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## STATUTORY INSTRUMENTS

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# 1976 No. 1041 (N.I. 14)

## Births and Deaths Registration (Northern Ireland) Order 1976 <sup>F1</sup>

- - - - - [2nd July 1976]

<b>F1</b> functions transf. SR 1993/494
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### PART I INTRODUCTORY

#### **Title and commencement**

1. This Order may be cited as the Births and Deaths Registration (Northern Ireland) Order 1976 ... *Commencement* ...

#### **Interpretation**

2.—(1) The Interpretation Act (Northern Ireland) 1954 shall apply to Article 1 and the following provisions of this Order as it applies to a Measure of the Northern Ireland Assembly.

(2) In this Order—

“birth” means a live or a still birth;

“the Department” means the Department of Finance;

“disposal”, in relation to a dead body, means disposal by burial, cremation or any other means;

“event” means any event which may or is to be registered by a registrar;

[<sup>F2</sup>“father”, in relation to an adopted child, means the child's natural father;]

“general search” means a search conducted during any number of successive hours not exceeding six, without specifying the object of the search;

“live-birth” means the birth of a child born alive;

*Definition rep. by 1979 c. 36*

[<sup>F2</sup>“mother”, in relation to an adopted child, means the child's natural mother;]

“occupier”, in relation to a public building, includes the governor, matron, superintendent or other chief officer, and, in relation to a house let in separate apartments or lodgings, includes any person residing in the house who is either the person under whom the lodgings or apartments are immediately held or his agent;

[<sup>F3</sup>“parental responsibility” and “parental responsibility agreement” have the same meanings as in the Children (Northern Ireland) Order 1995;]

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“particular search” means a search covering a period not exceeding five years for a specified entry;

“person who effects the disposal” means the person who keeps, or whose officer keeps, the register of burials, or of disposals by other means, in which the disposal is to be registered;

“premises” includes a public building;

“prescribed” means—

(a) except in the case of any fee, prescribed by regulations;

(b) in the said excepted case, prescribed by an order under Article 47;

“public building” means a prison, barracks, hospital, welfare home and such other public building as may be prescribed;

“qualified informant”, in relation to any birth or death, means a person who is by this Order required, or stated to be qualified, to give information concerning that birth or death;

“registered medical practitioner” means a fully registered person within the meaning of<sup>F4</sup> section 55 of the Medical Act 1983];

“registrar”, in relation to any birth or death, means the registrar for a district in which, under this Order the birth or death must be registered;

“regulations” means regulations made by the Department subject (except as otherwise provided in this Order) to negative resolution;

“relative” includes a relative by marriage<sup>F5</sup> or civil partnership<sup>F2</sup>. . . ;

“statutory provision” has the meaning assigned to it by section 1(*f*) of the Interpretation Act (Northern Ireland) 1954 ;

“still-birth” means the complete expulsion or extraction from its mother after the<sup>F6</sup> twenty-fourth week] of pregnancy of a child which did not at any time after being completely expelled or extracted breathe or show any other evidence of life.

<sup>F3</sup>(2A) Any reference in this Order to a child whose father and mother were or were not married to each other at the time of his birth shall be construed in accordance with Article 155 of the Children (Northern Ireland) Order 1995.]

(3) Any reference in this Order to a relative of a child shall, in relation to a still-birth, be construed as if the still-born child had been born alive.

<b>F2</b>	1987 NI 22
<b>F3</b>	1995 NI 2
<b>F4</b>	1983 c. 54
<b>F5</b>	2004 c.33
<b>F6</b>	1992 NI 10

## PART II

### THE REGISTRATION SERVICE

#### Registrar General of Births and Deaths

3.—(1) The Head of the Department may appoint a fit and competent person as the Registrar General of Births and Deaths in Northern Ireland (in this Order referred to as “the Registrar General”).

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(2) Section 18(2) of the Interpretation Act (Northern Ireland) 1954 (provisions as to holders of offices) shall apply to the appointment of the Registrar General.

(3) The Registrar General shall transmit to the Head of the Department an annual report setting out the numbers of live-births and still-births and deaths registered during each year, together with such other information as he considers it appropriate to include or as the Head of the Department may require, and the Head of the Department shall lay the report before the Assembly.

#### **General Register Office and officers**

4.—(1) The Department shall continue to maintain the offices of the Registrar General known as the General Register Office.

(2) The Department shall appoint such officers to the General Register Office as the Department may consider necessary for the purpose of discharging the functions of that Office.

#### **Registration districts and registration authorities**

5.—(1) Each local government district shall be a registration district for the purposes of the registration of births and deaths and the district council shall be the local registration authority for those purposes.

(2) A district council shall, in the exercise of the functions conferred on it as a local registration authority,—

(a) act as agent for the Department; and

(b) act in accordance with such directions as the Department may give to the council;

and any expenditure to be incurred in the exercise of those functions shall be subject to the approval of the Registrar General.

#### **Registrars and other staff**

6.—(1) Subject to the provisions of this Article, a local registration authority, with the approval of the Registrar General, shall appoint a registrar and one or more deputy registrars.

(2) A person holding an appointment under paragraph (1) may with the approval of, and shall at the direction of, the Registrar General be removed from his office of registrar or deputy registrar by the local registration authority.

(3) Any person holding an appointment under paragraph (1) shall have the functions set out in this Order and such functions as may be prescribed in relation to that appointment, and in exercising his functions under this Order and any other statutory provision shall be subject to such instructions or directions as the Registrar General may give.

#### **Financial provisions**

7. The Department shall retain or, as the case may be, defray in respect of each financial year the amount of the difference between—

(a) the aggregate of the amounts of salaries, superannuation and other expenses payable by virtue of this Order in respect of any registration district; and

(b) the aggregate of the amounts received in that registration district whether under any statutory provision or otherwise by way of fees or other expenses.

#### **Registrars' offices**

8.—(1) A local registration authority shall provide and maintain—

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- (a) a suitably equipped Register Office in such premises as it may, with the approval of the Registrar General, determine;
  - (b) a fireproof repository or a fireproof safe or container which, in the opinion of the Registrar General, is suitable for keeping safe the records and registers in the custody of the registrar.
- (2) A local registration authority shall cause a notice showing the name of the registration district and the hours fixed for attendance to be placed in a conspicuous position outside the premises containing the Register Office.

### **Delivery up of books, etc., on ceasing to hold office**

9.—(1) When any person ceases to hold the office of registrar, he shall deliver up to his successor or such person as the local registration authority may designate all register containers, keys, registers and documents in his custody as holder of that office.

(2) If any person who has in his custody or power any such article as is mentioned in paragraph (1) wilfully fails to deliver it up to, or account for it to the satisfaction of, any person in whose charge it should be, he shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding<sup>F7</sup> level 2 on the standard scale].

(3) Where a person is convicted under paragraph (2) in respect of a failure to deliver up an article or account for it, and the failure continues after conviction he shall be guilty of a further offence and shall be liable on summary conviction, in addition to the fine specified in that paragraph, to a fine not exceeding £5 for every day subsequent to the day on which he is first convicted of an offence under that paragraph on which the offence continues.

