

# **Registers of Births and Deaths Bill**

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## EXPLANATORY NOTES

Explanatory notes to the Bill, prepared by the Home Office with the consent of Saqib Bhatti, the Member in charge of the Bill, are published separately as Bill 34-EN.

# Registers of Births and Deaths Bill

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**B I L L**

TO

Make provision about the keeping and maintenance of registers of births and deaths; and for connected purposes.

**B**E IT ENACTED by the Queen’s most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

*Keeping and maintenance of registers*

**1 Form in which registers are to be kept**

(1) The Births and Deaths Registration Act 1953 is amended as follows.

(2) For section 25 (provision of registers, etc, by Registrar General) substitute—

**“25 Form in which registers are to be kept, etc**

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(1) Registers of live-births, still-births and deaths must be kept in such form as the Registrar General may reasonably require.

(2) The Registrar General may, in particular, require any such register to be kept in a form that secures that any information entered in the register by a registrar—

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(a) in the case of a register of live-births or of deaths, is available to the superintendent registrar and to the Registrar General immediately after the entry has been made, and

(b) in the case of a register of still-births, is available to the Registrar General immediately after the entry has been made.

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(3) In a case where a register is kept in such form as is mentioned in subsection (2), any information in the register which is available to the superintendent registrar or Registrar General is to be regarded as held by that person (as well as by the registrar) in connection with that person’s functions.

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(4) The Registrar General—

- (a) may provide anything which the Registrar General considers appropriate for the registers mentioned in subsection (1) to be kept in the form required under that subsection, and
- (b) must maintain anything provided under paragraph (a).
- (5) The Registrar General must also provide the forms required for the purposes of this Act for making certified copies of entries in registers.” 5
- (3) Omit the following provisions –
- (a) section 26 (quarterly returns to be made by registrar to superintendent registrar);
- (b) section 27 (quarterly returns by superintendent registrar to Registrar General); 10
- (c) section 28 (custody of registers, etc).
- 2 Provision of equipment and facilities by local authorities**
- In the Registration Service Act 1953, after section 11 insert –
- “11A Provision of equipment and facilities by local authorities** 15
- (1) At each register office provided for the superintendent registrar of a district, the council which employs the superintendent registrar shall, subject to the provisions of the local scheme, provide and maintain such equipment or facilities as the Registrar General reasonably considers to be necessary for the performance of the superintendent registrar’s functions. 20
- (2) At each office and each station for a sub-district of a registrar, the council which employs the registrar shall, subject to the provisions of the local scheme, provide and maintain such equipment or facilities as the Registrar General reasonably considers to be necessary for the performance of the registrar’s functions.” 25
- 3 Requirements to sign register**
- (1) The Births and Deaths Registration Act 1953 is amended as follows.
- (2) After section 38A insert –
- “38B Requirements to sign register** 30
- (1) Where any register of births or register of deaths is required to be kept under this Act otherwise than in hard copy form, the Minister may by regulations provide that –
- (a) a person’s duty under this Act to sign the register at any time is to have effect as a duty to comply with specified requirements at that time, and 35
- (b) a person who complies with those requirements is to be treated for the purposes of this Act as having signed the register at that time and, in the case of a duty to sign the register in the presence of the registrar, to have done so in the presence of the registrar, 40
- and accordingly, in such a case, the entry in the register is to be taken for the purposes of this Act to have been signed by the person.
- (2) The provision that may be made by regulations under this section includes, among other things –

- (a) provision requiring a person to sign something other than the register;
  - (b) provision requiring a person to provide specified evidence of identity in such form and manner as may be specified.
- (3) In this section “specified” means specified in regulations under this section.” 5
- (3) In section 39A (regulations made by the Minister: further provisions), after subsection (5) insert—
- “(6) A statutory instrument that contains (whether alone or with other provision) regulations made by the Minister under section 38B may not be made unless a draft of the instrument has been laid before, and approved by a resolution of, each House of Parliament.” 10

