



# Births and Deaths Registration Act 1953

## 1953 CHAPTER 20

### PART I

#### REGISTRATION OF BIRTHS

#### **1 Particulars of births to be registered**

- (1) Subject to the provisions of this Part of this Act, the birth of every child born in England or Wales shall be registered by the registrar of births and deaths for the sub-district in which the child was born by entering in a register kept for that sub-district such particulars concerning the birth as may be prescribed; and different registers shall be kept and different particulars may be prescribed for live-births and still-births respectively:

Provided that, where a living new-born child is found exposed and no information as to the place of birth is available, the birth shall be registered by the registrar of births and deaths for the sub-district in which the child is found.

- (2) The following persons shall be qualified to give information concerning a birth, that is to say—
- (a) the father and mother of the child ;
  - (b) the occupier of the house in which the child was to the knowledge of that occupier born ;
  - (c) any person present at the birth ;
  - (d) any person having charge of the child.

#### **2 Information concerning birth to be given to registrar within forty-two days**

In the case of every birth it shall be the duty—

- (a) of the father and mother of the child ; and
- (b) in the case of the death or inability of the father and mother, of each other qualified informant,

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*Status: This is the original version (as it was originally enacted).*

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to give to the registrar, before the expiration of a period of forty-two days from the date of the birth, information of the particulars required to be registered concerning the birth, and in the presence of the registrar to sign the register:

Provided that—

- (i) the giving of information and the signing of the register by any one qualified informant shall act as a discharge of any duty under this section of every other qualified informant;
- (ii) this section shall cease to apply if, before the expiration of the said period and before the birth has been registered, an inquest is held at which the child is found to have been still-born.

### **3 Information concerning finding of new-born child to be given to registrar within forty-two days**

Where any living new-born child is found exposed, it shall be the duty of the person finding the child, and of any person in whose charge the child may be placed, to give to the best of his knowledge and (belief to the registrar, before the expiration of forty-two days from the date on which the child was found, such information of the (particulars required to be registered concerning the birth of the child as the informant possesses, and in the presence of the registrar to sign the register:

Provided that the giving of information and the signing of the register by any one of the said persons shall act as a discharge of any duty under this section of any other of them.

### **4 Registrar's power to require information concerning birth**

Where, after the expiration of forty-two days from the date of the birth of any child or from the date when any living new-born child is found exposed, the birth of the child has, owing to the default of the persons required to give information concerning it, not been registered, the registrar may by notice in writing require any qualified informant—

- (a) to attend personally at the registrar's office, or at some other place appointed by the registrar within his sub-district, before such date (being not less than seven days after the receipt of the notice nor more than three months after the date of the birth or finding) as may be specified in the notice ; and
- (b) to give information to the best of that person's knowledge and belief of the particulars required to be registered concerning the birth ; and
- (c) to sign the register in the presence of the registrar:

Provided that any such requirement shall cease to have effect if, before the date specified in the notice and before the person to whom the notice is given complies with it, the birth is duly registered.

### **5 Registration of births free of charge**

Where the registrar receives personally from any qualified informant, at any time before the expiration of three months from the date of the birth of any child or from the date when any living new-born child is found exposed, information of the particulars required to be registered concerning the birth of the child, then, subject as may be prescribed in the case of an alleged still-birth where no certificate such as is mentioned

in subsection (1) of section eleven of this Act is delivered, he shall forthwith register the birth and the particulars, if not previously registered, in the prescribed form and manner without any fee or reward from the informant:

Provided that if in pursuance of a request in writing the registrar registers the birth—

- (a) at the residence of the person making the request; or
- (b) at the house at which the birth took place, that house not being a public institution,

the informant shall pay to the registrar a fee of one shilling and sixpence.

