



# Births and Deaths Registration Act 1926

1926 CHAPTER 48 16 and 17 Geo 5

## 1 Prohibition of disposal except on registrar's certificate or coroner's order.

- (1) Subject as hereinafter provided, the body of a deceased person shall not be disposed of before a certificate of the registrar given [<sup>F1</sup>under subsection (2) or (3) of section eleven or under section twenty-four of the <sup>M1</sup>Births and Deaths Registration Act 1953] or an order of the coroner has been delivered to the person effecting the disposal: Provided that it shall be lawful for the person effecting the disposal by burial of the body of any deceased person, if satisfied by a written declaration in the prescribed form by the person procuring the disposal that a certificate of the registrar or order of the coroner has been issued in respect of the deceased, to proceed with the burial notwithstanding that the certificate or order has not been previously delivered to him.
- (2) Any person contravening the provisions of this section shall be liable on summary conviction to a fine not exceeding [<sup>F2</sup>level 1 on the standard scale].

### Textual Amendments

- F1 Words substituted by virtue of [Births and Deaths Registration Act 1953 \(c. 20\)](#), [Sch. 1](#)
- F2 Words substituted by virtue of [Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#), [ss. 38, 46](#)

### Modifications etc. (not altering text)

- C1 [S. 1](#) applied by [Welsh Church \(Burial Grounds\) Act 1945 \(c. 27\)](#), [s. 4\(3\)\(b\)](#)

### Marginal Citations

- M1 [1953 c. 20](#).

## 2 ..... <sup>F3</sup>

### Textual Amendments

- F3 [Ss. 2, 3\(2\), 6, 7, Sch.1](#) repealed by [Births and Deaths Registration Act 1953 \(c. 20\)](#), [Sch. 2](#)

*Status: Point in time view as at 01/02/1991.*

*Changes to legislation: There are currently no known outstanding effects for the Births and Deaths Registration Act 1926. (See end of Document for details)*

**3 Notification of disposal to registrar.**

(1) The person effecting the disposal of the body of any deceased person shall, within ninety-six hours of the disposal, deliver to the registrar in the prescribed manner a notification as to the date, place and means of disposal of the body.

(2) ..... F4

**Textual Amendments**  
 F4 Ss. 2, 3(2), 6, 7, Sch.1 repealed by [Births and Deaths Registration Act 1953 \(c. 20\)](#), [Sch. 2](#)

**Modifications etc. (not altering text)**  
 C2 S. 3(1) applied by [Welsh Church \(Burial Grounds\) Act 1945 \(c. 27\)](#), [s. 4\(3\)\(b\)](#)

**4 Prohibition of removal of body out of England without notice.**

The body of a deceased person shall not be removed out of England until the expiration of the prescribed period after notice of the removal has been given to the coroner within whose jurisdiction the body is lying or otherwise than in accordance with such procedure as may be prescribed, and any person contravening the provisions of this section shall be liable on summary conviction to a fine not exceeding [<sup>F5</sup>level 3 on the standard scale].

**Textual Amendments**  
 F5 Words substituted by virtue of [Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#), [ss. 38, 46](#)

**Modifications etc. (not altering text)**  
 C3 S. 4 excluded by [Visiting Forces Act 1952 \(c. 67\)](#), [s. 7\(4\)](#)

**5 Burial of still-born children.**

It shall not be lawful for a person who has control over or who ordinarily buries bodies in any burial ground to permit to be buried or to bury in such burial ground a still-born child before there is delivered to him either a certificate given by the registrar under [<sup>F6</sup>subsection (2) or (3) of section eleven of the <sup>M2</sup>Births and Deaths Registration Act 1953] relating to still-births or, if there has been an inquest, an order of the coroner.