#### 4 Treatment of existing registers and records

- (1) The repeal of section 28 of the Births and Deaths Registration Act 1953 by section 1 above does not affect— 15
- (a) the requirement under section 28(2) of that Act for every superintendent registrar (“S”) to keep with the records of S’s office any registers of live-births or of deaths which are in S’s custody immediately before the coming into force of that repeal, or
  - (b) the requirement under section 28(4) of that Act for the Registrar General to keep in the General Register Office— 20
    - (i) any certified copies or information sent or provided under section 27 of that Act (quarterly returns by superintendent registrar to Registrar General), or
    - (ii) any registers of still-births that were forwarded to the Registrar General before the coming into force of that repeal. 25
- (2) Any register of live-births or of deaths which, immediately before the coming into force of this section, is in the custody of a registrar and is unfilled is, as soon as is reasonably practicable after the coming into force of this section, to be delivered to the superintendent registrar (“S”) to be kept by S with the records of S’s office. 30
- (3) Any register of still-births which, immediately before the coming into force of this section, is in the custody of a registrar and is unfilled is, as soon as is reasonably practicable after the coming into force of this section, to be forwarded to the Registrar General to be kept in the General Register Office in such order and manner as the Registrar General thinks fit. 35
- (4) The Registrar General may dispose of—
- (a) any certified copies held by the Registrar General of entries in any register of still-births forwarded to the Registrar General under section 28(3) of the Births and Deaths Registration Act 1953 or subsection (3) above, or 40
  - (b) any information contained in those entries which is held by the Registrar General in electronic form by virtue of section 27 of that Act.
- (5) Where, at any time during the period mentioned in subsection (6), a copy has been kept otherwise than in hard copy form of any register of births or register of deaths kept for a sub-district under the Births and Deaths Registration Act 1953— 45

- (a) that copy is to be treated, on and after the day on which section 1 comes into force, as the register kept for the sub-district for the purposes of that Act,
- (b) on and after that day, the register is to be treated for the purposes of section 25(3) of that Act as having been kept in the form in which the copy was kept, 5
- (c) where before that day a person signed any entry in the register, the entry is to continue, on and after that day, to be regarded for the purposes of that Act as having been signed by the person, and
- (d) the Registrar General may dispose of – 10
- (i) any certified copies held by the Registrar General of entries in the register, or
- (ii) any information contained in those entries which is held by the Registrar General in electronic form by virtue of section 27 of that Act. 15
- (6) The period referred to in subsection (5) is the period –
- (a) beginning with 1 July 2009, and
- (b) ending immediately before the day on which section 1 comes into force.
- (7) Expressions used in this section and in the Births and Deaths Registration Act 1953 have the same meaning in this section as in that Act. 20

*Supplementary and final provisions*

**5 Minor and consequential amendments**

The Schedule (which contains minor and consequential amendments) has effect.

**6 Power to make further consequential provision** 25

- (1) The Secretary of State may by regulations make provision that is consequential on any provision of this Act.
- (2) The power to make regulations under this section –
- (a) is exercisable by statutory instrument;
- (b) includes power to make different provision for different purposes; 30
- (c) includes power to make transitional, transitory or saving provision;
- (d) may, in particular, be exercised by amending, repealing or revoking any provision made by or under primary legislation passed or made before, or in the same Session as, this Act.
- (3) A statutory instrument that contains (whether alone or with other provision) regulations made by the Secretary of State under this section that amend, repeal or revoke any provision of primary legislation may not be made unless a draft of the instrument has been laid before, and approved by a resolution of, each House of Parliament. 35
- (4) Any other statutory instrument containing regulations made by the Secretary of State under this section is subject to annulment in pursuance of a resolution of either House of Parliament. 40
- (5) In this section “primary legislation” means –

- (a) an Act of Parliament;
- (b) a Measure or Act of the National Assembly for Wales or an Act of Senedd Cymru;
- (c) an Act of the Scottish Parliament;
- (d) Northern Ireland legislation.

