

**EXPLANATORY MEMORANDUM TO**  
**THE REGISTRATION (ENTRIES OF OVERSEAS BIRTHS AND DEATHS)**  
**(AMENDMENT) ORDER 2017**

**2017 No. 1279**

**1. Introduction**

- 1.1 This explanatory memorandum has been prepared by the Home Office and is laid before Parliament by Command of Her Majesty.

**2. Purpose of the instrument**

- 2.1 This instrument amends the Registration (Entries of Overseas Births and Deaths) Order 1982 (S.I. 1982/1526) (“the 1982 Order”) to update the charging power for the search and issue of a certified copy of a birth or death entry as well as the issue of a short certificate of birth from consular registration records held by the Registrar General for England and Wales.

**3. Matters of special interest to Parliament**

*Matters of special interest to the Joint Committee on Statutory Instruments*

- 3.1 None.

*Other matters of interest to the House of Commons*

- 3.2 As this instrument is subject to negative resolution procedure and has not been prayed against consideration as to whether there are other matters of interest to the House of Commons does not arise at this stage.

**4. Legislative Context**

- 4.1 The Immigration Act 2016 (c. 19) inserted provisions into the main legislation governing registration to allow for regulations to be made to set fees for registration services. This instrument amends the 1982 Order to reflect those changes.

**5. Extent and Territorial Application**

- 5.1 The extent of this instrument is the United Kingdom.  
5.2 The territorial application of this instrument is the United Kingdom.

**6. European Convention on Human Rights**

- 6.1 As the instrument is subject to negative resolution procedure and does not amend primary legislation no statement is required.

**7. Policy background**

*What is being done and why*

- 7.1 The registration of births and deaths of British nationals overseas is governed by the Registration of Overseas Births and Deaths Regulations 2014. Under these regulations, copies of all registrations are 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 Registrar General, certified copies of the entries may be obtained, upon payment of a fee, directly from the appropriate Registrar General.

- 7.2 The 1982 Order modifies the Births and Deaths Registration Act 1953 Act (“the 1953 Act”), in particular sections 30(2) and 33(1) relating to certificate issue and charging provisions, so that it applies to the registration of births and deaths overseas. The charging powers in the 1953 Act are now contained in section 38A of the Births and Deaths Registration Act 1953. This instrument makes amendments to the 1982 Order to apply these charging powers, enabling the same charging provision to be in place for overseas certificates as is in place for certificates issued from England and Wales registers.
- 7.3 For the 1982 Order to have effect, it needs to reference the legislation which provides for certificates to be issued from consular registration records held by the Registrar General. This instrument amends the 1982 Order to include the 2014 regulations as legislation to which the 1982 Order applies.

## **8. Consultation outcome**

- 8.1 The Home Office has consulted with the Foreign and Commonwealth Office as well as the National Records of Scotland and the General Register Office for Northern Ireland, who have no objection.

## **9. Guidance**

- 9.1 As the instrument does not make any changes to current charges for registration services, no new guidance is required.

## **10. Impact**

- 10.1 There is no impact on business, charities or voluntary bodies.
- 10.2 There is no impact on the public sector.
- 10.3 An Impact Assessment has not been prepared for this instrument.

## **11. Regulating small business**

- 11.1 The legislation does not apply to activities that are undertaken by small businesses.

## **12. Monitoring & review**

- 12.1 As the instrument makes no substantive changes, no monitoring is planned.

## **13. Contact**

- 13.1 Lindsay Scott at the General Register Office, part of Her Majesty’s Passport Office, Smedley Hydro, Trafalgar Road, Southport. PR8 2HH; Telephone: 0151 4714574; Lindsay.scott@gro.gsi.gov.uk can answer any queries regarding the instrument.