(4) If a justice of the peace is satisfied by information on oath that there is reasonable cause to believe that any article withheld in contravention of this Article is in any specified house or place, he may grant a search warrant authorising any constable named therein to enter and search that house or place at any time and seize any such article so found, and any article so seized shall be delivered to the person in whose custody it should be.

**F7** 1984 NI 3

## **PART III**

### **REGISTRATION OF BIRTHS**

#### **Registration of births**

10.—(1) Subject to this Part, the birth of every child shall be registered by the registrar for the district—

- (a) in which the child was born, or
- (b) in which the mother of the child was ordinarily resident at the time of the birth,

by entering in a register in his custody such particulars concerning the birth as may be prescribed; and different registers shall be kept for live-births and still-births respectively.

(2) Where a living infant child is found exposed and no information as to the place of birth is available, the birth shall be registered by the registrar for the district in which the child is found.

(3) The following persons shall be qualified to give information concerning a birth, that is to say—

- (a) the father and mother of the child;

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- (b) any aunt, uncle, grandfather and grandmother of the child who has knowledge of the birth;
- (c) the occupier of the premises in which the child was to the knowledge of the occupier born;
- (d) any person present at the birth;
- (e) any person having charge of the child.

(4) Except as provided for in Article 14, it shall, subject to paragraphs (6) and (8), be the duty—

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

to give to the registrar, before the expiration of a period of forty-two days from the date of the birth, information of—

- (i) the particulars required to be registered concerning the birth; and
- (ii) such other particulars as may be prescribed;

and to sign the register in the presence of the registrar.

(5) The Registrar General shall make such arrangements as are necessary for the collection and collation of the particulars given to registrars under paragraph (4), and for that purpose he shall make arrangements for the preparation and issue of any necessary forms and instructions.

(6) Where any qualified informant gives the required information concerning a birth and signs the register, every other qualified informant shall cease to be under a duty to do so.

(7) Where the Registrar General is satisfied, after such inquiry as he thinks necessary, that the correct particulars concerning a birth are available, he may authorise the registration of the birth even if the information is not given by a qualified informant.

(8) Paragraph (4) shall cease to apply to a birth if, before the expiration of the period referred to in that paragraph and before the birth is registered, an inquest is held at which the child is found to have been still-born.

### **Infant children found exposed**

11.—(1) Where any living infant child is found exposed, it shall be the duty of—

- (a) any person finding the child; and
- (b) any person in whose charge the child may be placed;

to give, to the best of his knowledge and belief, to the registrar within forty-two days from the date of the finding of the child, such information as he possesses of the particulars required to be registered concerning the birth of the child, and to sign the register in the presence of the registrar.

(2) Where one of the persons referred to in paragraph (1) gives the required information concerning a living infant child and signs the register, the other person so referred to shall cease to be under a duty to do so.

(3) Where there is produced to the registrar a certificate signed by a registered medical practitioner stating that in his opinion a child whose birth is required to be registered under this Article is likely to have been born on or near to a date specified in the certificate, the registrar may enter that date in the register as the date of birth of the child.

### **Issue of notice for information concerning births**

12.—(1) Subject to Article 13, where, after the expiration of forty-two days from the date of birth, the birth of a child has not been duly registered under Article 10 or 11 because of the failure of a qualified informant to give the necessary information concerning it, the registrar for the district in which the child was born or, where no information as to the place of birth is available, the registrar

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for the district in which the child was found exposed may serve a notice in writing upon any qualified informant requiring him—

- (a) to attend personally at the registrar's office or at any other convenient place specified in the notice, within such time (not being less than ten days from the date of issue of the notice) as may be so specified;
- (b) to give to the best of the informant's knowledge and belief the information required under Article 10(4); and
- (c) to sign the register in the presence of the registrar;

and the informant shall, unless the birth is duly registered before the expiration of the time specified in the notice, comply with the notice.

(2) For the purposes of paragraph (1) the date of birth of an infant child found exposed shall be taken to be either—

- (a) the date on which the child is found; or
- (b) if a registered medical practitioner gives a certificate in which he specifies a date as the approximate date on which the child was born, the date so specified.

#### **Registration after one year from birth**

**13.**—(1) A registrar shall not register the birth of a child after the expiration of one year from the date of the birth otherwise than with the written authority of the Registrar General.

(2) Where the Registrar General gives an authority under paragraph (1), that authority shall be noted in the entry relating to the birth in question.

(3) Paragraphs (1) and (2) shall not apply to a still-birth.

#### **[<sup>F8</sup>Registration of father where parents not married]**

**14.**—(1) This Article applies in the case of a child whose father and mother were not married to each other at the time of his birth[<sup>F9</sup> and subject to Article 14A].

(2) The father of the child shall not as such be under any duty to give any information under this Part concerning the birth of the child.

(3) A registrar shall not enter the name of any person as the father of the child in such a case unless—

- (a) the mother and the person stating himself to be the father of the child jointly request him to do so and in that event the mother and that person shall sign the register in the presence of each other; or
- (b) the mother requests him to do so and produces—
  - (i) a declaration in the prescribed form made by her stating that that person is the father of the child; and
  - (ii) a statutory declaration made by that person stating himself to be the father of the child; or
- (c) that person requests him to do so and produces—
  - (i) a declaration in the prescribed form by that person stating himself to be the father of the child; and
  - (ii) a statutory declaration made by the mother stating that that person is the father of the child; or
- (d) the mother or that person requests him to do so and produces—

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- (i) a copy of a parental responsibility agreement made between them in relation to the child; and
  - (ii) a declaration in the prescribed form by the person making the request stating that the agreement was made in compliance with Article 7 of the Children (Northern Ireland) Order 1995 and has not been brought to an end by an order of a court; or
- (e) the mother or that person requests him to do so and produces—
- (i) a certified copy of an order under Article 7 of the Children (Northern Ireland) Order 1995 giving that person parental responsibility for the child; and
  - (ii) a declaration in the prescribed form by the person making the request stating that the order has not been brought to an end by an order of a court; or
- (f) the mother or that person requests him to do so and produces—
- (i) a certified copy of an order under paragraph 2 of Schedule 1 to the Children (Northern Ireland) Order 1995 which requires that person to make any financial provision for the child and which is not an order falling within paragraph 5(3) of that Schedule; and
  - (ii) a declaration in the prescribed form by the person making the request stating that the order has not been discharged by an order of a court; or
- (g) the mother or that person requests him to do so and produces—
- (i) a certified copy of any of the orders which are mentioned in paragraph (4) which has been made in relation to the child; and
  - (ii) a declaration in the prescribed form by the person making the request stating that the order has not been brought to an end or discharged by an order of a court.
- (4) The orders are—
- (a) an order under section 5A of the Guardianship of Infants Act 1886 giving that person custody of the child;
  - (b) an order under the Illegitimate Children (Affiliation Orders) Act (Northern Ireland) 1924 adjudging that person to be the putative father of the child.
- (5) Where a person stating himself to be the father of the child makes a request to the registrar in accordance with any of sub-paragraphs (c) to (g) of paragraph (3)—
- (a) that person shall be treated as a qualified informant concerning the birth of the child for the purposes of this Part; and
  - (b) on the giving of the required information concerning the birth of the child by that person and the signing of the register by him in the presence of the registrar every other qualified informant shall cease to be under the duty imposed by Article 10(4).]