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## **7 Extent, commencement and short title**

- (1) Sections 1 to 4 extend to England and Wales only.
- (2) Except as provided by subsection (3), the remaining provisions of this Act extend to England and Wales, Scotland and Northern Ireland.
- (3) Any amendment or repeal made by the Schedule has the same extent as the provision amended or repealed. 10
- (4) The following provisions of this Act come into force on the day on which this Act is passed –
  - (a) section 6 and this section;
  - (b) any power to make regulations under or by virtue of this Act. 15
- (5) The remaining provisions of this Act come into force in accordance with provision contained in regulations made by the Secretary of State by statutory instrument.
- (6) Regulations under subsection (5) may –
  - (a) make different provision for different purposes; 20
  - (b) make transitional, transitory or saving provision.
- (7) This Act may be cited as the Registers of Births and Deaths Act 2022.

## SCHEDULE

Section 5

## MINOR AND CONSEQUENTIAL AMENDMENTS

## PART 1

## AMENDMENTS OF THE BIRTHS AND DEATHS REGISTRATION ACT 1953

- 1 The Births and Deaths Registration Act 1953 is amended as follows. 5
- 2 (1) Section 3A (registration of births of abandoned children) is amended as follows.
- (2) In subsection (5), for the words from “direct” to the end substitute “enter in the margin of the relevant register of births a reference to the re-registration of the birth or, if the relevant register of births is in hard copy form, shall direct the officer having custody of that register to do so.” 10
- (3) After that subsection insert—
- “(6) In subsection (5) “the relevant register of births”, in relation to the re-registration of the birth of a child, means the register of births in which the entry relating to the child was previously made.” 15
- 3 (1) Section 13 (registration of name of child or of alteration of name) is amended as follows.
- (2) In subsection (1), for “the registrar or superintendent registrar having the custody of the register” substitute “the relevant registration officer for the register”. 20
- (3) In subsection (1A), for “The registrar or superintendent registrar having the custody of the register in question” substitute “The relevant registration officer”.
- (4) In subsection (1B), for “the registrar or superintendent registrar” substitute “the relevant registration officer”. 25
- (5) After subsection (2) insert—
- “(2A) In this section the “relevant registration officer” for a register means—
- (a) the registrar of births and deaths for the sub-district for which the register is or has been kept, or 30
- (b) the superintendent registrar for the district containing that sub-district.”
- 4 In Part 3 (general), the italic heading before section 25 becomes “*Registers, etc*”.
- 5 (1) Section 29 (correction of errors in registers) is amended as follows. 35
- (2) In subsection (3), for “the officer having the custody of the register” substitute “the appropriate registration officer”.



- (3) In subsection (3A)(b), for “the officer having the custody of the register” substitute “the appropriate registration officer”.
- (4) In subsection (3B)(b), for “the officer having the custody of the register” substitute “the appropriate registration officer”.
- (5) In subsection (4), for “the officer having the custody of the register” substitute “the appropriate registration officer for the register”. 5
- (6) After subsection (4) insert –
- “(5) In this section the “appropriate registration officer”, in relation to a register, means –
- (a) in the case of a register of live-births or of deaths in hard copy form, the superintendent registrar having custody of the register; 10
- (b) in the case of a register of live-births or of deaths not in hard copy form –
- (i) the registrar of births and deaths for the sub-district for which the register is or has been kept, or 15
- (ii) the superintendent registrar for the district containing that sub-district;
- (c) in the case of a register of still-births, the Registrar General.”
- 6 In section 29A (alternative procedure for certain corrections), in subsection (4) –
- (a) for “the officer having custody of the register” substitute “the appropriate registration officer”;
- (b) at the end insert –
- ““Appropriate registration officer” has the same meaning as in section 29 of this Act.” 25
- 7 (1) Section 30 (searches of indexes kept by Registrar General) is amended as follows.
- (2) After subsection (1) insert –
- “(1ZA) The Registrar General shall cause the following indexes to be made and kept in the General Register Office – 30
- (a) an index of the entries in the registers kept under section 1 of this Act;
- (b) an index of the entries in the registers kept under section 15 of this Act.” 35
- (3) In subsection (2), after “certified copies” insert “or in the said registers (as the case may be)”.
- (4) In subsection (3) –
- (a) for “to certified copies of entries in” substitute “in relation to”;
- (b) for the words from “any such” to the end substitute “any register of still-births”. 40
- 8 In section 31 (searches of indexes kept by superintendent registrars), for subsection (1) substitute –
- “(1) The superintendent registrar for each district shall cause the following indexes to be made – 45

