the error in the Register.

(2) Where it appears to the Registrar General that the death of a missing person, being a person to whom an entry in the Register of Presumed Deaths relates, has been registered in the register of deaths or recorded in any register kept or maintained under the law of a country or territory outside Northern Ireland corresponding in nature to the register of deaths, the Registrar General must mark or annotate the relevant entry in the Register of Presumed Deaths accordingly.

(3) The Registrar General may mark or annotate, or cancel the marking or annotation of, any entry in the Register of Presumed Deaths.

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Textual Amendments

- F3** Words in Sch. 1 para. 4(1) substituted (16.11.2012) by Civil Registration Act (Northern Ireland) 2011 (c. 20), ss. 29, 34; S.R. 2012/406, art. 2, Sch.

Re-registration

5.—(1) Where the Registrar General is of the opinion that it is desirable that any entry in the Register of Presumed Deaths should be re-registered on the ground that there is or has been an error in the entry, the Registrar General may authorise the re-registration of the entry.

(2) Any re-registration under sub-paragraph (1) must be effected in the prescribed manner.

Proof of death

6 A certified copy of an entry in the Register of Presumed Deaths in relation to a person is to be received, without further or other proof, as evidence of the person's death.

Fees

7.—(1) There shall be payable for or in respect of—

- (a) examination of a particular entry in the Register of Presumed Deaths;
- (b) certified copies of an entry in the Register of Presumed Deaths;
- [^{F4}(b) access to any information under paragraph 3A;]
- (c) furnishing information for the purposes of any statutory provision specified in Schedule 1 to the 1976 Order,

fees of such amounts as may be prescribed by order made by the Department.

(2) No order shall be made under sub-paragraph (1) unless a draft of the order has been laid before and approved by resolution of the Assembly.

(3) Where any fee is prescribed under sub-paragraph (1), then it shall not be lawful for any person to demand or receive, in respect of any transaction to which that fee relates, any sum in excess of the prescribed fee other than a sum equal to the amount of any expenditure properly incurred in the carrying out of that transaction.

(4) Except as may be prescribed, the Registrar General may refuse to comply with any application made to the Registrar General under this Act until the fee prescribed under sub-paragraph (1) is paid; and any such fee shall be a debt recoverable summarily by the Registrar General.

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Textual Amendments

- F4** Sch. 1 para. 7(1)(bb) inserted (16.11.2012) by [Civil Registration Act \(Northern Ireland\) 2011 \(c. 20\)](#), **ss. 28(3)**, 34; S.R. 2012/406, art. 2, Sch.

Interpretation

8 In this Schedule—

“the 1976 Order” means the Births and Deaths Registration (Northern Ireland) Order 1976 (NI 14);

“the register of deaths” means the register of deaths kept in the General Register Office.

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