

Status: Point in time view as at 01/10/2014.

Changes to legislation: There are currently no known outstanding effects for the Presumption of Death Act 2013. (See end of Document for details)

SCHEDULES

SCHEDULE 1

Section 15

REGISTER OF PRESUMED DEATHS

Entries in Register of Presumed Deaths

- 1 (1) When a declaration under this Act satisfies section 3(3)(a) or (b), the court must send to the Registrar General—
- (a) a copy of the declaration, and
 - (b) any prescribed information.
- (2) On receipt of a copy of a declaration in accordance with sub-paragraph (1), the Registrar General must—
- (a) make an entry in the Register of Presumed Deaths containing the name of the missing person and such other information as may be prescribed in relation to that person's presumed death,
 - (b) secure that the entry made in the Register of Presumed Deaths is included in the index of the registers of deaths, and
 - (c) make traceable the connection between the entry in the Register of Presumed Deaths and the index of the registers of deaths.
- (3) In this paragraph “prescribed” means prescribed by regulations made by the Registrar General with the approval of the Secretary of State.

Commencement Information

- II** Sch. 1 para. 1 partly in force; Sch. 1 para. 1 in force for specified purposes at Royal Assent, see s. 22(1)(b)
I2 Sch. 1 para. 1 in force in so far as not already in force at 1.10.2014 by S.I. 2014/1810, art. 2

Amendment and cancellation of entries in Register

- 2 (1) When a variation order satisfies section 6(4)(a) or (b), the court must send to the Registrar General—
- (a) a copy of the order, and
 - (b) any prescribed information.
- (2) Where the variation order varies a declaration, on receipt of a copy of the order in accordance with sub-paragraph (1), the Registrar General must—
- (a) amend the entry in the Register of Presumed Deaths in relation to the missing person, and
 - (b) amend any entry relating to that person made in the index of the registers of deaths in accordance with paragraph 1(2)(b).
- (3) Where the variation order revokes a declaration, on receipt of a copy of the order in accordance with sub-paragraph (1), the Registrar General must—

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- (a) cancel the entry in the Register of Presumed Deaths relating to the missing person, and
 - (b) cancel any entry relating to that person made in the index of the registers of deaths in accordance with paragraph 1(2)(b).
- (4) In this paragraph “prescribed” means prescribed by regulations made by the Registrar General with the approval of the Secretary of State.

Commencement Information

- I3** Sch. 1 para. 2 partly in force; Sch. 1 para. 2 in force for specified purposes at Royal Assent, see s. 22(1)(b)
I4 Sch. 1 para. 2 in force in so far as not already in force at 1.10.2014 by S.I. 2014/1810, art. 2

Searches and certified copies

- 3 (1) Any right to search the index of the registers of deaths includes the right to search entries included in it in accordance with paragraph 1(2)(b).
- (2) Any person is entitled to have a certified copy of an entry in the Register of Presumed Deaths (but see paragraph 6).
- (3) The Registrar General must cause a certified copy of an entry in the Register of Presumed Deaths to be sealed or stamped with the seal of the General Register Office.
- (4) No certified copy of an entry in the Register of Presumed Deaths is to be of any force or effect unless it is sealed or stamped in accordance with sub-paragraph (3).
- (5) Section 34(5) of the Births and Deaths Registration Act 1953 (certified copy on form different from original entry deemed to be true copy) applies in relation to a copy of an entry in the Register of Presumed Deaths as it applies in relation to a copy of an entry in a register made under that Act.

Commencement Information

- I5** Sch. 1 para. 3 in force at 1.10.2014 by S.I. 2014/1810, art. 2

Proof of death

- 4 A certified copy of an entry in the Register of Presumed Deaths in relation to a person is to be received as evidence of the person's death, without further or other proof, if it purports to be sealed or stamped in accordance with paragraph 3(3).

