



# Births and Deaths Registration Act 1953

1953 CHAPTER 20 1 and 2 Eliz 2

## PART I

### REGISTRATION OF BIRTHS

#### 1 Particulars of births to be registered.

- (1) Subject to the provisions of this Part of this Act, the birth of every child born in England and Wales shall be registered by the registrar of births and deaths for the sub-district in which the child was born by entering in a register kept for that sub-district such particulars concerning the birth as may be prescribed; and different registers shall be kept and different particulars may be prescribed for live-births and still-births respectively:

Provided that, where a [<sup>F1</sup>still-born child] is found exposed and no information as to the place of birth is available, the birth shall be registered by the registrar of births and deaths for the sub-district in which the child is found.

- (2) The following persons shall be qualified to give information concerning a birth, that is to say—
- (a) the father and mother of the child;
  - (b) the occupier of the house in which the child was to the knowledge of that occupier born;
  - (c) any person present at the birth;
  - (d) any person having charge of the child.
- [<sup>F2</sup>(e) in the case of a still-born child found exposed, the person who found the child.]

- [<sup>F3</sup>(3) In the case of a child who has a parent by virtue of section 42 or 43 of the Human Fertilisation and Embryology Act 2008, the reference in subsection (2)(a) to the father of the child is to be read as a reference to the woman who is a parent by virtue of that section.]

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#### Textual Amendments

- F1** Words substituted by [Children Act 1975 \(c. 72\), Sch. 3 para 13\(1\)](#)
- F2** S. 1(2)(e) added by [Children Act 1975 \(c. 72\), Sch. 3 para. 13\(2\)](#)
- F3** S. 1(3) inserted (6.4.2009 for specified purposes, 1.9.2009 in so far as not already in force) by [Human Fertilisation and Embryology Act 2008 \(c. 22\), s. 68\(2\), Sch. 6 para. 2](#); S.I. 2009/479, art. 6(1)(e)(2) (with art. 7, Sch.)

## 2 Information concerning birth to be given to registrar within forty–two days.

[<sup>F4</sup>(1)] In the case of every birth it shall be the duty—

- (a) of the father and mother of the child; and
- (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 the particulars required to be registered concerning the birth, and in the presence of the registrar to sign the register:

Provided that—

- (i) the giving of information and the signing of the register by any one qualified informant shall act as a discharge of any duty under this section of every other qualified informant;
- (ii) this section shall cease to apply if, before the expiration of the said period and before the birth has been registered, an inquest is held at which the child is found to have been still–born.

[<sup>F5</sup>(2) In the case of a child who has a parent by virtue of section 42 or 43 of the Human Fertilisation and Embryology Act 2008, the references in subsection (1) to the father of the child are to be read as references to the woman who is a parent by virtue of that section.]

#### Textual Amendments

- F4** S. 2(1): s. 2 renumbered as s. 2(1) (6.4.2009 for specified purposes, 1.9.2009 in so far as not already in force) by [Human Fertilisation and Embryology Act 2008 \(c. 22\), s. 68\(2\), Sch. 6 para. 3](#); S.I. 2009/479, art. 6(1)(e)(2) (with art. 7, Sch.)
- F5** S. 2(2) inserted (6.4.2009 for specified purposes, 1.9.2009 in so far as not already in force) by [Human Fertilisation and Embryology Act 2008 \(c. 22\), s. 68\(2\), Sch. 6 para. 3](#); S.I. 2009/479, art. 6(1)(e)(2) (with art. 7, Sch.)

## 3 Information concerning finding of new–born child to be given to registrar within forty–two days.

Where any [<sup>F6</sup>still–born child] is found exposed, it shall be the duty of the person finding the child, . . . <sup>F7</sup> to give to the best of his knowledge and belief to the registrar, before the expiration of forty–two days from the date on which the child was found, such information of the particulars required to be registered concerning the birth of the child as the informant possesses, and in the presence of the registrar to sign the register:

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#### Textual Amendments

- F6 Words substituted by [Children Act 1975 \(c. 72\), Sch. 3 para 13\(1\)](#)
- F7 Words repealed by [Children Act 1975 \(c. 72\), Sch. 4 Pt. VI](#)
- F8 S. 3 proviso repealed by [Children Act 1975 \(c. 72\), Sch. 4 Pt. VI](#)

### [<sup>F9</sup>3A Registration of births of abandoned children.

- (1) Where the place and date of birth of a child who was abandoned are unknown to, and cannot be ascertained by, the person who has charge of the child, that person may apply to the Registrar General for the child's birth to be registered under this section.
- (2) On an application under this section the Registrar General shall enter in a register maintained at the General Register Office—
  - (a) as the child's place of birth, if the child was found by the applicant or by any person from whom (directly or indirectly) the applicant took charge of the child, the registration district and sub-district where the child was found, or, in any other case, where the child was abandoned;
  - (b) as the child's date of birth, the date which, having regard to such evidence as is produced to him, appears to him to be the most likely date of birth of the child, and
  - (c) such other particulars as may be prescribed.
- (3) The Registrar General shall not register a child's birth under this section if—
  - (a) he is satisfied that the child was not born in England or Wales; or
  - (b) the child has been adopted in pursuance of a court order made in the United Kingdom, the Isle of Man or the Channel Islands; or
  - (c) subject to subsection (5) below, the child's birth is known to have been previously registered under this Act.
- (4) If no entry can be traced in any register of births relating to a person who has attained the age of 18 and has not been adopted as aforesaid, that person may apply to the Registrar General for his birth to be registered under this section.
- (5) On the application of—
  - (a) a person having the charge of a child whose birth had been registered under this Act by virtue of the proviso to section 1 of this Act (as originally enacted), or
  - (b) any such child who has attained the age of 18 years,the Registrar General shall re-register the birth of the child under this section, and shall direct the officer having custody of the register of births in which the entry relating to the child was previously made to enter in the margin of the register a reference to the re-registration of the birth.]