**F8** 1995 NI 2

**F9** 2003 c.24

VALID FROM 06/04/2009

**[<sup>F10</sup>Registration of second female parent where parents not civil partners**

**14ZA.—**(1) This Article applies, subject to Article 14A, in the case of a child who—

- (a) has a parent by virtue of section 43 of the Human Fertilisation and Embryology Act 2008; but

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- (b) is a person to whom Article 155(3) of the Children (Northern Ireland) Order 1995 (persons to be covered by references to a person whose mother and father were married to each other at the time of the person's birth) does not apply.
- (2) The woman who is a parent by virtue of section 43 of the Human Fertilisation and Embryology Act 2008 shall not as such be under any duty to give any information under this Part concerning the birth of the child.
- (3) A registrar shall not enter the name of any person as a parent of the child by virtue of that section unless—
- (a) the mother and the person stating herself to be the other parent of the child jointly request the registrar to do so and in that event the mother and that person shall sign the register in the presence of each other; or
  - (b) the mother requests the registrar to do so and produces—
    - (i) a declaration in the prescribed form made by her stating that the person to be registered (“the woman concerned”) is a parent of the child by virtue of section 43 of the Human Fertilisation and Embryology Act 2008; and
    - (ii) a statutory declaration made by the woman concerned stating herself to be a parent of the child by virtue of section 43 of that Act; or
  - (c) the woman concerned requests the registrar to do so and produces—
    - (i) a declaration in the prescribed form made by the woman concerned stating herself to be a parent of the child by virtue of section 43 of the Human Fertilisation and Embryology Act 2008; and
    - (ii) a statutory declaration made by the mother stating that the woman concerned is a parent of the child by virtue of section 43 of that Act; or
  - (d) the mother or the woman concerned requests the registrar to do so and produces—
    - (i) a copy of a parental responsibility agreement made between them in relation to the child; and
    - (ii) a declaration in the prescribed form by the person making the request stating that the agreement was made in compliance with Article 7 of the Children (Northern Ireland) Order 1995 and has not been brought to an end by an order of a court; or
  - (e) the mother or the woman concerned requests the registrar to do so and produces—
    - (i) a certified copy of an order under Article 7 of the Children (Northern Ireland) Order 1995 giving the woman concerned parental responsibility for the child; and
    - (ii) a declaration in the prescribed form by the person making the request stating that the order has not been brought to an end by an order of a court; or
  - (f) the mother or the woman concerned requests the registrar to do so and produces—
    - (i) a certified copy of an order under paragraph 2 of Schedule 1 to the Children (Northern Ireland) Order 1995 which requires the woman concerned to make any financial provision for the child and which is not an order falling within paragraph 5(3) of that Schedule; and
    - (ii) a declaration in the prescribed form by the person making the request stating that the order has not been discharged by an order of a court.
- (4) Where, in the case of a child to whom Article 155(3) of the Children (Northern Ireland) Order 1995 does not apply, a person stating herself to be a parent of the child by virtue of section 43 of the Human Fertilisation and Embryology Act 2008 makes a request to the registrar in accordance with any of sub-paragraphs (c) to (f) of paragraph (3)—



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- (a) she shall be treated as a qualified informant concerning the birth of the child for the purposes of this Part; and
- (b) on the giving of the required information concerning the birth of the child by that person and the signing of the register by her in the presence of the registrar every other qualified informant shall cease to be under the duty imposed by Article 10(4).]

**F10** Art. 14ZA inserted (6.4.2009 for certain purposes otherwise 1.9.2009) by [Human Fertilisation and Embryology Act 2008 \(c. 22\)](#), ss. 56, 68(2), [Sch. 6 para. 61](#); S.I. 2009/479, [arts. 5\(h\), 6\(1\)\(e\)\(f\)\(2\)](#) (with transitional provisions in [art. 7](#), [Sch. 1](#))

### **[<sup>F11</sup>Registration of father by virtue of certain provisions of the Human Fertilisation and Embryology Act 1990**

**14A.**—(1) A registrar shall not enter as the father of a child the name of any person who is to be treated as the father of the child by virtue of section 28(5A), (5B), (5C) or (5D) of the Human Fertilisation and Embryology Act 1990 (circumstances in which man to be treated as father of child for purposes of registration of birth where fertility treatment undertaken after his death) unless the condition in paragraph (2) is satisfied.

- (2) The condition in this paragraph is satisfied if—
  - (a) the mother requests the registrar to make such an entry in the register and produces the relevant documents; or
  - (b) in the case of the death or inability of the mother, the relevant documents are produced by some other person who is a qualified informant.
- (3) In this Article “the relevant documents” means—
  - (a) the consent in writing and election mentioned in section 28(5A), (5B), (5C) or (as the case may be) (5D) of the Act of 1990;
  - (b) a certificate of a registered medical practitioner as to the medical facts concerned; and
  - (c) such other documentary evidence (if any) as the registrar considers appropriate.]

**F11** [2003 c.24](#)

### **Special provisions as to still-births**

**15.**—(1) Except as provided for in Article 16(2)(a), no still-birth shall be registered after the expiration of three months from the date of the still-birth.

(2) Where an inquest is held by a coroner on any still-born child, a qualified informant shall not be under any duty to give any information under this Part concerning the still-birth.

(3) Where under Article 10 an informant must give information of a still-birth to the registrar he shall, unless the still-birth has been referred to the coroner, deliver to the registrar a certificate in the prescribed form signed by a registered medical practitioner who was present at the still-birth or has examined the body of the still-born child, or if none was so present or has examined the body, by a [<sup>F12</sup> registered midwife] who was so present or has examined the body.

- (4) A certificate for the purposes of paragraph (3) shall—
  - (a) state that the child was not born alive; and
  - (b) where possible, state to the best of the knowledge and belief of the person signing it—
    - (i) the cause of the still-birth;

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- (ii) the weight of the foetus; and
- (iii) the estimated duration of the pregnancy.

(5) A registered medical practitioner or [<sup>F12</sup> registered midwife] who is present at a still-birth or examines the body of a still-born child shall (unless the still-birth has been referred to the coroner or he or she intends to refer the still-birth to the coroner) give an informant a certificate for the purposes of paragraph (3) free of charge, without any request being made in that behalf.

(6) Upon registering a still-birth a registrar shall, if so required, give to the informant or to the person who has control over, or who ordinarily effects the disposal of bodies at, any burial ground or other place at which it is intended to dispose of the body of a still-born child, a certificate in the prescribed form that he has registered the still-birth.

(7) Where a registrar receives written notice of a still-birth accompanied by such a certificate as is mentioned in paragraph (3), he may, before registering the still-birth, give to the person sending the notice a certificate in the prescribed form that he has received notice of the still-birth.

(8) A certificate given under paragraph (6) or (7) shall—

- (a) be given only for the purposes of the disposal of the body of the still-born child; and
- (b) be free of charge.

