



# Births and Deaths Registration Act 1953

## 1953 CHAPTER 20

### PART III

#### GENERAL

##### *Registers certified copies, etc.*

#### **25 Provision of registers, etc. by Registrar General**

Registers of five-births, still-births and deaths shall be in such form as may be respectively prescribed, and the Registrar General shall provide any such registers, and any of the forms hereafter mentioned for making certified copies of entries in registers, which may be required for the purposes, of this Act.

#### **26 Quarterly returns by registrar to superintendent registrar**

- (1) Every registrar shall in the months of January, April, July and October on such days as may be appointed by the Registrar General—
  - (a) make and deliver to the superintendent registrar in the prescribed form a true copy, certified by him in the prescribed manner, of all the entries of live-births, stillbirths and deaths made in the registers kept by him during the period of three months ending with the last day of the month immediately preceding that in which the copy is required by this subsection to be made;
  - (b) if no live-birth, still-birth or death has been registered in his sub-district during that period, deliver to the superintendent registrar in the prescribed form a certificate to that effect under his hand.
- (2) Where a certified copy is delivered to the superintendent registrar under the foregoing subsection, the superintendent registrar shall verify the copy and, if the copy is found to be correct, shall certify it under his hand to be a true copy; and where a certificate that there have been no registrations is so delivered, the superintendent registrar shall countersign the certificate.

**27 Quarterly returns by superintendent registrar to Registrar General**

Every superintendent registrar shall four times in every year, on such days as may be appointed by the Registrar General, send to the Registrar General all certified copies of entries in registers of live-births, still-births or deaths which he has received during the three months immediately preceding the days so appointed respectively, and if the copy of any part of any register has not been duly delivered to him the superintendent registrar shall procure, as far as is possible consistently with the provisions of this Act, that the deficiency is remedied.

**28 Custody of registers, etc.**

- (1) Every registrar shall keep safely all registers of live-births, still-births and deaths which are in his custody and, when not in use, the registers shall be kept in the register for provided for the purpose by the Registrar General.
- (2) When a register of live-births or a register of deaths is filled, the registrar shall deliver it to the superintendent registrar to be kept by him with the records of his office.
- (3) When a register of still-births is filled, the registrar shall deliver it to the superintendent registrar, who shall forward it to the Registrar General.
- (4) The certified copies sent to the Registrar General under the last foregoing section and the registers forwarded to him under the last foregoing subsection shall be kept in the General Register Office in such order and manner as the Registrar General, subject to any directions of the Minister, may think fit:

Provided that where a filled register of still-births has been forwarded to the Registrar General he may destroy any certified copies of entries therein previously sent to him.

**29 Correction of errors in registers**

- (1) No alteration shall be made in any register of live-births, still-births or deaths except as authorised by this or any other Act.
- (2) Any clerical error which may from time to time be discovered in any such register may, in the prescribed manner and subject to the prescribed conditions, be corrected by any person authorised in that behalf by the Registrar General.
- (3) An error of fact or substance in any such register may be corrected by entry in the margin (without any alteration of the original entry) by the officer having the custody of the register, upon payment to him by the person requiring the error to be corrected of a fee of three shillings and nine pence and upon production to him by that person of a statutory declaration setting forth the nature of the error and the true facts of the case made by two qualified informants of the birth or death with reference to which the error has been made, or in default of two qualified informants then by two credible persons having knowledge of the truth of the case.
- (4) Where an error of fact or substance (other than an error relating to the cause of death) occurs in the information given by a coroner's certificate concerning a dead body upon which or a death touching which he has held an inquest, the coroner, if satisfied by evidence on oath or statutory declaration that such an error exists, may certify under his hand to the officer having the custody of the register in which the information is entered the nature of the error and the true facts of the case as ascertained by him on that evidence, and the error may thereupon be corrected by that officer in the register

by entering in the margin (without any alteration of the original entry) the facts as so certified by the coroner.

### *Searches and Certificates*

#### **30 Searches of indexes kept by Registrar General**

- (1) The Registrar General shall cause indexes of all certified copies of entries in registers sent to him under this Act or under any enactment repealed by this Act to be made and kept in the General Register Office.
- (2) Any person shall be entitled to search the said indexes at any time when the General Register Office is open for that purpose, and to have a certified copy of any entry in the said certified copies, on payment to the Registrar General or to such other person as may be appointed to act on his behalf of the following fees respectively, that is to say—
  - (a) for every general search, the sum of thirty shillings ;
  - (b) for every particular search, the sum of one shilling and sixpence; and
  - (c) for every certified copy, the sum of three shillings and ninepence.
- (3) The foregoing provisions of this section shall not apply to certified copies of entries in registers of still-births, but the Registrar General may, if he sees fit in any particular case and on payment as aforesaid of the appropriate fee aforesaid, cause a search to be made for, and allow any person to have a certified copy of, any entry in any such certified copies or in any filled register of still-births which has been forwarded to him.