## **6 Registration between three and twelve months from date of birth**

- (1) Where, after the expiration of three months from the date of the birth of any child or from the date when any living new-born child is found exposed, the birth of the child has not been registered, the registrar may by notice in writing require any qualified informant—
  - (a) to attend personally at the district register office before such date (being not less than seven days after the receipt of the notice nor more than twelve months after the date of the birth or finding) as may be specified in the notice; and
  - (b) to make before the superintendent registrar a declaration according to the best of the declarant's knowledge and belief of the particulars required to be registered concerning the birth; and
  - (c) to sign the register in the presence of the registrar and the superintendent registrar.
- (2) Upon any qualified informant attending before the registrar and superintendent registrar, whether in pursuance of a requirement or not, and making such a declaration as aforesaid and giving information concerning the birth, the registrar shall then and there in the presence of the superintendent registrar register the birth according to the information of the declarant, and the superintendent registrar before whom the declaration is made, the registrar and the declarant shall each sign the entry of the birth.
- (3) On the registration of a birth under this section, the declarant shall pay a fee of three shillings and nine pence to the superintendent registrar and, except where the delay was caused by the failure of the registrar to make a requirement under section four of this Act or otherwise by the registrar's default, a like fee to the registrar.
- (4) This section shall not apply in the case of a still-birth.

## **7 Registration after twelve months from date of birth**

- (1) Where, after the expiration of twelve months from the date of the birth of any child or from the date when any living new-born child is found exposed, the birth of the child has not been registered, the birth shall not be registered except with the written authority of the Registrar General and in such manner and subject to such conditions as may be prescribed, and the fact that the authority of the Registrar General has been obtained shall be entered in the register.
- (2) On the registration of a birth under this section, the informant shall pay a fee of seven shillings and sixpence to the superintendent registrar and, except where the delay was caused by the failure of the registrar to make a requirement under section four or six of this Act or otherwise by the registrar's default, a like fee to the registrar.

- (3) This section shall not apply in the case of a still-birth.

## **8 Penalty for improper registration after three months from date of birth**

Save as provided in the two last foregoing sections, a registrar shall not register the birth of any child after the expiration of three months from the date of birth or, in the case of a living new-born child found exposed, from the date of the finding, and any person who registers any birth, or causes any birth to be registered, in contravention of this section shall be liable on summary conviction to a fine not exceeding ten pounds.

## **9 Giving of information to a person other than the registrar**

- (1) Any person required by or under this Act to give information to the registrar concerning a birth, not being a still-birth, may give that information by making and signing in the presence of and delivering to such officer as may be prescribed a declaration in writing of the particulars required to be registered concerning the birth.
- (2) The officer in whose presence such a declaration is made shall send the declaration to the registrar who shall in the prescribed manner enter the birth in the register.
- (3) An entry made under the last foregoing subsection shall be deemed for the purposes of this Act to have been signed by the person who signed the declaration, and a person making a declaration under this section shall be deemed to have given information concerning the birth to the registrar and to have complied with any requirement of the registrar made under this Act to attend and give that information.
- (4) Where a declaration is made under this section, the declarant shall pay to the officer in whose presence the declaration is made a fee of three shillings, without prejudice, however, to any fee payable under section six or seven of this Act.

## **10 Provision as to father of illegitimate child**

Notwithstanding anything in the foregoing provisions of this Act, in the case of an illegitimate child, no person shall as father of the child be required to give information concerning the birth of the child, and the registrar shall not enter in the register the name of any person as father of the child except at the joint request of the mother and the person acknowledging himself to be the father of the child, and that person shall in that case sign the register together with the mother.

## **11 Special provision as to registration of still-births**

- (1) Any qualified informant giving information to the registrar of the particulars required to be registered concerning a still-birth shall upon giving that information either—
  - (a) deliver to the registrar a written certificate that the child was not born alive, signed by a registered medical practitioner or certified midwife who was in attendance at the birth or who has examined the body of the child; or
  - (b) make a declaration in the prescribed form to the effect that no registered medical practitioner or certified midwife was present at the birth or has examined the body, or that his or her certificate cannot be obtained, and that the child was not born alive.