(9) Where a person who has control over or ordinarily effects the disposal of bodies at any burial ground or other place permits the disposal of the body of a still-born child in that ground or place he shall, unless he receives in respect of that child a certificate under paragraph (6) or (7) or an order or authorisation of the coroner, give notice of the disposal in the prescribed form to the registrar of the district in which the still-birth occurred, within seven days from the date of the disposal.

(10) The Registrar General shall provide forms for the purposes of paragraph (9).

(11) Any person who fails to comply with paragraph (9) shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding [<sup>F13</sup> level 1 on the standard scale] in respect of each disposal of which he fails to give notice.

**F12** 1979 c.36

**F13** 1984 NI 3

### **Registration of still-birth after reference to coroner**

**16.**—(1) Where a coroner—

- (a) examines or causes to be examined the body of a child; and
- (b) is satisfied that the body is that of a still-born child;

he shall, within five days from the examination referred to in sub-paragraph (a), send to the appropriate registrar a completed certificate in the prescribed form concerning the still-birth.

(2) Where a registrar receives from a coroner a certificate under paragraph (1)—

- (a) he shall, if the certificate states that an inquest was held on the still-born child, enter in the register of still-births the particulars required to be registered concerning the still-birth, in the prescribed form and manner, and state in the entry that they were received from the coroner;
- (b) he shall, if the certificate states that an inquest was not held on the still-born child, upon receiving from an informant within three months from the date of the birth or of the finding of the body information concerning the still-birth, register the still-birth forthwith in the prescribed form and manner and enter in the register the cause of the still-birth as stated in the certificate.

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## Disclosure of information

17.—(1) No information obtained by virtue of Article 10(4)(ii), 15 or 16 with respect to a particular person shall be disclosed except—

- (a) so far as is authorised by Article 34; or
- (b) as may be necessary for the performance by any person of his functions under Article 10(5) in connection with the furnishing, collection or collation of the information; or
- (c) for the purposes of supplying information to the Department of Health and Social Services where the information is necessary for the performance by that Department of functions in connection with health or personal social services; or
- (d) for the purposes of supplying information to a government department in respect of a claim for any allowance or benefit under any statutory provision; or
- (e) for the purposes of supplying information in respect of the publication of statistics; or
- (f) for the purposes of any legal proceedings or report of such proceedings.

(2) If any person discloses any information in contravention of paragraph (1), he shall be guilty of an offence and shall be liable—

- (a) on summary conviction to a fine not exceeding<sup>[F14]</sup> level 3 on the standard scale, or to imprisonment for a term not exceeding three months, or to both; or
- (b) on conviction on indictment to<sup>[F14]</sup> an unlimited fine, or to imprisonment for a term not exceeding two years, or to both.

F14 1984 NI 3

## Re-registration of births

18.—(1) The Registrar General may at any time give his written authority for the re-registration of a birth where—

- (a) there is or has been an error in the entry of the birth; or
- <sup>[F15]</sup>(b) in the case of a child whose parents were not married to each other at the time of his birth—
  - (i) the birth was registered as if they were so married; or
  - (ii) no particulars relating to his father have been entered in the register.]
- <sup>[F16]</sup>(c) in the case of a person who is to be treated as the father of the child by virtue of section 28(5A), (5B), (5C) or (5D) of the Human Fertilisation and Embryology Act 1990, if the condition in Article 14A(2) is satisfied.]

<sup>[F15]</sup>(1A) Re-registration under sub-paragraph (b)(ii) shall not be authorised otherwise than in accordance with Article 14(3).]

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

(3) This Article shall have effect in relation to entries in registers maintained under any statutory provision repealed by the Births and Deaths Registration Act (Northern Ireland) 1967 or this Order as well as to entries in registers maintained under this Order.

F15 1995 NI 2

F16 2003 c.24

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## Re-registration of births of legitimated persons

19.—(1) Subject to paragraph (3), the Registrar General may at any time, on production of such evidence as appears to him to be satisfactory, give his written authority for the re-registration of the birth of a legitimated person whose birth is already registered under this Order (or any statutory provision repealed by the Births and Deaths Registration Act (Northern Ireland) 1967 or this Order).

(2) Any re-registration under paragraph (1) shall be effected in the prescribed manner and at such place as may be prescribed.

(3) The Registrar General shall not give his authority for the re-registration of the birth of any such person as is mentioned in paragraph (1) where information with a view to obtaining the re-registration is not furnished to him by both parents, unless—

- (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 Article 14 or 18 of this Order, section 23 or 29 of the Births and Deaths Registration Act (Northern Ireland) 1967 or section 7 of the Births and Deaths Registration Act (Ireland) 1880 ; 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 the Legitimacy Declaration Act (Ireland) 1868<sup>F17</sup> or Article 32 of the Matrimonial and Family Proceedings (Northern Ireland) Order 1989] or any corresponding enactment in force at the date of the declaration in any part of Great Britain.

(4) The parents of any such person as is mentioned in paragraph (1) or, where under paragraph (3) the birth of such a person may be re-registered on information furnished by one of his parents and the other parent is dead, the surviving parent of such a person shall, within three months from the date of the marriage which legitimates that person, furnish to the Registrar General such information as is necessary to enable him to give his authority for the re-registration of the birth of that person.

(5) Where—

- (a) the Registrar General believes any person to have become a legitimated person within the meaning of the Legitimacy Acts (Northern Ireland) 1928 to 1961 on the marriage of his parents; and
- (b) the parents or either of them fail to furnish within a period of three months from the date of the marriage such information as may be necessary to enable the Registrar General to give his authority for 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.

(6) Where—

- (a) the Registrar General gives his authority for the re-registration of the birth of any person under this Article; and
- (b) the birth of that person is not so re-registered within three weeks from the date on which the Registrar General gives his authority for that re-registration.

the Registrar General may at any time after the expiration of that period by notice in writing require the person specified in the authority as the informant—

- (i) to attend personally at any convenient place, specified by the Registrar General, within such time (not being less than ten days from the date of issue of the notice) as may be so specified;
- (ii) to sign the register in the presence of the registrar.

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(7) Paragraphs (1) to (6) shall apply in relation to all persons recognised by the law of Northern Ireland as having been legitimated by the subsequent marriage of their parents, whether or not their legitimation, or the recognition thereof, was effected by the Legitimacy Act (Northern Ireland) 1928 .

(8) The failure of the parents of a legitimated person or either of them to furnish the information required by this Article shall not affect the legitimation of that person.

(9) Any entry relating to the re-registration of the birth of any person under this Article shall not be treated as evidence of the legitimation of that person.

(10) This Article shall apply with such modifications as the Department may, by regulations made subject to affirmative resolution, prescribe in relation to births at sea of which the Registrar General receives a return under any statutory provision.

F17 1995 NI 2

### [<sup>F18</sup>Re-registration after declaration of parentage

**19A.**—(1) Where, in the case of a person whose birth has been registered under this Order (or any earlier statutory provision referred to in Article 19(1))—

(a) the Registrar General receives, by virtue of Article<sup>F19</sup> 31B(7) or] 32(4) of the Matrimonial and Family Proceedings (Northern Ireland) Order 1989, a notification of the making of a declaration of parentage in respect of that person; and

(b) it appears to him that the birth of that person should be re-registered,  
he shall give his written authority for the re-registration of the birth of that person.