#### **31 Searches of indexes kept by superintendent registrars**

- (1) Every superintendent registrar shall cause indexes of the registers of live-births and registers of deaths in his register office to be made and to be kept with the other records of that office, and the Registrar General shall supply to every superintendent registrar suitable forms for the making of such indexes.
- (2) Any person shall be entitled at any time when the register office is required to be open for the transaction of public business to search the said indexes, and to have a certified copy of any entry in the said registers under the hand of the superintendent registrar, on payment by that person to the superintendent registrar of the following fees respectively, that is to say—
  - (a) for every general search, the sum of seven shillings and sixpence;
  - (b) for every particular search, the sum of one shilling and sixpence; and
  - (c) for every certified copy, the sum of three shillings and ninepence,

#### **32 Searches in registers kept by registrars**

Every registrar shall at any time when his office is required to be open for the transaction of public business allow searches to be made in any register of births or register of deaths in his keeping, and shall give a copy certified under his hand of any entry therein, on payment of the following fees respectively, that is to say—

- (a) for every search covering a period of not more than one year, the sum of one shilling and sixpence;

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

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- (b) for every search covering a period of more than one year, the sum of one shilling and sixpence for the first year together with an additional ninepence for every additional year; and
- (c) for every certified copy the sum of three shillings and ninepence:

Provided that this section shall not apply in relation to a register of still-births except as the registrar may, with the consent of the Registrar General, in any particular case allow.

### **33 Short certificate of birth**

- (1) Any person shall, on payment of a fee of ninepence and on furnishing the prescribed particulars, be entitled to obtain from the Registrar General, a superintendent registrar or a registrar a short certificate of the birth of any person.
- (2) Any such certificate shall be in the prescribed form and shall be compiled in the prescribed manner from the records and registers in the custody of the Registrar General, or from the registers in the custody of the superintendent registrar or registrar, as the case may be, and shall contain such particulars as may be prescribed:

Provided that any particulars prescribed in addition to name, surname, sex and date of birth shall not include any particulars relating to parentage or adoption contained in any such records or registers.

### **34 Entry in register as evidence of birth or death**

- (1) The following provisions of this section shall have effect in relation to entries in registers under this Act or any enactment repealed by this Act.
- (2) An entry or a certified copy of an entry of a birth or death in a register, or in a certified copy of a register, shall not be evidence of the birth or death unless the entry purports to be signed by some 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 that birth or death:

Provided that this subsection shall not apply—

- (a) in relation to an entry of a birth which, not being an entry signed by a person professing to be a superintendent registrar, purports to have been made with the authority of the Registrar General; or
  - (b) in relation to an entry of a death which purports to have been made upon a certificate from a coroner; or
  - (c) in relation to an entry of a birth or death which purports to have been made in pursuance of the enactments with respect to the registration of births and deaths at sea.
- (3) Where more than three months have intervened between the date of the birth of any child or the date when any living new-born child was found exposed and the date of the registration of the birth of that child, the entry or a certified copy of the entry of the birth of the child in the register, or in a certified copy of the register, shall not be evidence of the birth unless—
    - (a) if it appears that not more than twelve months have so intervened, the entry purports either to be signed by the superintendent registrar as well as by the registrar or to have been made with the authority of the Registrar General;

- (b) if more than twelve months have so intervened, the entry purports to have been made with the authority of the Registrar General:

Provided that this subsection shall not apply in any case where the original entry in the register was made before the first day of January, eighteen hundred and seventy-five.

- (4) Where more than twelve months have intervened between the date of the death or of the finding of the dead body of any person and the date of the registration of that person's death, the entry or a certified copy of the entry of the death in the register, or in a certified copy of the register, shall not be evidence of the death unless the entry purports to have been made with the authority of the Registrar General:

Provided that this subsection shall not apply in any case where the original entry in the register was made before the first day of January, eighteen hundred and seventy-five.

- (5) A certified copy of an entry in a register or in a certified copy of a register shall be deemed to be a true copy 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.
- (6) The Registrar General shall cause any certified copy of an entry given in the General Register Office to be sealed or stamped with the seal of that Office; and, subject to the foregoing provisions of this section, any certified copy of an entry purporting to be sealed or stamped with the said seal shall be received as evidence of the birth or death to which it relates without any further or other proof of the entry, and no certified copy purporting to have been given in the said Office shall be of any force or effect unless it is sealed or stamped as aforesaid.