#### Textual Amendments

- F9 S. 3A inserted by [Children Act 1975 \(c. 72\), s. 92](#)

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**4 Registrar’s power to require information concerning birth.**

Where, after the expiration of forty–two days from the date of the birth of any child or from the date when any [<sup>F10</sup>still–born child] is found exposed, the birth of the child has, owing to the default of the persons required to give information concerning it, not been registered, the registrar may by notice in writing require any qualified informant—

- (a) to attend personally at the registrar’s office, or at some other place appointed by the registrar within his sub–district, before such date (being not less than seven days after the receipt of the notice nor more than [<sup>F11</sup>12 months] after the date of the birth or finding) as may be specified in the notice; and
- (b) to give information to the best of that person’s knowledge and belief of the particulars required to be registered concerning the birth; and
- (c) to sign the register in the presence of the registrar:

Provided that any such requirement shall cease to have effect if, before the date specified in the notice and before the person to whom the notice is given complies with it, the birth is duly registered.

**Textual Amendments**

**F10** Words substituted by [Children Act 1975 \(c. 72\), Sch. 3 para 13\(1\)](#)

**F11** Words in s. 4(a) substituted (28.5.2012) by [Welfare Reform Act 2009 \(c. 24\), s. 61\(3\), Sch. 6 para. 5; S.I. 2012/1256, art. 2\(2\)\(b\)](#)

**5 Registration of births free of charge.**

Where the registrar receives personally from any qualified informant, at any time before the expiration of [<sup>F12</sup>12 months] from the date of the birth of any child or from the date when any [<sup>F13</sup>still–born child] is found exposed, information of the particulars required to be registered concerning the birth of the child, then, subject as may be prescribed in the case of an alleged still–birth where no certificate such as is mentioned in subsection (1) of section eleven of this Act is delivered, he shall forthwith register the birth and the particulars, if not previously registered, in the prescribed form and manner without any fee or reward from the informant:

<sup>F14</sup> .....

**Textual Amendments**

**F12** Words in s. 5 substituted (28.5.2012) by [Welfare Reform Act 2009 \(c. 24\), s. 61\(3\), Sch. 6 para. 6; S.I. 2012/1256, art. 2\(2\)\(b\)](#)

**F13** Words substituted by [Children Act 1975 \(c. 72\), Sch. 3 para 13\(1\)](#)

**F14** S. 5 proviso repealed by [S.I. 1968/1242, Sch. 2](#)

<sup>F15</sup>**6 Registration between three and twelve months from date of birth.**

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#### Textual Amendments

- F15** S. 6 repealed (28.5.2012) by [Welfare Reform Act 2009 \(c. 24\)](#), s. 61(3), Sch. 6 para. 7, **Sch. 7 Pt. 5**; S.I. 2012/1256, art. 2(2)(b)

### 7 Registration after twelve months from date of birth.

- (1) Where, after the expiration of twelve months from the date of the birth of any child <sup>F16</sup> . . . the birth of the child has not been registered, the birth shall not be registered except with the written authority of the Registrar General and in such manner and subject to such conditions as may be prescribed, and the fact that the authority of the Registrar General has been obtained shall be entered in the register.

<sup>F17</sup>(2) . . . . .

<sup>F18</sup>(3) . . . . .

#### Textual Amendments

- F16** Words repealed by [Children Act 1975 \(c. 72\)](#), **Sch. 4 Pt. VI**  
**F17** Ss. 6(3), 7(2), 14(3), 21(2) repealed by S.I. 1968/1242, **Sch. 2**  
**F18** S. 7(3) repealed (28.5.2012) by [Welfare Reform Act 2009 \(c. 24\)](#), s. 61(3), Sch. 6 para. 8, **Sch. 7 Pt. 5**; S.I. 2012/1256, art. 2(2)(b)

### 8 Penalty for improper registration after [<sup>F19</sup>12 months] from date of birth.

Save as provided in [<sup>F20</sup>section 7], a registrar shall not register the birth of any child after the expiration of [<sup>F19</sup>12 months] from the date of birth <sup>F21</sup> . . . , from the date of the finding, and any person who registers any birth, or causes any birth to be registered, in contravention of this section shall be liable on summary conviction to a fine not exceeding [<sup>F22</sup>level 1 on the standard scale].

#### Textual Amendments

- F19** Words in s. 8 substituted (28.5.2012) by [Welfare Reform Act 2009 \(c. 24\)](#), s. 61(3), **Sch. 6 para. 9(b)**; S.I. 2012/1256, art. 2(2)(b)  
**F20** Words in s. 8 substituted (28.5.2012) by [Welfare Reform Act 2009 \(c. 24\)](#), s. 61(3), **Sch. 6 para. 9(a)**; S.I. 2012/1256, art. 2(2)(b)  
**F21** Words repealed by [Children Act 1975 \(c. 72\)](#), **Sch. 4 Pt. VI**  
**F22** Words substituted by virtue of [Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#), s. 46

### 9 Giving of information to a person other than the registrar.

- (1) Any person required by or under this Act to give information to the registrar concerning a birth <sup>F23</sup> . . . 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 of the particulars required to be registered concerning the birth.
- (2) The officer in whose presence such a declaration is made shall send the declaration to the registrar who shall in the prescribed manner enter the birth in the register.