(2) Any re-registration under paragraph (1) shall be effected in the prescribed manner and at such place as may be prescribed.

(3) This Article shall apply with such modifications as the Department may, by regulations made subject to affirmative resolution, prescribe in relation to births at sea of which the Registrar General receives a return under any statutory provision.]

F18 1995 NI 2

F19 2000 c. 4 (NI)

### Registration of births of legitimated persons

**20.**—(1) Subject to paragraph (2), the Registrar General may, on production of such evidence as appears to him satisfactory, at any time within three months from the date of the birth give his written authority for the registration of the birth of a legitimated person (whether his legitimation, or the recognition thereof, was effected under the Legitimacy Act (Northern Ireland) 1928 or otherwise) if his birth is not already duly registered under this Order, or any statutory provision repealed by this Order.

(2) Paragraphs (2) and (3) (except sub-paragraph ( a)), (8) and (9) of Article 19 shall apply for the purposes of the registration of a birth under this Article as they apply for the purposes of the re-registration of a birth under that Article.

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## PART IV REGISTRATION OF DEATHS

### Registration of deaths

**21.**—(1) Subject to this Part, the death of every person shall be registered by the registrar for the district—

- (a) in which the person died; or
- (b) in which the person was ordinarily resident immediately before his death;

in a register maintained by him for the purpose, together with the cause of the death and such other particulars concerning the death as may be prescribed.

(2) Where—

- (a) the body of any dead person is found; and
- (b) there is not available any information as to the place where he died;

the death shall be registered in the district in which the body is found.

(3) Where—

- (a) the body of any dead person is found in any river, lake, arm of the sea or other area of water; and
- (b) there is not available any information as to the place where he died;

the death shall be registered in the district where the body is brought to land from the area of water in question.

(4) The following persons shall be qualified to give information concerning a death, that is to say:—

- (a) any relative of the deceased who has knowledge of the particulars required to be registered concerning the death;
- (b) any person present at the death;
- (c) the executor or administrator of the deceased's estate;
- (d) the occupier, at the time of the death, of the premises in which the death, to the knowledge of the occupier, occurred;
- (e) the person finding the body;
- (f) the person taking charge of the body;
- (g) the person procuring the disposal of the body.

(5) It shall, subject to paragraphs (6) and (7) and to Article 26, be the duty—

- (a) of each such relative as is mentioned in paragraph (4)( a); or
- (b) if there is no such relative as is mentioned in paragraph (4)( a), of each such person mentioned in paragraph (4)( b); or
- (c) if there is no such relative or person as is mentioned in paragraph 4( a) and ( b) of each person mentioned in paragraph (4)( c), ( d), ( e), ( f) and ( g);

to give to the registrar, before the expiration of a period of five days from the date of a death, information to the best of his knowledge and belief, of the particulars (other than the cause of the death) required to be registered concerning the death, and to sign the register in the presence of the registrar.

(6) Where any qualified informant gives the required information concerning a death and signs the register every other qualified informant shall cease to be under a duty to do so.

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(7) Where a coroner receives any notification or notice under section 7 or 8 of the Coroners Act (Northern Ireland) 1959 in respect of the death of any person or a coroner has been informed of the death of any person and there is reasonable ground to believe that the person has died as the result of an industrial disease of the lungs, paragraph (5) shall have effect as if the words “before the expiration of a period of five days from the date of a death” were omitted.

(8) Where the Registrar General is satisfied, after such inquiry as he thinks necessary, that the correct particulars concerning a death are available, he may authorise the registration of the death even if the information is not given by a qualified informant.

### **Preliminary notice of death**

**22.** Where a qualified informant in relation to a death sends to the registrar a written notice of the occurrence of the death or of the finding of the body, accompanied by such medical certificate of the cause of the death as is required by Article 25 to be delivered to a registrar, the particulars required by Article 21 to be registered concerning the death need not be given within the period mentioned in Article 21(5), but that Article shall have effect as if for the reference to five days there were substituted a reference to fourteen days.

### **Issue of notice for information concerning deaths**

**23.—**(1) Subject to the provisions of Article 24, where, after the expiration of the relevant period from the date of the death of any person, the death of that person has not been registered because of the failure of a qualified informant to give the necessary information concerning it, the registrar for the registration district in which the death occurred may serve a notice in writing upon any qualified informant requiring him—

- (a) to attend personally at the registrar's office or at any other convenient place specified in the notice, within such time (not being less than ten days from the date of issue of the notice) as may be so specified;
- (b) to give information to the best of the informant's knowledge and belief of the particulars required to be registered concerning the death;
- (c) to sign the register in the presence of the registrar;

and the informant shall unless the death is duly registered before the expiration of the time specified in the notice comply with the notice.

(2) In this Article “the relevant period” means—

- (a) where a notice under Article 22 has been duly given to the registrar, fourteen days;
- (b) in any other case, five days.

### **Registration after one year from death**

**24.—**(1) A registrar shall not register the death of a person after the expiration of one year from the date of the death otherwise than with the written authority of the Registrar General.

(2) Where the Registrar General gives an authority under paragraph (1), that authority shall be noted in the entry relating to the death in question.

(3) Paragraphs (1) and (2) shall not apply to registration of a death following an inquest.

### **Certificates of cause of death**

**25.—**(1) The Registrar General shall furnish to every registrar forms of certificates of the cause of death for use by registered medical practitioners, and every registrar shall furnish the forms free to any registered medical practitioner residing or practising in his district.

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(2) Where any person dies as a result of any natural illness for which he has been treated by a registered medical practitioner within twenty-eight days prior to the date of his death, that practitioner shall sign and give forthwith to a qualified informant a certificate in the prescribed form stating to the best of his knowledge and belief the cause of death, together with such other particulars as may be prescribed.

(3) A registered medical practitioner shall not give an informant a certificate under paragraph (2) if—

- (a) he or any other person has referred the death of the deceased person to the coroner under section 7 or 8 of the Coroners Act (Northern Ireland) 1959 or he intends so to refer the death; or
- (b) he has reason to believe that the deceased person has died as the result of an industrial disease of the lungs.

(4) An informant shall, within five days from the date on which he receives it, deliver to the registrar a certificate given to him under paragraph (2), and the registrar shall enter in the register the cause of death as stated in the certificate.

#### **Informant's position following an inquest**

26. In relation to a death where an inquest is held no person shall—

- (a) be liable to attend a registrar upon a notice issued by him; or
- (b) be under any duty to give any information in pursuance of this Part.

#### **Informant's duty where coroner issues statement or certificate**

27. Where a registrar receives—

- (a) a statement under section 24 of the Coroners Act (Northern Ireland) 1959 from a coroner on the result of his investigation of any death; or
- (b) a certificate under section 28 of the said Act of 1959 from a coroner stating the cause of death of any person as disclosed by a post-mortem examination;

the registrar shall register the death in pursuance of information given to him by a qualified informant and not in pursuance of the statement or certificate, but he shall enter in the register the cause of death as given in the statement or certificate.