Commencement Information

- I6** Sch. 1 para. 4 in force at 1.10.2014 by S.I. 2014/1810, art. 2

Correction and annotation of Register

- 5 (1) Where it appears to the Registrar General that there is a clerical error in the Register of Presumed Deaths, the Registrar General may authorise a person to correct the error.

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- (2) Where it appears to the court that there is an error in the Register of Presumed Deaths, the court may direct the Registrar General to secure that the error is corrected.
- (3) The Registrar General may annotate, or cancel the annotation of, any entry in the Register of Presumed Deaths.
- (4) Sub-paragraph (5) applies where it appears to the Registrar General that the death of a missing person to whom an entry in the Register of Presumed Deaths relates—
 - (a) has been registered in a register of deaths made under the Births and Deaths Registration Act 1953, or
 - (b) has been recorded in a register kept or maintained under the law of a country or territory outside England and Wales corresponding in nature to a register described in paragraph (a).
- (5) The Registrar General must annotate the relevant entry in the Register of Presumed Deaths accordingly.

Commencement Information

I7 Sch. 1 para. 5 in force at 1.10.2014 by S.I. 2014/1810, art. 2

Fees

- 6 (1) A fee of a prescribed amount is payable to the Registrar General for a certified copy of an entry in the Register of Presumed Deaths.
- (2) The Registrar General may refuse to provide such a copy until the prescribed fee is paid, except as otherwise prescribed.
- (3) In this paragraph “prescribed” means prescribed by regulations made by the Secretary of State.

Commencement Information

I8 Sch. 1 para. 6 partly in force; Sch. 1 para. 6 in force for specified purposes at Royal Assent, see s. 22(1)(b)

I9 Sch. 1 para. 6 in force in so far as not already in force at 1.10.2014 by S.I. 2014/1810, art. 2

Interpretation

- 7 In this Schedule “the index of registers of deaths” means the index kept in the General Register Office of certified copies of entries in the registers of deaths made under the Births and Deaths Registration Act 1953.

Commencement Information

I10 Sch. 1 para. 7 in force at 1.10.2014 by S.I. 2014/1810, art. 2

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SCHEDULE 2

Section 16

AMENDMENT OF PROVISIONS ABOUT PRESUMPTION OF DEATH

Matrimonial Causes Act 1973 (c. 18)

- 1 Omit section 19 of the Matrimonial Causes Act 1973 (presumption of death and dissolution of marriage).

Commencement Information

I11 Sch. 2 para. 1 in force at 1.10.2014 by S.I. 2014/1810, art. 2 (with art. 3(1)(2))

Domicile and Matrimonial Proceedings Act 1973 (c. 45)

- 2 In section 5 of the Domicile and Matrimonial Proceedings Act 1973 (jurisdiction of High Court and county courts), omit—
- (a) subsection (1)(b) (and the “and” before it);
 - (b) subsection (4).

Commencement Information

I12 Sch. 2 para. 2 in force at 1.10.2014 by S.I. 2014/1810, art. 2

Civil Partnership Act 2004 (c. 33)

- 3 (1) Section 222 of the Civil Partnership Act 2004 (proceedings for presumption of death order) is amended as follows.
- (2) After “presumption of death order” insert “ on an application made by a civil partner ”.
- (3) Omit paragraphs (a) and (b).
- (4) After those paragraphs insert—
- “(ba) at the time the application is made, the High Court does not have jurisdiction to entertain an application by that civil partner under section 1 of the Presumption of Death Act 2013 for a declaration that the other civil partner is presumed to be dead, and”.

Commencement Information

I13 Sch. 2 para. 3 in force at 1.10.2014 by S.I. 2014/1810, art. 2 (with art. 3(1)(3))

Consequential repeal

- 4 In consequence of the repeal in paragraph 1, omit paragraph 7 of Schedule 8 to the Family Law Act 1996.

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Commencement Information

I14 Sch. 2 para. 4 in force at 1.10.2014 by S.I. 2014/1810, art. 2

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