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- (3) 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 birth to the registrar and to have complied with any requirement of the registrar made under this Act to attend and give that information.
- [<sup>F24</sup>(4) A request made under section 10 of this Act may be included in a declaration under subsection (1) of this section, and, if the request is made under paragraph [<sup>F25</sup>(b), (c) or (d)] of that section, [<sup>F26</sup>or under paragraph (b), (c) or (d) of subsection (1B) of that section,] the documents required by that paragraph to be produced shall be produced to the officer in whose presence the declaration is made and sent by him with the declaration to the registrar.
- [ A request made under section 10ZA of this Act may be included in a declaration under <sup>F27</sup>(4A) subsection (1) of this section and the documents required by that section to be produced shall be produced to the officer in whose presence the declaration is made and sent by him with the declaration to the registrar.]
- (5) A request made under section 10A of this Act instead of being made to the registrar may be made by making and signing in the presence of and delivering to a prescribed officer a statement in the prescribed form and producing to the officer any documents required to be produced by that section, and—
- (a) the officer shall send the request together with those documents, if any, to the registrar who shall with the authority of the Registrar General re-register the birth as if the request had been made to him; and
  - (b) the person or persons who sign the statement shall be deemed to have signed the register as required by subsection (2) of that section.]

#### Textual Amendments

- F23** Words in s. 9(1) repealed (1.4.1997) by S.I. 1996/2395, **art. 2(2)**
- F24** S. 9(4)(5) added by **Children Act 1975 (c. 72), s. 93(3)**
- F25** Words substituted by **Family Law Reform Act 1987 (c. 42, SIF 49:7), s. 33(1), Sch. 2 para. 15**
- F26** Words in s. 9(4) inserted (6.4.2009 for specified purposes, 1.9.2009 in so far as not already in force) by **Human Fertilisation and Embryology Act 2008 (c. 22), s. 68(2), Sch. 6 para. 4; S.I. 2009/479, art. 6(1)(e)(2) (with art. 7, Sch.)**
- F27** S. 9(4A) inserted (1.12.2003) by **Human Fertilisation and Embryology (Deceased Fathers) Act 2003 (c. 24), s. 4(2), Sch. para. 1; S.I. 2003/3095, art. 2**

#### [<sup>F28</sup>10 [<sup>F29</sup> **Registration of father where parents not married or of second female parent where parents not civil partners]**

- (1) Notwithstanding anything in the foregoing provisions of this Act [<sup>F30</sup>and subject to section 10ZA of this Act], in the case of a child whose father and mother were not married to each other at the time of his birth, no person shall as father of the child be required to give information concerning the birth of the child, and the registrar shall not enter in the register the name of any person as father of the child except—
- (a) at the joint request of the mother and the person stating himself to be the father of the child (in which case that person shall sign the register together with the mother); or
  - (b) at the request of the mother on production of—

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- (i) a declaration in the prescribed form made by the mother 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) at the request of that person on production of—
- (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
- [ at the request of the mother or that person on production of—
- <sup>F31</sup>(d) (i) a copy of [<sup>F32</sup>any agreement made between them under section 4(1) (b) of the Children Act 1989 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 section 4 of [<sup>F33</sup>that Act] and has not been brought to an end by an order of a court; or
- (e) at the request of the mother or that person on production of—
- (i) a certified copy of an order under section 4 of the Children Act 1989 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) at the request of the mother or that person on production of—
- (i) a certified copy of an order under paragraph 1 of Schedule 1 to the Children Act 1989 which requires that person to make any financial provision for the child and which is not an order falling within paragraph 4(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) at the request of the mother or that person on production of—
- (i) a certified copy of any of the orders which are mentioned in subsection (1A) of this section 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.]
- [ The orders are—
- <sup>F34</sup>(1A) (a) an order under section 4 of the Family Law Reform Act 1987 that that person shall have all the parental rights and duties with respect to the child;
- (b) an order that that person shall have custody or care and control or legal custody of the child made under section 9 of the Guardianship of Minors Act 1971 at a time when such an order could only be made in favour of a parent;
  - (c) an order under section 9 or 11B of that Act which requires that person to make any financial provision in relation to the child;
  - (d) an order under section 4 of the Affiliation Proceedings Act 1957 naming that person as putative father of the child.]
- [ Notwithstanding anything in the foregoing provisions of this Act and subject to <sup>F35</sup>(1B) section 10ZA of this Act, in the case of a child to whom section 1(3) of the Family

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Law Reform Act 1987 does not apply no woman shall as a parent of the child by virtue of section 43 of the Human Fertilisation and Embryology Act 2008 be required to give information concerning the birth of the child, and the registrar shall not enter in the register the name of any woman as a parent of the child by virtue of that section except—

- (a) at the joint request of the mother and the person stating herself to be the other parent of the child (in which case that person shall sign the register together with the mother); or
  - (b) at the request of the mother on production of—
    - (i) a declaration in the prescribed form made by the mother 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) at the request of the woman concerned on production of—
    - (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) at the request of the mother or the woman concerned on production of—
    - (i) a copy of any agreement made between them under section 4ZA(1) (b) of the Children Act 1989 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 section 4ZA of that Act and has not been brought to an end by an order of a court; or
  - (e) at the request of the mother or the woman concerned on production of—
    - (i) a certified copy of an order under section 4ZA of the Children Act 1989 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) at the request of the mother or the woman concerned on production of—
    - (i) a certified copy of an order under paragraph 1 of Schedule 1 to the Children Act 1989 which requires the woman concerned to make any financial provision for the child and which is not an order falling within paragraph 4(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.]
- (2) Where, in the case of a child whose father and mother were not married to each other at the time of his birth, a person stating himself to be the father of the child makes a request to the registrar in accordance with paragraph (c) [<sup>F36</sup>to (g)] of subsection (1) of this section—
- (a) he shall be treated as a qualified informant concerning the birth of the child for the purposes of this Act; and
  - (b) the giving of information concerning the birth of the child by that person and the signing of the register by him in the presence of the registrar shall act as



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a discharge of any duty of any other qualified informant under section 2 of this Act.