#### **Entry of cause of death as set out in coroner's statement or certificate**

28. Where a death has been registered in pursuance of information given by an informant and subsequently there is received from a coroner, in respect of the same death,—

- (a) a statement under section 24 of the Coroners Act (Northern Ireland) 1959; or
- (b) a certificate under section 28 of the said Act of 1959;

the cause of death as given in the statement or certificate shall be recorded in such form and manner as the Registrar General may direct.

#### **Certificate of registration of death**

29.—(1) Upon registering a death a registrar shall, unless the coroner has issued an authorisation to bury or cremate the body, forthwith give free of charge to the person giving information concerning the death a certificate in the prescribed form under his hand that he has registered the death.

(2) Upon receiving written notice of the occurrence of a death in respect of which he has received a certificate under Article 25 a registrar may, before registering the death, give to the person sending



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the notice, if required to do so, a certificate in the prescribed form under his hand that he has received notice of the death.

- (3) Where a person receives—
- (a) a certificate of the registrar under paragraph (1) or (2); or
  - (b) an authorisation of the coroner under section 9 of the Coroners Act (Northern Ireland) 1959 ;

he shall send it to the person who effects the disposal of, or performs any funeral service for, the body of the deceased person.

### Information about burials

**30.**—(1) Where a person who has control over or ordinarily effects the disposal of bodies at any burial ground or other place permits the disposal of the body of any person in that ground or place, he shall, unless he receives in respect of the body a certificate under Article 29 or an authorisation of the coroner, give notice of the disposal in the prescribed form to the registrar of the district in which the death occurred or in which the body was found, within seven days from the date of the disposal.

(2) The Registrar General shall provide forms for the purposes of paragraph (1).

(3) Any person who fails to comply with paragraph (1) shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding<sup>[F20]</sup> level 1 on the standard scale] in respect of each disposal of which he fails to give notice.

F20 1984 NI 3

### Re-registration of deaths

**31.**—(1) Where the Registrar General is of the opinion that it is desirable that any death entered in a register should be re-registered on the ground that there is or has been an error in the entry of the death, he may in writing authorise the re-registration of the death.

(2) Any registration under paragraph (1) shall be effected in the prescribed manner.

(3) This Article shall have effect in relation to entries in registers maintained under any statutory provision repealed by the Births and Deaths Registration Act (Northern Ireland) 1967 or this Order as well as to entries in registers maintained under this Order.

## PART V GENERAL

### Registers

**32.** The registers shall be maintained by recording the particulars in question in such manner as may be prescribed.

### Reproduction of registers and replacement of lost registers, etc.

**33.**—(1) If any register in the custody of a registrar, or before reproduction, has been lost, destroyed or mutilated or has become illegible, in whole or in part, the Registrar General shall be notified forthwith and the register in the custody of a registrar which has been mutilated or become illegible shall be immediately delivered to the Registrar General.

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(2) The Registrar General shall cause any such register to be corrected or completed or a new register to be made by any process which he thinks fit, and any such corrected, completed or new register which is duly authenticated by the signature of the Registrar General shall be of the same legal force and effect as the original register.

### **Searches of indexes and certified copies of entries**

**34.**—(1) The Registrar General shall cause indexes of all the entries in the registers in his custody to be made and kept in the General Register Office.

(2) Any person may—

- (a) search any index which is, under paragraph (1), kept in the General Register Office at any time during which the Office is open to the public; and
- (b) require the Registrar General to furnish him with a certified copy of an entry in the registers referred to in paragraph (1).

(3) Paragraphs (1) and (2) shall not apply in relation to any entries in a register of still-births, but upon payment of the prescribed fee the Registrar General may, in any particular case—

- (a) cause a search to be made of any register of still-births;
- (b) cause a certified copy to be issued of any entry in any such register.

(4) The prescribed fee shall be paid to the Registrar General by any person making or requiring a general or particular search or requiring to be furnished with a certified copy under this Article.

(5) The Registrar General shall cause any certified copy of an entry and any certificate under Article 40 given in the General Register Office to be stamped with the seal of the Office, of which judicial notice shall be taken.

### **Correction of entries in registers**

**35.**—(1) An alteration shall not be made in an entry in any register otherwise than in accordance with paragraphs (2) to (4) or any other statutory provision.

(2) Any person authorised by the Registrar General in that behalf may—

- (a) correct in the prescribed manner any clerical error in any register; and
- (b) correct any error of fact or substance in the register if a person requiring the error to be corrected (whether in pursuance of a notice or otherwise) produces to him a statutory document in the prescribed form specifying the error and the true facts, being a declaration made by a qualified informant, in relation to the birth or death in question, or by two credible persons possessing knowledge of the true facts.

(3) Where an error of fact or substance (other than one relating to the cause of death) occurs in a coroner's certificate issued in relation to a death where an inquest is held, the coroner (or any succeeding coroner for the area in question) shall, if he is satisfied by evidence on oath or a statutory declaration that an error exists, give a certificate in the prescribed form to the officer having the custody of the register in which the information is entered stating the nature of the error and the true facts as ascertained by him on the evidence.

(4) Where an officer having the custody of the register in question receives a certificate under paragraph (3) he shall, in such form and manner as the Registrar General may direct, correct the error without altering the original entry.

### **Correction or cancellation of entries in registers on motion of certain officers**

**36.**—(1) Where in the opinion of a registrar a register in his custody contains an error of fact or substance he shall notify the Registrar General to that effect.

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(2) The Registrar General may require the registrar having custody of the register to issue a notice to a qualified informant requiring him to correct the error.

(3) The Registrar General may, or the registrar having custody of the register, when required by the Registrar General to do so, shall, by notice in writing require any qualified informant—

- (a) to attend personally at the registrar's office, the General Register Office or at any other convenient place specified in the notice, within such time (not being less than ten days from the issue of the notice) as may be so specified; and
- (b) to produce a statutory document in the prescribed form specifying the error and the true facts, so far as they are known to him;

and where an informant complies with sub-paragraph ( b), the Registrar General may cause the register to be corrected under Article 35(2) as if the conditions set out in that paragraph had been satisfied.

(4) Where the Registrar General is satisfied that an entry in a register contains any error of fact or substance and that a qualified informant is not, or two credible persons possessing knowledge of the true facts are not, available in relation to that entry, he may—

- (a) issue a direction to the registrar having custody of the register, requiring him to make such a correction in the entry as may be specified in the direction; or
- (b) where the register is in the custody of the Registrar General, cause to be made a correction in the entry.

(5) Where the Registrar General is satisfied that two or more entries in any register have been made in respect of the same event, he may issue a direction to the person having the custody of the register in which the entries have been made, requiring him to cancel such of the entries as he may specify.

### **Registration or alteration of child's name**

**37.—**(1) The provisions of this Article shall apply only to persons whose births are registered in Northern Ireland, and, without prejudice to<sup>[F21]</sup> Article 52(1)(a) of the Adoption (Northern Ireland) Order 1987] relating to the giving or taking of a new name, to persons in respect of whom there is an entry in the Adopted Children Register maintained by the Registrar General under<sup>[F21]</sup> Article 50 of that Order].

