

*Status: Point in time view as at 01/04/1992.*

*Changes to legislation: Births and Deaths Registration Act 1953, Cross Heading: Miscellaneous is up to date with all changes known to be in force on or before 26 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*



# Births and Deaths Registration Act 1953

1953 CHAPTER 20 1 and 2 Eliz 2

## PART III

### GENERAL

#### *Miscellaneous*

#### **39 Regulations.**

The Registrar General may, with the approval of the Minister, by statutory instrument make regulations—

- (a) prescribing anything which by this Act is required to be prescribed;
- (b) providing that any provision of this Act specified in the regulations, being a provision relating to the registration or entry of births, shall cease to apply in relation to still-births or, in the case of a provision expressed by this Act not to apply in relation to still-births, shall apply in relation to still-births with such modifications, if any, as may be prescribed:

Provided that paragraph (b) of this section shall not apply in relation to section nine or eleven of this Act.

#### **Modifications etc. (not altering text)**

- C1 [S. 39](#): functions of the Secretary of State transferred (1.4.1996) by [S.I. 1996/273](#), art. 3(1), [Sch. 1 para. 8\(b\)](#)

#### **40 Sending documents by post.**

Any notice, information, declaration, certificate, requisition, return or other document required by or under this Act may be sent by post.

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## 41 Interpretation.

In this Act, except where the context otherwise requires, the following expressions have the meanings hereby respectively assigned to them, that is to say—

“birth” includes a live–birth and a still–birth;

“disposal”, in relation to a dead body, means disposal by burial, cremation or any other means, and cognate expressions shall be construed accordingly;

[<sup>F1</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 the object of the search being specified;

“house” includes a public institution;

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

“the Minister” means [<sup>F2</sup>the Secretary of State];

[<sup>F1</sup>“mother”, in relation to an adopted child, means the child’s natural mother;]

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

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

“public institution” means a prison, lock–up or hospital, and such other public or charitable institution as may be prescribed;

“prescribed” means prescribed by regulations made under section thirty–nine of this Act;

“qualified informant”, in relation to any birth or death, means a person who is by this Act or, in the case of a birth or death occurring before the commencement of this Act, by any enactment repealed by this Act required, or stated to be qualified, to give information concerning that birth or death;

“registrar” in relation to any birth or death, means the registrar of births and deaths for the sub–district in which the birth or death takes place, or where any [<sup>F3</sup>still–born child] is found exposed or any dead body is found and no information as to the place of birth or death is available, for the sub–district in which the child or the dead body is found;

“relative” includes a relative by marriage . . . <sup>F4</sup>

“still–born child” means a child which has issued forth from its mother after the twenty–eighth week of pregnancy and which did not at any time after being completely expelled from its mother breathe or show any other signs of life, and the expression “still–birth” shall be construed accordingly;

“superintendent registrar” in relation to any registrar, means the superintendent registrar of births, deaths and marriages for the district in which that registrar’s sub–district is situate.

### Textual Amendments

**F1** Definition inserted by [Children Act 1975 \(c. 72\)](#), [Sch. 3 para. 13\(6\)](#)

**F2** Words substituted by virtue of [S.I. 1968/1699](#), [arts. 2, 5\(4\)\(a\)](#)

**F3** Words substituted by [Children Act 1975 \(c. 72\)](#), [Sch. 3 para 13\(1\)](#)

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**F4** Words repealed by [Children Act 1975 \(c. 72\)](#), [Sch. 4 Pt. I](#)

## 42 Savings, etc.

- (1) Any registration effected, certificate issued, notice or information given, order, regulations or return made or other thing done under any enactment repealed by this Act shall, if in force at the commencement of this Act, continue in force, and have effect as if effected, issued, given, made or done under the corresponding provision of this Act.
- (2) Any form used, and any requirement as to the particulars to be entered in any form used, for the purposes of any enactment repealed by this Act in force immediately before the commencement of this Act shall continue in force as though prescribed under this Act until other forms or particulars are so prescribed.
- (3) Where a period of time specified in any enactment repealed by this Act is current at the commencement of this Act, this Act shall have effect as if the corresponding provision thereof had been in force when that period began to run.
- (4) Any document referring to an enactment repealed by this Act shall unless the contrary intention appears to be construed as referring to the corresponding provision of this Act.
- (5) Nothing in this Act shall affect any provision of the <sup>M1</sup>Population (Statistics) Act 1938, requiring particulars to be furnished for the purposes of that Act.
- (6) Nothing in this Act shall affect the registration of baptisms or burials, or the right of any officiating minister to receive any fees now usually paid for the performance or registration of any baptism or burial.
- (7) Nothing in the foregoing provisions of this section shall be taken as prejudicing the operation of [<sup>F5</sup>sections 16(1) and 17(2)(a) of the <sup>M2</sup>Interpretation Act 1978] (which [<sup>F5</sup>relate] to the effect of repeals).

### Textual Amendments

**F5** Words substituted by virtue of [Interpretation Act 1978 \(c. 30\)](#), [s. 25\(2\)](#)

### Marginal Citations

**M1** 1938 c. 12.

**M2** 1978 c. 30.

## 43 Repeals and consequential amendments.

- (1) The enactments specified in the First Schedule to this Act shall have effect subject to the amendments respectively specified in that Schedule.
- (2) ..... **F6**
- (3) ..... **F7**

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#### **Textual Amendments**

**F6** S. 43(2), Sch. 2 repealed by Statute Law (Repeals) Act 1974 (c. 22), **Sch. Pt. XI**

**F7** S. 43(3) repealed by Registration Service Act 1953 (c. 37), **Sch. 2**

#### **Modifications etc. (not altering text)**

**C2** The text of s. 43(1) is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

#### **44 Short title, extent and commencement.**

- (1) This Act may be cited as the Births and Deaths Registration Act 1953.
- (2) This Act shall not extend to Scotland or to Northern Ireland.
- (3) This Act shall come into force on the thirtieth day of September, nineteen hundred and fifty-three.

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**Changes to legislation:**

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