
STATUTORY INSTRUMENTS

1996 No. 2395

DEREGULATION

REGISTRATION OF BIRTHS, DEATHS,
MARRIAGES, ETC., ENGLAND AND WALES

The Deregulation (Still-Birth and
Death Registration) Order 1996

Made - - - - - *4th September 1996*

Coming into force - - - - - *1st April 1997*

Whereas:

- (a) the Chancellor of the Exchequer is of the opinion that certain provisions of the Births and Deaths Registration Act 1953⁽¹⁾ impose burdens affecting persons in the carrying on of a trade, business, profession or otherwise and that by amending the provisions concerned and by making certain other provision it is possible to remove or reduce the burdens without removing any necessary protection;
- (b) such organisations as appear to the Chancellor of the Exchequer to be representative of interests substantially affected by proposals to amend the provisions concerned and make other provision, and such other persons as he considers appropriate, have been consulted;
- (c) it appears to the Chancellor of the Exchequer that it is appropriate, following that consultation to proceed with the making of this Order;
- (d) a document setting out the proposals has been laid before Parliament as required by section 3 of the Deregulation and Contracting Out Act 1994⁽²⁾ and the period for Parliamentary consideration under section 4 of that Act has expired;
- (e) regard has been had to the representations made during that period;
- (f) a draft of this Order has been laid before Parliament with a statement giving details of such representations and the changes to the proposals in the light of those representations; and
- (g) a draft of this Order has been approved by resolution of each House of Parliament.

Now, therefore, the Chancellor of the Exchequer, in exercise of the powers conferred on him by section 1 of the Deregulation and Contracting Out Act 1994, hereby makes the following Order—

(1) 1953 1 & 2 Eliz 2 c.20.
(2) 1994 c. 40.

Citation and commencement

1. This Order may be cited as the Deregulation (Still-Birth and Death Registration) Order 1996 and shall come into force on 1st April 1997.

Registration of still-births

2.—(1) Part I of the Births and Deaths Registration Act 1953 (registration of births) shall be amended in accordance with the following provisions of this article.

(2) In section 9 (giving of information to a person other than the registrar) in subsection (1) the words “, not being a still-birth,” are hereby repealed.

(3) In section 11 (special provision as to registration of still-birth) after subsection (1A) there shall be inserted the following subsection—

“(1B) Where information of the particulars required to be registered concerning a still-birth is given by means of a declaration in writing in accordance with section 9(1) of this Act—

- (a) subsection (1) of this section shall apply to the person by whom the declaration is made as if the references to the registrar were to the officer in whose presence the declaration is made; and
- (b) that officer shall send the certificate delivered, or the declaration made, under that subsection to the registrar.”.

Registration of deaths

3. In Part II of the Births and Deaths Registration Act 1953 after section 23 there shall be inserted the following section—

“Giving of information concerning a death to a person other than the registrar

23A.—(1) Subject to subsection (2) of this section, any person required by or under this Act to give information to the registrar of the particulars required to be registered concerning a death may give that information by making and signing in the presence of and delivering to such officer as may be prescribed a declaration in writing.

(2) A declaration shall not be made under this section unless the officer in whose presence the declaration is to be made has in his possession—

- (a) if no post-mortem examination of the deceased person’s body is made by virtue of section 19 of the Coroners Act 1988(3), a copy of the certificate delivered to the registrar under subsection (1) of section 22 of this Act; or
- (b) if a post-mortem examination of the deceased person’s body is so made, a copy of the certificate delivered to the registrar under subsection (3) of section 23 of this Act;

and the registrar shall, if so requested by the officer in whose presence the declaration is to be made, supply to that officer a copy of the certificate mentioned in paragraph (a) or, as the case may be, paragraph (b) of this subsection.

(3) The officer in whose presence a declaration is made under this section shall send the declaration to the registrar who shall in the prescribed manner enter the death in the register.

(4) An entry made under the last foregoing subsection shall be deemed for the purposes of this Act to have been signed by the person who signed the declaration and a person making

a declaration under this section shall be deemed to have given information concerning the death to the registrar and to have complied with any requirement of the registrar made under this Act to attend and give that information.

(5) Where the person by whom a declaration under this section is made is a relative of the deceased person, he shall be deemed, for the purposes of determining his qualification to give the information given by making the declaration, to be in the sub-district where the death occurred.

(6) A person who, upon making a declaration under this section, delivers to the officer in whose presence the declaration is made the notice to be delivered to the registrar under subsection (2) of section 22 of this Act shall be deemed to have delivered that notice to the registrar.”.

4th September 1996

Kenneth Clarke
Chancellor of the Exchequer

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends the Births and Deaths Registration Act 1953 to allow persons registering a death or still-birth to do so by making a declaration before a person other than the registrar for the sub-district where the death or still-birth occurred, provided that appropriate medical evidence is available at the time the declaration is made. The officers before whom such declarations may be made are to be prescribed in regulations.