(2) Where, within two years from the date of the birth of any child, the name by which it was registered is changed or, if it was registered without a name, a name is given to the child, the Registrar General upon delivery to him within two years from the date of birth of the child, of a certificate in the prescribed form signed—

- (a) if the name was changed or given in baptism, by the person who performed the ceremony of baptism or who has custody of the register in which the baptism is recorded, or
- (b) if the name was changed or given otherwise than in baptism, by the qualified applicant,

shall cause an entry containing the name mentioned in the certificate to be made in the register, and only one such entry may be made under this paragraph in respect of any one child.

(3) Where an application in the prescribed form is made to the Registrar General by the qualified applicant in respect of the change of name or surname of a child under eighteen years of age, the Registrar General may record that change of name or surname by causing an appropriate entry to be made in the register—

- (a) if evidence to the satisfaction of the Registrar General is produced that the name or surname which the qualified applicant wishes to have recorded has been in use by or in respect of the child to whom the application relates for a period of not less than two years prior to the date of application; and

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- (b) if the Registrar General is not satisfied with the evidence so produced, there is also produced to him a copy of a notice inserted in a newspaper circulating in the area of the child's usual residence specifying the qualified applicant's intention to apply to the Registrar General for the recording of the name or surname proposed and specifying also that such name or surname has been in use by the child for a period of not less than two years prior to the date of the insertion of the notice in the newspaper;

but only one change of name and one change of surname in respect of any one child shall be recorded under this paragraph; so however that no change of name shall be recorded under this paragraph in the case of a child in respect of whom a change of name has been recorded under paragraph (2) or any statutory provision repealed by the Births and Deaths Registration Act (Northern Ireland) 1967 or this Order.

(4) Where an application in the prescribed form is made to the Registrar General in respect of a change of name or surname of a person over eighteen years of age, the Registrar General may record that change of name or surname by causing an appropriate entry to be made in the register—

- (a) if evidence to the satisfaction of the Registrar General is produced that the name or surname which the applicant wishes to have recorded has been in use by him for a period of not less than two years prior to the date of the application; and
- (b) if the Registrar General is not satisfied with the evidence so produced, there is also produced to him a copy of a notice inserted in a newspaper circulating in the area of the applicant's usual residence specifying the applicant's intention to apply to the Registrar General for the recording of the name or surname proposed and specifying also that such name or surname has been in use by him for a period of not less than two years prior to the date of the insertion of the notice in the newspaper;

but only one change of name and three changes of surname in respect of any one person may be recorded under this paragraph and a period of five years must elapse after one change of surname is recorded before another such change is recorded.

(5) On making an application under any of the provisions of this Article the applicant shall pay such fees as may be prescribed.

(6) Nothing in this Article shall affect any rule of law as respects change of name or surname.

(7) In paragraphs (2) and (3) “qualified applicant” means—

- [<sup>F22</sup>(a) the father and mother of the child if—
- (i) they were married to each other at the time of his birth; or
- (ii) they were not married to each other at the time of his birth but the father has parental responsibility for the child;
- (b) the mother of the child if his parents were not married to each other at the time of his birth and the father does not have parental responsibility for the child;
- (c) the surviving parent if either of the parents of the child is deceased and the surviving parent has parental responsibility for the child;
- (d) the guardian of the child or any other person who has parental responsibility for him if—
- (i) both his parents are deceased; or
- (ii) either of his parents is deceased and the surviving parent does not have parental responsibility for him;]

and in this definition, in the case of an adopted child, the references to the father and mother or to the parents of a child shall be construed as references to the adoptive parents of the child.

(8) In this Article “change” in relation to a name or surname includes any change by way of substitution, addition, omission, spelling or hyphenation.

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**F21** 1987 NI 22

**F22** 1995 NI 2

### **Examination of entries in registers**

**38.**—(1) Subject to paragraph (2), any person may, on payment of the prescribed fee, examine the particular entry in any register in which he is interested and the registrar shall, on payment of the prescribed fee, issue a certified copy of that entry.

(2) Paragraph (1) shall not entitle any person to examine an entry in a register of still-births except where the registrar, with the consent of the Registrar General in any particular case, allows.

### **Photographic copies, etc.**

**39.** A certified copy issued under this Order may be made by means of photography, xerography or any similar method of reproducing documents.

### **Short birth certificate**

**40.** The Department may make regulations—

- (a) providing as respects any entry in a register of births or adoptions, for the issue by the Registrar General or person having the custody of the register of a certificate of such of the items comprising that entry (other than items relating to parentage or adoption) as may be prescribed;
- (b) providing for the form of any such certificate;
- (c) providing for the particulars to be furnished by an applicant for such a certificate;
- (d) providing for the manner in which any such certificate is to be compiled; and
- (e) requiring the payment, by the applicant for the certificate, of the prescribed fee;

but such a certificate shall not be issued in respect of any entry which has been marked “adopted”.

### **Entries in registers as evidence**

**41.**—(1) An entry of a birth or death in a register shall not be evidence of the birth or death unless the entry—

- (a) is signed by a person professing to be the informant and to be such a person as might be required by law at the date of the entry to give to the registrar information concerning the birth or death;
- (b) is made in pursuance of Article 10(7) or Article 21(8) or any corresponding statutory provision repealed by the Births and Deaths Registration Act (Northern Ireland) 1967 or the Births, Deaths and Marriages Registration (Northern Ireland) Order 1973 or this Order relating to the registration of a birth by declaration;
- (c) relates to a re-registration and is made in pursuance of Article 18, 19 or 31, or any statutory provision repealed by the Births and Deaths Registration Act (Northern Ireland) 1967 or this Order corresponding to Article 19;
- (d) relates to a death or still-birth and is made upon a certificate issued by a coroner following an inquest;
- (e) is made in pursuance of the statutory provisions relating to the registration of births and deaths at sea; or
- (f) relates to a birth or death which has occurred outside the United Kingdom.

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(2) Where more than three months but not more than twelve months have expired between the date of a birth and the date on which the birth is registered, the entry in a register under this Order or any statutory provision repealed by the Births and Deaths Registration Act (Northern Ireland) 1967 or this Order shall not be evidence of the birth unless the entry is made in pursuance of Article 18 or 19 or contains a marginal note that a statutory declaration has been made by a qualified informant, so however that nothing in this paragraph shall apply where the date on which the birth of the child is registered falls on or after 1st October 1973.

(3) Where more than twelve months have expired between the date of a birth or death and the date on which the birth or death is registered, the entry of the birth or death in a register under this Order or any statutory provision repealed by the Births and Deaths Registration Act (Northern Ireland) 1967 or this Order shall not be evidence of the birth or death unless the entry purports to have been made with the authority of the Registrar General.

(4) A certified copy issued under Article 34 or 38 shall be deemed to be a true copy of the entry in question notwithstanding that it is made on a form different from that on which the original entry was made if any differences in the column headings under which the particulars appear in the original entry and the copy respectively are differences of form only and not of substance.