[ Where, in the case of a child to whom section 1(3) of the Family Law Reform Act <sup>F37</sup>(2A) 1987 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 paragraphs (c) to (f) of subsection (1B)—

- (a) she shall be treated as a qualified informant concerning the birth of the child for the purposes of this Act; and
- (b) the giving of information concerning the birth of the child by that person and the signing of the register by her in the presence of the registrar shall act as a discharge of any duty of any other qualified informant under section 2 of this Act.]

(3) In this section and section 10A of this Act references to a child whose father and mother were not married to each other at the time of his birth shall be construed in accordance with section 1 of the Family Law Reform Act 1987 <sup>F38</sup>....]

#### Textual Amendments

- F28** S. 10 substituted by [Family Law Reform Act 1987 \(c. 42, SIF 49:7\)](#), **s. 24**
- F29** S. 10 heading substituted (6.4.2009 for specified purposes, 1.9.2009 in so far as not already in force) by [Human Fertilisation and Embryology Act 2008 \(c. 22\)](#), s. 68(2), **Sch. 6 para. 5(2)**; S.I. 2009/479, art. 6(1)(e)(2) (with art. 7, Sch.)
- F30** Words in s. 10(1) inserted (1.12.2003) by [Human Fertilisation and Embryology \(Deceased Fathers\) Act 2003 \(c. 24\)](#), s. 4(2), **Sch. para. 2**; S.I. 2003/3095, art. 2
- F31** S. 10(1)(d)–(g) substituted (14.10.1991) for s. 10(1)(d) by [Children Act 1989 \(c. 41, SIF 20\)](#), s. 108(4), **Sch. 12 para. 6(2)**; S.I. 1991/828, **art. 3(2)**
- F32** Words in s. 10(1)(d)(i) substituted (1.12.2003) by [Adoption and Children Act 2002 \(c. 38\)](#), s. 148(1), **Sch. 3 para. 6(a)** (with Sch. 4 paras. 6–8); S.I. 2003/3079, art. 2(2)(b)
- F33** Words in s. 10(1)(d)(ii) substituted (1.12.2003) by [Adoption and Children Act 2002 \(c. 38\)](#), s. 148(1), **Sch. 3 para. 6(b)** (with Sch. 4 paras. 6–8); S.I. 2003/3079, art. 2(2)(b)
- F34** S. 10(1A) inserted (14.10.1991) by [Children Act 1989 \(c. 41, SIF 20\)](#), s. 108(4), **Sch. 12 para. 6(3)**; S.I. 1991/828, **art. 3(2)**
- F35** S. 10(1B) inserted (6.4.2009 for specified purposes, 1.9.2009 in so far as not already in force) by [Human Fertilisation and Embryology Act 2008 \(c. 22\)](#), s. 68(2), **Sch. 6 para. 5(3)**; S.I. 2009/479, art. 6(1)(e)(2) (with art. 7, Sch.)
- F36** Words in s. 10(2) substituted (14.10.1991) by [Children Act 1989 \(c. 41, SIF 20\)](#), s. 108(4), **Sch. 12 para. 6(4)**; S.I. 1991/828, **art. 3(2)**
- F37** S. 10(2A) inserted (6.4.2009 for specified purposes, 1.9.2009 in so far as not already in force) by [Human Fertilisation and Embryology Act 2008 \(c. 22\)](#), s. 68(2), **Sch. 6 para. 5(4)**; S.I. 2009/479, art. 6(1)(e)(2) (with art. 7, Sch.)
- F38** Words in s. 10(3) repealed (1.12.2003) by [Adoption and Children Act 2002 \(c. 38\)](#), s. 148(1), Sch. 3 para. 6(c), **Sch. 5** (with Sch. 4 paras. 2, 6–8); S.I. 2003/3079, art. 2(2)(b)

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

- C1** S. 10 modified by [Family Law Reform Act 1987 \(c. 42, SIF 49:7\)](#), **s. 33(2)**, Sch. 3 para. 11

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**[<sup>F39</sup>10ZA Registration of father or second female parent by virtue of certain provisions of Human Fertilisation and Embryology Act 2008**

- (1) Notwithstanding anything in the foregoing provisions of this Act, the registrar shall not enter in the register—
- (a) as the father of a child, the name of a man who is to be treated for that purpose as the father of the child by virtue of section 39(1) or 40(1) or (2) of the Human Fertilisation and Embryology Act 2008 (circumstances in which man to be treated as father of child for purposes of registration of birth where fertility treatment undertaken after his death); or
  - (b) as a parent of the child, the name of a woman who is to be treated for that purpose as a parent of the child by virtue of section 46(1) or (2) of that Act (circumstances in which woman to be treated as parent of child for purposes of registration of birth where fertility treatment undertaken after her death),
- unless the condition in subsection (2) below is satisfied.
- (2) The condition in this subsection 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 section “the relevant documents” means—
- (a) the consent in writing and election mentioned in section 39(1), 40(1) or (2) or 46(1) or (2) (as the case requires) of the Human Fertilisation and Embryology Act 2008;
  - (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.]