- 
- (a) an index of the entries in the registers of live-births kept for the sub-districts within that district;
- (b) an index of the entries in the registers of deaths kept for the sub-districts within that district.
- (1A) The indexes must be kept with the other records of the register office for the district.” 5
- 9 For section 32 (searches in registers kept by registrars) substitute –
- “32 Obtaining copies of entries from registrars**
- (1) Any person is entitled to obtain from a registrar for a sub-district, at any time when the registrar’s office is required to be open for the transaction of public business, a copy certified by the registrar of any entry in any register of births or register of deaths kept for that sub-district. 10
- (2) But subsection (1) does not apply in relation to any register of still-births except as the registrar may, with the consent of the Registrar General, in any particular case allow.” 15
- 10 (1) Section 33 (short certificate of birth) is amended as follows.
- (2) In subsection (1), for “the Registrar General, a superintendent registrar or a registrar” substitute “the appropriate registration officer”.
- (3) After subsection (1) insert – 20
- “(1A) In subsection (1) the “appropriate registration officer” means –
- (a) in the case of a live-birth, the Registrar General, a superintendent registrar or a registrar;
- (b) in the case of a still-birth – 25
- (i) the Registrar General, or
- (ii) a registrar acting at the time of the registration of the still-birth or with the consent of the Registrar General.”
- (4) In subsection (2) –
- (a) for the words from “the records and registers” to “may be” substitute “the register in which the entry relating to the birth is made, or, in the case of the Registrar General, from the records in the Registrar General’s custody”; 30
- (b) for “any such records or registers” substitute “any register of births or in any such records”. 35
- 11 In section 33A (short certificate of death), in subsection (2), for the words from “the records and registers” to “may be” substitute “the register in which the entry relating to the death is made, or, in the case of the Registrar General, from the records in the Registrar General’s custody”.
- 12 In section 34 (entry in register as evidence of birth or death), in subsection (5), before “on which” insert “in or”. 40
- 13 (1) Section 34A (searches and records of information: additional provision) is amended as follows.
- (2) In subsection (1) –

- (a) after paragraph (a) insert –  
    “(aa) to carry out, on request, a search to find out whether any of the registers kept under this Act contains a particular entry;”;
- (b) in paragraph (b), after “copies” insert “or in such a register”. 5
- (3) In subsection (5), at the end insert “or in a register kept under this Act”.
- 14 In section 35 (offences relating to registers), in paragraph (b), after “deaths” insert “kept in hard copy form”.
- 15 In section 40 (sending and providing notices, information or other documents), omit “, return”. 10
- 16 In section 41 (interpretation), after subsection (3) insert –  
    “(4) For the purposes of this Act a register is in hard copy form if it consists of a paper copy or similar form capable of being read with the naked eye.”

PART 2

15

AMENDMENTS OF OTHER LEGISLATION

*Registration Service Act 1953*

- 17 The Registration Service Act 1953 is amended as follows.
- 18 In section 10 (district register offices), in subsection (1), omit the words from “, and shall provide” to the end. 20
- 19 In section 12 (provision of register boxes), omit “registrar of births and deaths and”.
- 20 In section 13 (local schemes of organisation), in subsection (2), after paragraph (b) insert –  
    “(ba) determining the equipment or facilities to be provided at those offices and stations by the council for the non-metropolitan county or metropolitan district;” 25