### *Offences*

#### **35 Offences relating to registers**

If any person commits any of the following offences, that is to say—

- (a) if, being a registrar, he refuses or without reasonable cause omits to register any birth or death or particulars concerning which information has been tendered to him by a qualified informant and which he is required by or under this Act to register; or
- (b) if, being a person having the custody of any register of births or register of deaths, he carelessly loses or injures the register or allows the register to be injured,

he shall be liable on summary conviction to a fine not exceeding fifty pounds.

#### **36 Penalties for failure to give information, etc.**

If any person commits any of the following offences, that is to say—

- (a) if, being required by or under this Act to give information concerning any birth or death or any living newborn child or any dead body, he wilfully refuses to answer any question put to him by the registrar relating to the particulars required to be registered concerning the birth or death, or save as provided in this Act, fails to comply with any requirement of the registrar made thereunder;

- (b) if he refuses or fails without reasonable excuse to give, deliver or send any certificate which he is required by this Act to give, deliver or send ;
  - (c) if, being a parent and save as provided in this Act, he fails to give information concerning the birth of his child as required by this Act; or
  - (d) if, being a parent of a legitimated person within the meaning of the Legitimacy Act, 1926, he fails to comply with any requirement of the Registrar General made under or by virtue of section fourteen of this Act: or
  - (e) if, being a person upon whom a duty to give information concerning a death is imposed by paragraph (a) of subsection (3) of section sixteen or seventeen of this Act, he fails to give that information and that information is not given,
- he shall be liable on summary conviction to a fine not exceeding forty shillings for each offence.

### **37 Penalty for forging certificates, etc.**

If any person forges or falsifies any certificate, declaration or order under this Act, or knowingly uses, or gives or sends to any person, as genuine any false or forged certificate, declaration or order for the purposes of this Act, he shall be liable on summary conviction to a fine not exceeding ten pounds.

### **38 Prosecution of offences and application of fines**

- (1) Subject as may be prescribed, a superintendent registrar may prosecute any person for an offence under this Act committed within his district, and any costs incurred by him in any such prosecution, being costs which are not otherwise provided for, shall be defrayed out of moneys provided by Parliament.
- (2) Any sum paid to the Secretary of State in pursuance of section twenty-seven of the Justices of the Peace Act, 1949, in respect of a fine recovered under this Act shall be deemed to be Exchequer moneys within the meaning of that section and shall be paid by the Secretary of State into the Exchequer.

### *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 stillbirths, 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.

#### **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.

#### **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 ;

" 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 the Minister of Health ;

" 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 living new-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 and, in relation to a person in respect of whom an adoption order has been made under the Adoption of Children Act, 1926, the Adoption of Children (Scotland) Act, 1930, or the Adoption Act, 1950, or under the Adoption of Children Act (Northern Ireland), 1929, or any other Act of the Parliament of Northern Ireland for the time being in force, also includes any person who would be a relative if the adopted person were the child of the adopter born in lawful wedlock;

" 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 ;

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

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" 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.

#### **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 be construed as referring to the corresponding provision of this Act.
- (5) Nothing in this Act shall affect any provision of the 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 section thirty-eight of the Interpretation Act, 1889 (which relates to the effect of repeals).

#### **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) The enactments set out in the Second Schedule to this Act are hereby repealed to the extent specified in relation thereto in the third column of that Schedule.
- (3) The Registration (Births, Still-births, Marriages and Deaths) (Fees) Order, 1952, shall cease to have effect so far as it relates to any fee fixed by any enactment repealed by this Act:

Provided that—

- (a) the power of the Minister under section twenty-three of the Local Government Act, 1929, by order to increase, and to vary any increase in, the fees fixed by the Registration Acts shall, in relation to this Act, be construed as a power to make such variations, and such variations only, in the fees fixed by this Act as might have - been made if—



- (i) for the fees fixed by this Act there were substituted the corresponding fees in force immediately before the making of the said order of 1952 under the enactments repealed by this Act; and
  - (ii) the said order of 1952 had not ceased to have effect as provided by this subsection ;
- (b) on the coming into operation of this Act, the reference in subsection (2) of the said section twenty-three to the increase effected by an order under that section shall be construed as including a reference to any amount by which the fees fixed by this Act, or those fees as varied by any such order, exceed the corresponding fees aforesaid.

#### **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.