**Textual Amendments**

- F39** S. 10ZA substituted (6.4.2009 for specified purposes, 1.9.2009 in so far as not already in force) by [Human Fertilisation and Embryology Act 2008 \(c. 22\), s. 68\(2\), Sch. 6 para. 6; S.I. 2009/479, art. 6\(1\)\(e\)\(2\)](#) (with [art. 7, Sch.](#))

**[<sup>F40</sup>10A [<sup>F41</sup>Re-registration where parents neither married nor civil partners]**

- (1) Where there has been registered under this Act the birth of a child whose father and mother were not married to each other at the time of the birth, but no person has been registered as the father of the child [<sup>F42</sup>(or as a parent of the child by virtue of section 42, 43 or 46(1) or (2) of the Human Fertilisation and Embryology Act 2008)], the registrar shall re-register the birth so as to show a person as the father—
- (a) at the joint request of the mother and that person; or
  - (b) at the request of the mother on production of—
    - (i) a declaration in the prescribed form made by the mother 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) at the request of that person on production of—

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- (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
- [ at the request of the mother or that person on production of—
- <sup>F43</sup>(d) (i) a copy of [<sup>F44</sup>any agreement made between them under section 4(1) (b) of the Children Act 1989 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 section 4 of [<sup>F45</sup>that Act] and has not been brought to an end by an order of a court; or
- (e) at the request of the mother or that person on production of—
- (i) a certified copy of an order under section 4 of the Children Act 1989 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) at the request of the mother or that person on production of—
- (i) a certified copy of an order under paragraph 1 of Schedule 1 to the Children Act 1989 which requires that person to make any financial provision for the child and which is not an order falling within paragraph 4(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
- [ in the case of a man who is to be treated as the father of the child by virtue of
- <sup>F46</sup>(ff) section 39(1) or 40(1) or (2) of the Human Fertilisation and Embryology Act 2008, if the condition in section 10ZA(2) of this Act is satisfied; or]
- (g) at the request of the mother or that person on production of—
- (i) a certified copy of any of the orders which are mentioned in subsection (1A) of this section 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.]

but no birth shall be re-registered under this section except in the prescribed manner and with the authority of the Registrar General.

- [ The orders are—
- <sup>F47</sup>(1A) (a) an order under section 4 of the Family Law Reform Act 1987 that that person shall have all the parental rights and duties with respect to the child;
- (b) an order that that person shall have custody or care and control or legal custody of the child made under section 9 of the Guardianship of Minors Act 1971 at a time when such an order could only be made in favour of a parent;
- (c) an order under section 9 or 11B of that Act which requires that person to make any financial provision in relation to the child;
- (d) an order under section 4 of the Affiliation Proceedings Act 1957 naming that person as putative father of the child.]

[ Where there has been registered under this Act the birth of a child to whom section 1(3) <sup>F48</sup>(1B) of the Family Law Reform Act 1987 does not apply, but no person has been registered

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as a parent of the child by virtue of section 42, 43 or 46(1) or (2) of the Human Fertilisation and Embryology Act 2008 (or as the father of the child), the registrar shall re-register the birth so as to show a woman (“the woman concerned”) as a parent of the child by virtue of section 43 or 46(1) or (2) of that Act—

- (a) at the joint request of the mother and the woman concerned; or
- (b) at the request of the mother on production of—
  - (i) a declaration in the prescribed form made by the mother stating that 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) at the request of the woman concerned on production of—
  - (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) at the request of the mother or the woman concerned on production of—
  - (i) a copy of an agreement made between them under section 4ZA(1)(b) of the Children Act 1989 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 section 4ZA of that Act and has not been brought to an end by an order of a court; or
- (e) at the request of the mother or the woman concerned on production of—
  - (i) a certified copy of an order under section 4ZA of the Children Act 1989 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) at the request of the mother or the woman concerned on production of—
  - (i) a certified copy of an order under paragraph 1 of Schedule 1 to the Children Act 1989 which requires the woman concerned to make any financial provision for the child and which is not an order falling within paragraph 4(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) in the case of a woman who is to be treated as a parent of the child by virtue of section 46(1) or (2) of the Human Fertilisation and Embryology Act 2008, if the condition in section 10ZA(2) of this Act is satisfied.]

(2) On the re-registration of a birth under this section—

- (a) the registrar shall sign the register;
- [ in the case of any of the following requests—
- <sup>F49</sup>(b)
  - (i) a request under subsection (1)(a) or (b) or subsection (1B)(a) or (b);
  - (ii) a request under subsection (1)(d), (e), (f) or (g) or subsection (1B)(d), (e) or (f) made by the mother of the child,
 the mother shall also sign the register;

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- (bb) in a case within subsection (1)(ff) or (1B)(g), the mother or (as the case may be) the qualified informant shall also sign the register;
- (c) in the case of a request made under subsection (1)(a) or (c) or a request made under subsection (1)(d), (e), (f) or (g) by the person requesting to be registered as the father of the child, that person shall also sign the register;
- (cc) in the case of a request made under subsection (1B)(a) or (c) or a request made under subsection (1B)(d), (e) or (f) by a woman requesting to be registered as a parent of the child by virtue of section 43 of the Human Fertilisation and Embryology Act 2008, that woman shall also sign the register; <sup>F50</sup> ...]
- <sup>F50</sup>(d) .....]