**Textual Amendments**  
 F6 Words substituted by virtue of [Births and Deaths Registration Act 1953 \(c. 20\)](#), [Sch. 1](#)

**Marginal Citations**  
 M2 [1953 c. 20.](#)

6 ..... F7

*Status: Point in time view as at 01/02/1991.*

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**Textual Amendments**

**F7** Ss. 2, 3(2), 6, 7, Sch.1 repealed by Births and Deaths Registration Act 1953 (c. 20), **Sch. 2**

7 ..... **F8**

**Textual Amendments**

**F8** Ss. 2, 3(2), 6, 7, Sch.1 repealed by Births and Deaths Registration Act 1953 (c. 20), **Sch. 2**

8  
(1) ..... **F9**  
(2) ..... **F10**

**Textual Amendments**

**F9** S. 8(1) repealed by Population (Statistics) Act 1938 (c. 12), **s. 3(2)**

**F10** S. 8(2) repealed by Statute Law (Repeals) Act 1977 (c. 18), s. 1(1), **Sch. 1 Pt. V**

**9 Regulations.**

The [<sup>F11</sup>Secretary of State for Health], with the concurrence of the Secretary of State [<sup>F12</sup>for the Home Department] may make regulations—

- (a) prescribing the period and form of notice to be given to the coroner of an intention to remove a body out of England; and as to the procedure upon removal and the notification of the registrar as to the date and place of such removal;
- (b) ..... **F13**

**Textual Amendments**

**F11** Words substituted by S.I. 1988/1843, arts. 2(1), 5(4), Sch. 2 Pt. I, **Sch. 3 para. 1(a)**

**F12** Words inserted by S.I. 1968/1699

**F13** S. 9(b) repealed by Public Health Act 1936 (c. 49), s. 346, **Sch. 3** and Public Health (London) Act 1936 (c. 50), **Sch. 7**

**10 Application to cremation.**

The power to make regulations under section seven of the <sup>M3</sup>Cremation Act 1902 shall include a power to make regulations for the purpose of applying the provisions of this Act to cases where human remains are disposed of by cremation, and except as may be provided by any such regulations this Act shall not apply to cremation.

**Marginal Citations**

**M3** 1902 c. 8.

*Status: Point in time view as at 01/02/1991.*

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## 11 Penalties.

Any person contravening any of the provisions of this Act in respect of which no penalty is expressly imposed shall be liable on summary conviction to a fine not exceeding [<sup>F14</sup>level 1 on the standard scale].

### Textual Amendments

**F14** Words substituted by virtue of [Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#), ss. 38, 46

## 12 Definitions.

In this Act, unless the context otherwise requires—

“Prescribed” means prescribed by the Registrar-General with the concurrence of the [<sup>F15</sup>Secretary of State];

“Registrar” means, with respect to any death or birth the registrar who is the registrar for the sub-district in which the death or birth takes place;

“disposal” means disposal by burial, cremation or any other means, and “disposed of” has a corresponding meaning;

“person effecting the disposal” means the person by whom or whose officer the register of burials in which the disposal is to be registered is kept, except that in the case of a burial under the <sup>M4</sup>Burial Laws Amendment Act 1880 in the churchyard or graveyard of a parish or ecclesiastical district the expression “person effecting the disposal” shall be construed as referring to the relative, friend, or legal representative having charge of or being responsible for the burial of the deceased person;

“still-born” and “still-birth” shall apply to any 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.

### Textual Amendments

**F15** Words substituted by virtue of [S.I. 1968/1699](#)

### Marginal Citations

**M4** [1880 c. 41.](#)

## 13 †Repeals, extent, short title and commencement.

- (1) ..... <sup>F16</sup>
- (2) This Act shall not apply to Scotland or Northern Ireland.
- (3) This Act may be cited as the Births and Deaths Registration Act 1926 . . . <sup>F17</sup>
- (4) ..... <sup>F16</sup>

### Textual Amendments

**F16** [S. 13\(1\)\(4\), Sch. 2](#) repealed by [Statute Law Revision Act 1950 \(c. 6\)](#)

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**Status:** Point in time view as at 01/02/1991.

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**F17** Words repealed by Births and Deaths Registration Act 1953 (c. 20), **Sch. 2**

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

**C4** Unreliable marginal note

**Status:**

Point in time view as at 01/02/1991.

**Changes to legislation:**

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