### **Proof of age or death for purposes of certain statutory provisions**

**42.**—(1) Where the age or death of a person is required to be proved for the purposes of any statutory provision specified in Schedule 1, any person shall, on presenting a written requisition in such form and containing such particulars as may be specified by the Department and on payment of such fee as may be prescribed, be entitled to a certified copy of the entry of the birth or death of that person in the relevant register under the hand of the person having the custody thereof or stamped with the seal of the General Register Office.

(2) Forms for the requisitions referred to in paragraph (1) shall, on request, be supplied without charge by any person having the custody of a register.

(3) The General Register Office and any registrar having custody of a register may, on payment of the prescribed fee, issue such information (including copies of or extracts from registers) as may be required for the purposes of any statutory provision specified in Schedule 1.

(4) The Secretary of State may by order made subject to affirmative resolution add to the statutory provisions specified in Schedule 1 any other statutory provision for the purposes of which paragraphs (1) to (3) are to be applied.

(5) Where an order is made under paragraph (4), this Article and Schedule 1 shall have effect accordingly.

### **Offences relating to registers**

**43.**—(1) Any registrar who refuses, or, without reasonable cause, fails to register any birth or death or particulars in respect of which a qualified informant has given information, which he ought to register, shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding<sup>[F23]</sup> level 3 on the standard scale].

(2) Any person who registers or causes to be registered any birth in contravention of Article 13 or death in contravention of Article 24 shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding<sup>[F23]</sup> level 1 on the standard scale].

(3) Any person who, having the custody of any register, negligently loses or damages it or allows it to be damaged shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding<sup>[F23]</sup> level 3 on the standard scale].

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F23 1984 NI 3

### Refusal to give information

44.—(1) Any person who—

- (a) being required by this Order to give information concerning any birth or death, or any living infant child, or any dead body wilfully refuses to answer any question put to him by the registrar, relating to the particulars required under Articles 10 and 21;
- (b) being required by this Order to sign a register in the presence of the registrar, fails to do so;
- (c) fails to comply with any notice issued by a registrar or the Registrar General in pursuance of this Order; or
- (d) refuses or fails, without reasonable excuse, to give, send or deliver any certificate in accordance with this Order;

shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding [<sup>F24</sup>level 1 on the standard scale ] for each offence.

(2) Where the parent of any child fails to give the information required by this Order concerning the birth of the child, he shall, except as provided by this Order, be guilty of an offence and shall be liable on summary conviction to a fine not exceeding [<sup>F25</sup> level 1 on the standard scale ] for each offence.

(3) Where any person required by this Order to give information concerning a death in the first instance, and not merely in default of some other person, fails to give that information he shall, except as provided by this Order, be guilty of an offence and shall be liable on summary conviction to a fine not exceeding [<sup>F26</sup> level 1 on the standard scale ] for each offence.

F24 1984 NI 3

F25 1984 NI 3

F26 1984 NI 3

### Forgery, etc., of documents under this Order

45.—(1) Any person who—

- (a) <sup>F27</sup> . . . falsifies any certificate, declaration or order under this Order;
- (b) knowing any such certificate, declaration or order to be false<sup>F27</sup> . . . , uses it as true, or gives or sends it as true to any person; or
- (c) passes as genuine any reproduction of a certified copy under this Order, knowing that the reproduction is not a certified copy;

shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding [<sup>F28</sup> level 2 on the standard scale ] .

*Para. (2) rep. by 1981 c. 45*

F27 1981 c. 45

F28 1984 NI 3

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### Time limit for commencing summary proceedings

**46.** Notwithstanding anything in<sup>[F29]</sup> Article 19(1) of the Magistrates' Courts (Northern Ireland) Order 1981], summary proceedings for an offence under <sup>[F30]</sup> Article 9(2), 30(3), 43, 44 or 45 of] this Order may be commenced at any time within three years from the commission of the offence.

**F29** 1981 NI 26  
**F30** 1980 NI 6

### Fees payable for searches, certified copies, etc.

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

- (a) examination of a particular entry in a register, and searches in indexes of registers;
- (b) certified copies and certificates relating to any entries in registers;
- (c) any functions performed by any officer under Article 37;
- (d) furnishing information for the purposes of any statutory provision specified in Schedule 1;

fees of such amounts as may be prescribed under this Article.

<sup>[F31]</sup>(2) The Department may by order prescribe the fees payable for the purposes of paragraph (1); but no order shall be made under this paragraph unless a draft of the order has been laid before and approved by resolution of the Assembly.]

(3) Where any fee is prescribed under this Article, 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 a registrar may refuse to comply with any application made to him under this Order until the prescribed fee is paid to him; and any such fee shall be a debt recoverable summarily by the officer to whom it is payable.

**F31** SI 1999/663

*Art.48, with Schedule 2, effects repeals*

### Savings

**49.**—(1) In the application of section 29 of the Interpretation Act (Northern Ireland) 1954 to any repeal made by this Order, subsections (1) and (3) thereof shall have effect with the omission of the word “statutory” wherever it occurs.

(2) Any form used, and any requirement as to the particulars to be entered in any form used, for the purposes of any statutory provision repealed by this Order in force immediately before the commencement of this Order shall continue in force as though prescribed under this Order until other forms or particulars are so prescribed.

(3) Where a period of time specified in any statutory provision repealed by this Order is current at the commencement of this Order, this Order shall have effect as if the corresponding provision thereof had been in force when that period began to run.



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## SCHEDULES

### SCHEDULE 1

Article 42.

#### STATUTORY PROVISIONS FOR THE PURPOSES OF WHICH PROOF OF THE AGE OR DEATH OF ANY PERSON MAY BE REQUIRED

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F32	F32
...	...
The Industrial Assurance and Friendly Societies Act 1948.	(11 & 12 Geo. 6, c.39)
The Exchequer and Financial Provisions Act (Northern Ireland) 1950.	(1950 c.3 (N.I.))
The Electoral Law Act (Northern Ireland) 1962.	(1962 c.14 (N.I.))
The Factories Act (Northern Ireland) 1965.	(1965 c.20 (N.I.))
The Family Allowances Act (Northern Ireland) 1966	(1966 c.8 (N.I.))
F33	
.	
F34	F34
...	...
The Education and Libraries (Northern Ireland) Order 1972.	(S.I. 1972/1263 (N.I. 12))
The Friendly Societies Act 1974.	(1974 c.46)
[ <sup>F35</sup> The Social Security (Northern Ireland) Acts 1975 to 1986.]	
[ <sup>F36</sup> The Social Contributions and Benefits (Northern Ireland) Act 1992.]	
[ <sup>F36</sup> The Social Security Administration (Northern Ireland) Act 1992.]	
[	(S.I. 1979/1574 (N.I. 13))]
F37	
The Industrial Assurance (Northern Ireland) Order 1979.	
[ <sup>F38</sup> The Pension Schemes (Northern Ireland) Act 1993.]	

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<b>F33</b>	1975 NI 16
<b>F34</b>	1992 c. 40
<b>F35</b>	1986 NI 18
<b>F36</b>	1992 c. 9
<b>F37</b>	1979 NI 13
<b>F38</b>	1993 c. 49

*Schedule 2—Repeals*

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