#### Textual Amendments

- F40** S. 10A substituted by [Family Law Reform Act 1987 \(c. 42, SIF 49:7\)](#), **s. 25**
- F41** S. 10A heading substituted (6.4.2009 for specified purposes, 1.9.2009 in so far as not already in force) by [Human Fertilisation and Embryology Act 2008 \(c. 22\)](#), s. 68(2), **Sch. 6 para. 7(2)**; S.I. 2009/479, art. 6(1)(e)(2) (with art. 7, Sch.)
- F42** Words in s. 10A(1) inserted (6.4.2009 for specified purposes, 1.9.2009 in so far as not already in force) by [Human Fertilisation and Embryology Act 2008 \(c. 22\)](#), s. 68(2), **Sch. 6 para. 7(3)(a)**; S.I. 2009/479, art. 6(1)(e)(2) (with art. 7, Sch.)
- F43** S. 10A(1)(d)–(g) substituted (14.10.1991) for s. 10A(1)(d) by [Children Act 1989 \(c. 41, SIF 20\)](#), s. 108(4), **Sch. 12 para. 6(2)**; S.I. 1991/828, **art. 3(2)**
- F44** Words in s. 10A(1)(d)(i) substituted (1.12.2003) by [Adoption and Children Act 2002 \(c. 38\)](#), s. 148(1), **Sch. 3 para. 7(a)** (with Sch. 4 paras. 6–8); S.I. 2003/3079, art. 2(2)(b)
- F45** Words in s. 10A(1)(d)(ii) substituted (1.12.2003) by [Adoption and Children Act 2002 \(c. 38\)](#), s. 148(1), **Sch. 3 para. 7(b)** (with Sch. 4 paras. 6–8); S.I. 2003/3079, art. 2(2)(b)
- F46** S. 10A(1)(ff) substituted (6.4.2009 for specified purposes, 1.9.2009 in so far as not already in force) by [Human Fertilisation and Embryology Act 2008 \(c. 22\)](#), s. 68(2), **Sch. 6 para. 7(3)(b)**; S.I. 2009/479, art. 6(1)(e)(2) (with art. 7, Sch.)
- F47** S. 10A(1A) inserted (14.10.1991) by [Children Act 1989 \(c. 41, SIF 20\)](#), s. 108(4), **Sch. 12 para. 6(3)**; S.I. 1991/828, **art. 3(2)**
- F48** S. 10A(1B) inserted (6.4.2009 for specified purposes, 1.9.2009 in so far as not already in force) by [Human Fertilisation and Embryology Act 2008 \(c. 22\)](#), s. 68(2), **Sch. 6 para. 7(4)**; S.I. 2009/479, art. 6(1)(e)(2) (with art. 7, Sch.)
- F49** Ss. 10A(2)(b)–(cc) substituted for s. 10A(2)(b)(bb)(c) (6.4.2009 for specified purposes, 1.9.2009 in so far as not already in force) by [Human Fertilisation and Embryology Act 2008 \(c. 22\)](#), s. 68(2), **Sch. 6 para. 7(5)**; S.I. 2009/479, art. 6(1)(e)(2) (with art. 7, Sch.)
- F50** S. 10A(2)(d) and word repealed (28.5.2012) by [Welfare Reform Act 2009 \(c. 24\)](#), s. 61(3), **Sch. 6 para. 12(4)**, **Sch. 7 Pt. 5**; S.I. 2012/1256, art. 2(2)(b)

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

- C2** S. 10A applied (with modifications) (4.4.2005) by [Gender Recognition Act 2004 \(c. 7\)](#), s. 26, **Sch. 3 para. 7(1)(2)**; S.I. 2005/54, art. 2

## 11 Special provision as to registration of still–birth.

- (1) Any qualified informant giving information to the registrar of the particulars required to be registered concerning a still–birth shall upon giving that information either—
  - [<sup>F51</sup>(a) deliver to the registrar a certificate in the prescribed form signed by a registered medical practitioner who was present at the birth or has examined the body of the child, or, if no registered medical practitioner was so present

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or has examined the body, by a <sup>F52</sup>registered midwife] who was so present or has examined the body, being a certificate stating that the child was not born alive and, where possible, stating to the best of the knowledge and belief of the person signing it the cause of death and the estimated duration of the pregnancy; or]

- (b) make a declaration in the prescribed form to the effect that no registered medical practitioner or <sup>F52</sup>registered midwife] was present at the birth or has examined the body, or that his or her certificate cannot be obtained, and that the child was not born alive.

<sup>F53</sup>(1A) Every registered medical practitioner or <sup>F52</sup>certified midwife][<sup>F52</sup>registered midwife] who is present at a still-birth or examines the body of a still-born child shall, at the request of any person who is a qualified informant as to the birth, give to that person a certificate for the purposes of paragraph (a) of the foregoing subsection.]

<sup>F54</sup>(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.]

(2) The registrar upon registering a still-birth shall, if so required, give either to the informant or to the person who has control over, or who ordinarily effects the disposal of bodies at, the place at which it is intended to dispose of the child's body a certificate under his hand in the prescribed form that he has registered the still-birth, but may, on receiving written notice of the still-birth accompanied by such a certificate as is mentioned in paragraph (a) of <sup>F55</sup>subsection (1) of this section], before registering the still-birth give to the person sending the notice a certificate that he has received notice of the still-birth; and any certificate given under this subsection shall be given without fee.

(3) A registrar by whom a certificate has been given under the last foregoing subsection may, upon receiving a satisfactory explanation of any circumstances by reason of which the certificate is not available for the purposes of the enactments relating to the disposal of the bodies of dead persons, issue . . . <sup>F56</sup>a duplicate thereof either to the person to whom the original certificate was given or to the person effecting the disposal; and any such duplicate certificate shall be in a distinctive form.

#### Textual Amendments

**F51** S. 11(1)(a) substituted by [Population \(Statistics\) Act 1960 \(c. 32\), s. 2\(1\)](#)

**F52** Words “registered midwife” substituted for words “certified midwife” by [Nurses, Midwives and Health Visitors Act 1979 \(c. 36\), s. 24\(2\), Sch. 7 para. 7](#)

**F53** S. 11(1A) inserted by [Population \(Statistics\) Act 1960 \(c. 32\), s. 2\(2\)](#)

**F54** S. 11(1B) inserted (1.4.1997) by [S.I. 1996/2395, art. 2\(3\)](#)

**F55** Words substituted by [Population \(Statistics\) Act 1960 \(c. 32\), s. 3\(3\)](#)

**F56** Words repealed by [S.I. 1968/1242, Sch. 2](#)

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## 12 Certificate of registration of birth.