*Public Records Act 1958*

- 21 In Schedule 1 to the Public Records Act 1958 (definition of public records), in paragraph 2(2)(b), after “adoptions,” insert “or to any other records held by the Registrar General of information entered in any register of births or deaths kept under any such enactment,”. 30

*Social Security Administration Act 1992*

- 22 In section 124 of the Social Security Administration Act 1992 (provisions relating to age, death and marriage), after subsection (5) insert –  
    “(6) The reference in subsection (1) above to a register in the custody of a registrar or superintendent registrar includes, in relation to registers of births or deaths kept under the Births and Deaths Registration Act 1953, a reference to any such register kept for the registrar’s sub-district or (as the case may be) for a sub-district within the 40

superintendent registrar’s district; and references in subsection (3) above to the custodian of the register are to be read accordingly.”

*Education Act 1996*

- 23 (1) Section 564 of the Education Act 1996 (certificates of birth and registrars’ returns) is amended as follows. 5
- (2) In subsection (1), for “the registrar having the custody of the register of births and deaths” substitute “the relevant registrar for the register”.
- (3) In subsection (3) –
- (a) for “A registrar” substitute “The relevant registrar for a register”;
- (b) for “any register of births and deaths in his custody” substitute “the register”. 10
- (4) In subsection (4) –
- (a) in the definition of “the appropriate fee”, for “the registrar having custody of the register concerned” substitute “the relevant registrar for a register”; 15
- (b) for the definition of “register of births and deaths” substitute –
- ““register” means a register of births or register of deaths kept under that Act;”;
- (c) at the end insert –
- “the “relevant registrar” for a register means – 20
- (a) in the case of a register in hard copy form (within the meaning of the Births and Deaths Registration Act 1953), the superintendent registrar having custody of the register;
- (b) in the case of a register not in hard copy form (within the meaning of that Act) – 25
- (i) the registrar of births and deaths for the sub-district for which the register is or has been kept, or
- (ii) the superintendent registrar for the district containing that sub-district.” 30

*Adoption and Children Act 2002*

- 24 In section 78 of the Adoption and Children Act 2002 (Adopted Children Register: searches and copies), in subsection (4) –
- (a) in paragraph (a), omit “certified copies of”; 35
- (b) in paragraph (b), for “certified copies” (in the second place it occurs) substitute “registers”.

*Gender Recognition Act 2004*

- 25 The Gender Recognition Act 2004 is amended as follows.
- 26 (1) Section 10 (registration) is amended as follows. 40
- (2) In subsection (2), omit the “or” after paragraph (a) and after paragraph (b)

insert “, or

- (c) an entry in a register kept under section 1 of the Births and Deaths Registration Act 1953,”.

(3) For subsection (3) substitute –

“(3) “The appropriate Registrar General” means – 5

- (a) in relation to a UK birth register entry of which a certified copy is kept by a Registrar General or which is in a register so kept, whichever Registrar General keeps that certified copy or that register;
- (b) in relation to a UK birth register entry in a register kept under section 1 of the Births and Deaths Registration Act 1953, the Registrar General for England and Wales. 10

(3A) For the purposes of this section each of the following is a Registrar General –

- (a) the Registrar General for England and Wales; 15
- (b) the Registrar General for Scotland;
- (c) the Registrar General for Northern Ireland.”

27 In Part 1 of Schedule 3 (registration: England and Wales), in paragraphs 5(3) and 8(2), for “or (b)” substitute “, (b) or (c)”.

*Presumption of Death Act 2013* 20

28 In Schedule 1 to the Presumption of Death Act 2013 (Register of Presumed Deaths), in paragraph 7 (interpretation) –

- (a) after “means” insert “ –
  - (a) ”;
- (b) at the end insert “, or 25
  - (b) the index kept in the General Register Office of such entries.”

# Registers of Births and Deaths Bill

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## B I L L

To make provision about the keeping and maintenance of registers of births and deaths; and for connected purposes.

*Presented by Saqib Bhatti*

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to be Printed, 21st June 2021.*

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