- (2) The registrar upon registering a still-birth shall, if so required, give either to the informant or to the person who has control over, or who ordinarily effects the disposal of bodies at, the place at which it is intended to dispose of the child's body a certificate under his hand in the prescribed form that he has registered the still-birth, but may, on receiving written notice of the still-birth accompanied by such a certificate as is mentioned in paragraph (a) of the foregoing subsection, before registering the still-birth give to the person sending the notice a certificate that he has received notice of the still-birth; and any certificate given under this subsection shall be given without fee.
- (3) A registrar by whom a certificate has been given under the last foregoing subsection may, upon receiving a satisfactory explanation of any circumstances by reason of which the certificate is not available for the purposes of the enactments relating to the disposal of the bodies of dead persons, issue on payment of the prescribed fee a duplicate thereof either to the person to whom the original certificate was given or to the person effecting the disposal; and any such duplicate certificate shall be in a distinctive form.

## **12 Certificate of registration of birth**

At the time of registering the birth of any child, the registrar shall, if so required by the informant of the birth and upon payment to him by the informant of a fee not exceeding four pence, give to the informant a certificate under his hand in the prescribed form that he has registered the birth.

## **13 Registration of name of child or of alteration of name**

- (1) Where, before the expiration of twelve months from the date of the registration of the birth of any child, the name by which it was registered is altered or, if it was registered without a name, a name is given to the child, the registrar or superintendent registrar having the custody of the register in which the birth was registered, upon delivery to him at any time of a certificate in the prescribed form signed—
  - (a) if the name was altered or given in baptism, either by the person who performed the rite of baptism or by the person who has the custody of the register, if any, in (which the baptism is recorded, or
  - (b) if a name has not been given to the child in baptism, by the father, mother or guardian of the child or other person procuring the name of the child to be altered or given,and upon payment to him by the person procuring the name mentioned in the certificate to be entered of a fee of one shilling and sixpence, shall, without any erasure of the original entry, forthwith enter in the register the name mentioned in the certificate as having been given to the child, and, after stating upon the certificate the fact that the entry has been made, shall forthwith send the certificate to the Registrar General together with a certified copy of the entry of the birth with the name added under this subsection.
- (2) Where the name of a child is altered or given in baptism, the person who performed the rite of baptism or who has the custody of any register in which the baptism is recorded shall issue the certificate required under this section on payment of a fee not exceeding one shilling and sixpence.
- (3) This section shall apply with the prescribed modifications in relation to births at sea of which a return is sent to the Registrar General.

- (4) This section shall not apply in relation to a still-born child.

#### **14 Re-registration of births of legitimated persons**

- (1) Where, in the case of any person whose birth has been registered in England or Wales, evidence is produced to the Registrar General which appears to him to be satisfactory that that person has become a legitimated person within the meaning of the Legitimacy Act, 1926, the Registrar General may authorise at any time the re-registration of that person's birth, and the re-registration shall be effected in such manner and at such place as may be prescribed:

Provided that, except where—

- (a) the name of a person acknowledging himself to be the father of the legitimated person has been entered in the register in pursuance of section ten of this Act; or
- (b) the paternity of the legitimated person has been established by an affiliation order or otherwise by a decree of a court of competent jurisdiction; or
- (c) a declaration of the legitimacy of the legitimated person has been made under section seventeen of the Matrimonial Causes Act, 1950,

the Registrar General shall not authorise the re-registration unless information with a view to obtaining it is furnished by both parents.

- (2) Where the Registrar General believes any person to have become a legitimated person within the meaning of the Legitimacy Act, 1926, on the marriage of his parents, and the parents or either of them fail to furnish within a period of three months from the date of the marriage such information, if any, as may be necessary to enable the Registrar General to authorise the re-registration of that person's birth, the Registrar General may at any time after the expiration of the said period require the parents or either of them to give him such information concerning the matter as he may consider necessary, verified in such manner as he may direct, and for that purpose to attend personally either at a registrar's office or at any other place appointed by him within such time, not being less than seven days after the receipt of the notice, as may be specified in the notice.
- (3) No fee for re-registration under this section shall be charged if the necessary information for the purpose is furnished before the expiration of the said period of three months; but in any other case there shall be charged in respect of the re-registration such fees, not exceeding in the aggregate ten shillings, as may be prescribed.
- (4) This section shall apply with the prescribed modifications in relation to births at sea of which a return is sent to the Registrar General.