At the time of registering the birth of any child, the registrar shall, if so required by the informant of the birth . . . <sup>F57</sup> give to the informant a certificate under his hand in the prescribed form that he has registered the birth.

### Textual Amendments

**F57** Words repealed by S.I. 1968/1242, Sch. 2

## 13 Registration of name of child or of alteration of name.

(1) Where, before the expiration of twelve months from the date of the registration of the birth of any child, the name by which it was registered is altered or, if it was registered without a name, a name is given to the child, the registrar or superintendent registrar having the custody of the register in which the birth was registered, upon delivery to him at any time of a certificate in the prescribed form signed—

- (a) if the name was altered or given in baptism, either by the person who performed the rite of baptism or by the person who has the custody of the register, if any, in which the baptism is recorded, or
- (b) if a name has not been given to the child in baptism, by the father, mother or guardian of the child or other person procuring the name of the child to be altered or given,

<sup>F58</sup> ... shall, without any erasure of the original entry, forthwith enter in the register the name mentioned in the certificate as having been given to the child, <sup>F59</sup> ...

[<sup>F60</sup>(1ZA) In the case of a child who has a parent by virtue of section 42 or 43 of the Human Fertilisation and Embryology Act 2008, the reference in subsection (1)(b) to the father of the child is to be read as a reference to the woman who is a parent of the child by virtue of that section.]

[<sup>F61</sup>(1A) The registrar or superintendent registrar having custody of the register in question shall also—

- (a) state upon the certificate mentioned in subsection (1) of this section the fact that the entry so mentioned has been made;
- (b) forthwith send the certificate to the Registrar General; and
- (c) either—
  - (i) send with the certificate a certified copy of the entry of the birth with the name added under this section, or
  - (ii) provide the Registrar General, within seven days beginning with the day on which the entry under this section is made, with the information contained in that entry in an electronic form approved by the Registrar General.]

(2) Where the name of a child is altered or given in baptism, the person who performed the rite of baptism or who has the custody of any register in which the baptism is recorded shall issue the certificate required under this section on payment of a fee not exceeding [<sup>F62</sup>£1.00].

<sup>F63</sup>(3) . . . . .

(4) This section shall not apply in relation to a still-born child.

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#### Textual Amendments

- F58** Words repealed by S.I. 1968/1242, **Sch. 2**
- F59** Words in s. 13(1) omitted (13.11.2006) by virtue of [The Registration of Births and Deaths \(Electronic Communications and Electronic Storage\) Order 2006 \(S.I. 2006/2809\)](#), arts. 1(1), **2(2)**
- F60** S. 13(1ZA) inserted (6.4.2009 for specified purposes, 1.9.2009 in so far as not already in force) by [Human Fertilisation and Embryology Act 2008 \(c. 22\)](#), s. 68(2), **Sch. 6 para. 8**; S.I. 2009/479, art. 6(1)(e)(2) (with art. 7, Sch.)
- F61** S. 13(1A) inserted (13.11.2006) by [The Registration of Births and Deaths \(Electronic Communications and Electronic Storage\) Order 2006 \(S.I. 2006/2809\)](#), arts. 1(1), **2(3)**
- F62** Fee in s. 13(2) made payable (6.4.2010) by virtue of [The Registration of Births, Deaths and Marriages \(Fees\) Order 2010 \(S.I. 2010/441\)](#), arts. 1(1), 2, **Sch.** (as substituted (1.4.2012) by [The Registration of Births, Deaths and Marriages \(Fees\) \(Amendment\) Order 2012 \(S.I. 2012/760\)](#), arts. 1, **3, 4**)
- F63** S. 13(3) repealed by [Merchant Shipping Act 1970 \(c. 36\)](#), **Sch. 5**

#### 14 Re-registration of births of legitimated persons.

- (1) Where, in the case of any person whose birth has been registered in England or Wales, evidence is produced to the Registrar General which appears to him to be satisfactory that that person has become a legitimated person <sup>F64</sup>... the Registrar General may authorise at any time the re-registration of that person's birth, and the re-registration shall be effected in such manner and at such place as may be prescribed:

Provided that, except where—

- (a) the name of a person [<sup>F65</sup>stating] himself to be the father of the legitimated person [<sup>F66</sup>, or herself to be a parent of the legitimated person by virtue of section 43 of the Human Fertilisation and Embryology Act 2008,] has been entered in the register in pursuance of section ten [<sup>F67</sup>or 10A] of this Act; or
- (b) the paternity of the legitimated person [<sup>F68</sup>(or, as the case may be, the parentage of the legitimated person by virtue of section 43 of that Act,)] has been established <sup>F69</sup>... by a decree of a court of competent jurisdiction; or
- (c) a declaration of the legitimacy of the legitimated person has been made under [<sup>F70</sup>section 45 of the <sup>M1</sup>Matrimonial Causes Act 1973][<sup>F71</sup>or section 56 of the Family Law Reform Act 1987],

the Registrar General shall not authorise the re-registration unless information with a view to obtaining it is furnished by both parents.

- (2) Where the Registrar General believes any person to have become a legitimated person <sup>F64</sup>... on the marriage of his parents [<sup>F72</sup>or on their becoming civil partners of each other], and the parents or either of them fail to furnish within a period of three months from the date of the marriage [<sup>F73</sup>or of the formation of the civil partnership] such information, if any, as may be necessary to enable the Registrar General to authorise 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, and for that purpose to attend personally either at a registrar's office or at any other place appointed by him within such time, not being less than seven days after the receipt of the notice, as may be specified in the notice.

<sup>F74</sup>(3) .....



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(4) This section shall apply with the prescribed modifications in relation to births at sea of which a return is sent to the Registrar General.

[<sup>F75</sup>(5) This section shall apply and be deemed always to have applied in relation to all persons recognised by the law of England and Wales as having been legitimated by the subsequent marriage of their parents whether or not their legitimation or the recognition thereof was effected under any enactment.]

#### Textual Amendments

- F64** Words repealed by [Legitimation \(Re-registration of Birth\) Act 1957 \(c. 39\), s. 1\(2\)](#)
- F65** Words substituted by [Family Law Reform Act 1987 \(c. 42, SIF 49:7\), s. 33\(1\), Sch. 2 para. 16\(a\)](#)
- F66** Words in s. 14(1) inserted (6.4.2009 for specified purposes, 1.9.2009 in so far as not already in force) by [Human Fertilisation and Embryology Act 2008 \(c. 22\), s. 68\(2\), Sch. 6 para. 9\(2\)\(a\)](#); S.I. 2009/479, art. 6(1)(e)(2) (with art. 7, Sch.)
- F67** Words inserted by [Children Act 1975 \(c. 72\), Sch. 3 para. 13\(3\)](#)
- F68** Words in s. 14(1) inserted (6.4.2009 for specified purposes, 1.9.2009 in so far as not already in force) by [Human Fertilisation and Embryology Act 2008 \(c. 22\), s. 68\(2\), Sch. 6 para. 9\(2\)\(b\)](#); S.I. 2009/479, art. 6(1)(e)(2) (with art. 7, Sch.)
- F69** Words repealed by [Family Law Reform Act 1987 \(c. 42, SIF 49:7\), s. 33\(1\), Sch. 2 para. 16\(b\)](#)
- F70** Words substituted by virtue of [Matrimonial Causes Act 1973 \(c. 18\), Sch. 1 para. 1\(b\)](#)
- F71** Words added by [Family Law Reform Act 1987 \(c. 42, SIF 49:7\), s. 33\(1\), Sch. 2 para. 16\(c\)](#)
- F72** Words in s. 14(2) inserted (6.4.2009 for specified purposes, 1.9.2009 in so far as not already in force) by [Human Fertilisation and Embryology Act 2008 \(c. 22\), s. 68\(2\), Sch. 6 para. 9\(3\)\(a\)](#); S.I. 2009/479, art. 6(1)(e)(2) (with art. 7, Sch.)
- F73** Words in s. 14(2) inserted (6.4.2009 for specified purposes, 1.9.2009 in so far as not already in force) by [Human Fertilisation and Embryology Act 2008 \(c. 22\), s. 68\(2\), Sch. 6 para. 9\(3\)\(b\)](#); S.I. 2009/479, art. 6(1)(e)(2) (with art. 7, Sch.)
- F74** Ss. 6(3), 7(2), 14(3), 21(2) repealed by [S.I. 1968/1242, Sch. 2](#)
- F75** S. 14(5) added by [Legitimacy Act 1976 \(c. 31\), Sch. 1 para. 6](#)

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

- C3** S. 14 extended by [Legitimation \(Re-registration of Birth\) Act 1957 \(c. 39\), s. 1\(1\)](#), amended by [Adoption Act 1958 \(7 & 8 Eliz. 2 c. 5\), s. 27](#) and [Adoption Act 1964 \(c. 57\), s. 3\(4\)](#); amended by [Adoption Act 1968 \(c. 53\), s. 8\(4\)](#) and [Adoption Act 1976 \(c. 36\), s. 74\(2\), Sch. 1](#)
- C4** S. 14 applied (with modifications) (4.4.2005) by [Gender Recognition Act 2004 \(c. 7\), s. 26, Sch. 3 para. 7\(3\)](#); S.I. 2005/54, art. 2

#### Marginal Citations

- M1** 1973 c. 18.

#### [<sup>F76</sup>14A Re-registration after declaration of parentage.

- (1) Where, in the case of a person whose birth has been registered in England and Wales—
- the Registrar General receives, by virtue of section [<sup>F77</sup>55A(7) or 56(4)] of the <sup>M2</sup>Family Law Act 1986, a notification of the making of a declaration of parentage in respect of that person; and
  - it appears to him that the birth of that person should be re-registered,
- he shall authorise the re-registration of that person's birth, and the re-registration shall be effected in such manner and at such place as may be prescribed.

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*Status: Point in time view as at 28/05/2012.*

*Changes to legislation: Births and Deaths Registration Act 1953, Part I is up to date with all changes known to be in force on or before 19 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)*

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- (2) This section shall apply with the prescribed modifications in relation to births at sea of which a return is sent to the Registrar General.]

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**Textual Amendments**

**F76** S. 14A inserted by [Family Law Reform Act 1987 \(c. 42, SIF 49:7\)](#), **s. 26**

**F77** Words in s. 14A(1)(a) substituted (1.4.2001) by [2000 c. 19, s. 83\(5\)](#), **Sch. 8 para. 1** (with [s. 83\(6\)](#)); [S.I. 2001/774](#), **art. 2(c)**

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

**C5** S. 14A applied (with modifications) (4.4.2005) by [Gender Recognition Act 2004 \(c. 7\)](#), [s. 26](#), **Sch. 3 para. 7(3)**; [S.I. 2005/54](#), **art. 2**

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**Marginal Citations**

**M2** [1986 c.55 \(49:7\)](#).

**Status:**

Point in time view as at 28/05/2012.

**Changes to legislation:**

Births and Deaths Registration Act 1953, Part I is up to date with all changes known to be in force on or before 19 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.