



# Population (Statistics) Act 1938

1938 CHAPTER 12 1 and 2 Geo 6

**E+W+S**

An Act to make further provision for obtaining statistical information with respect to the population of Great Britain; and for purposes connected therewith. [30th March 1938]

**1 Power to direct information to be furnished. **E+W+S****

With a view to the compilation of statistical information with respect to the social and civil condition of the population of Great Britain, every person giving information in accordance with the Registration Acts, upon the registration, on or after the first day of July nineteen hundred and thirty-eight, of any birth, still-birth, or death, shall furnish to the registration officer such of the particulars specified in the Schedule to this Act as are appropriate to the registration and are within the knowledge of the person giving the information.

**2 Duty of Registrar-General to collect information, and provision for expenses. **E+W+S****

- (1) It shall be the duty of the Registrar-General to make such arrangements and to do all such things as are necessary for the collection and collation of all particulars furnished to registration officers pursuant to this Act, and for that purpose to make arrangements for the preparation and issue of any necessary forms and instructions.
- (2) The Registrar-General in the performance of his functions under this Act shall be subject to the control of, and shall comply with any directions given by, [<sup>F1</sup>the Secretary of State].
- (3) Any expenses incurred with the approval of the Treasury by [<sup>F2</sup>the Secretary of State] or by the Registrar-General in connection with the performance of his functions under this Act shall be defrayed out of moneys provided by Parliament.

*Changes to legislation: There are currently no known outstanding effects for the Population (Statistics) Act 1938. (See end of Document for details)*

#### Textual Amendments

- F1** Words in s. 2(2) substituted (3.4.2008) by [Transfer of Functions \(Registration\) Order 2008 \(S.I. 2008/678\)](#), [art. 1\(2\)](#), [Sch. 2 para. 4\(a\)](#) (with [art. 4](#))
- F2** Words in s. 2(3) substituted (3.4.2008) by [Transfer of Functions \(Registration\) Order 2008 \(S.I. 2008/678\)](#), [art. 1\(2\)](#), [Sch. 2 para. 4\(a\)](#) (with [art. 4](#))

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

- C1** S. 2: functions of the Secretary of State transferred (E.W.) (1.4.1996) by [S.I. 1996/273](#), [art. 3\(1\)](#), [Sch. 1 para. 5](#)
- C2** S. 2(2): transfer of functions (3.4.2008) by [Transfer of Functions \(Registration\) Order 2008 \(S.I. 2008/678\)](#), [art. 1\(2\)](#), [Sch. 1 para. 4](#) (with [art. 4](#))

### 3 Power to make regulations. **E+W+S**

- <sup>x1</sup>(1) The power of the Minister of Health, and of the Registrar-General with the approbation of the Minister of Health, under the Registration Acts to make regulations with respect to the performance by registration officers of their functions under those Acts shall include power to make regulations requiring registration officers to perform such functions in connection with the furnishing, collection and collation of particulars directed to be furnished by this Act as may be prescribed, and with respect to the performance by them of those functions.

Functions which registration officers are required to perform by virtue of any such regulations shall be deemed to be functions under the Registration Acts.

- (2) ..... <sup>F3</sup>

#### Editorial Information

- X1** S. 3(1) repealed (E.W.) by [Registration Service Act 1953 \(c. 37\)](#), [Sch. 2](#)

#### Textual Amendments

- F3** S. 3(2) repealed by [Registration Service Act 1953 \(c. 37\)](#), [Sch. 2](#)

### 4 Penalties. **E+W+S**

- (1) If any person—
- (a) refuses or neglects to furnish in accordance with this Act any information which he is required by this Act to furnish; or
  - (b) in furnishing any such information makes any statement which, to his knowledge, is false in a material particular;
- he shall be liable on summary conviction to a fine not exceeding [<sup>F4</sup>level 1 on the standard scale].
- (2) [<sup>F5</sup>Subject to any other enactment]No information obtained by virtue of this Act with respect to any particular person shall be disclosed except so far as may be necessary—
- (a) for the performance by any person of his functions under this Act in connection with the furnishing, collection or collation of such information; or

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(b) for the performance by the<sup>F6</sup>Statistics Board or] Registrar-General of <sup>F7</sup>its or his] functions under section five of the <sup>M1</sup>Census Act 1920;

and if any person discloses any such information in contravention of this subsection, he shall be liable on summary conviction to imprisonment for a term not exceeding three months or to a fine not exceeding fifty pounds, or to both such imprisonment and such fine, or, on conviction on indictment, to imprisonment for a term not exceeding two years or to a fine not exceeding one hundred pounds or to both such imprisonment and such fine:

Provided that nothing in this subsection shall apply to any disclosure of information made for the purposes of any proceedings which may be taken in respect of an offence under this section, or for the purposes of any report of such proceedings.

#### Textual Amendments

- F4** Words in s. 4(1) substituted (E.W.) by virtue of [Criminal Justice Act 1982 \(c.48, SIF 39:1\)](#), [s. 46](#) and (S.) [Criminal Procedure \(Scotland\) Act 1975 \(c.21, SIF 39:1\)](#), [s. 289G](#)
- F5** Words in s. 4(2) inserted (1.4.2008) by [Statistics and Registration Service Act 2007 \(c. 18\)](#), [s. 74\(1\)](#), [Sch. 2 para. 2](#); [S.I. 2008/839](#), [art. 2](#)
- F6** Words in s. 4(2)(b) inserted (1.4.2008) by [Statistics and Registration Service Act 2007 \(c. 18\)](#), [s. 74\(1\)](#), [Sch. 1 para. 8\(a\)](#); [S.I. 2008/839](#), [art. 2](#)
- F7** Words in s. 4(2)(b) substituted (1.4.2008) by [Statistics and Registration Service Act 2007 \(c. 18\)](#), [s. 74\(1\)](#), [Sch. 1 para. 8\(b\)](#); [S.I. 2008/839](#), [art. 2](#)

#### Marginal Citations

- M1** 1920 c. 41.

## 5 Saving for Registratrion Acts. **E+W+S**

Nothing in this Act requiring particulars to be furnished for the purposes of this Act shall affect any provision of the Registration Acts requiring information to be given for the purposes of those Acts.

## 6 Application to Scotland. **E+W+S**

In the application of this Act to Scotland—

- <sup>F8</sup>(a) references to <sup>F9</sup>the Secretary of State] shall be construed as references to the Secretary of State;]
- (b) the expression “Registration Acts” means <sup>F10</sup>the <sup>M2</sup>Registration of Births, Deaths and Marriages (Scotland) Act 1965], and the expression “Registrar-General” means the Registrar-General of Births, Deaths and Marriages in Scotland;
- (c) for any reference to a registration officer there shall be substituted a reference to a registrar as defined in the <sup>M3</sup>Registration of Births, Deaths and Marriages (Scotland) Act, 1854;
- (d) . . . <sup>F11</sup>

#### Textual Amendments

- F8** S. 6(a) substituted (1.4.1996) by [S.I. 1996/273](#), [art. 5\(1\)](#), [Sch. 2 para. 7\(3\)](#)

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- F9** Words in s. 6(a) substituted (3.4.2008) by Transfer of Functions (Registration) Order 2008 (S.I. 2008/678), art. 1(2), **Sch. 2 para. 4(b)** (with art. 4)
- F10** Words substituted by virtue of Interpretation Act 1978 (c. 30), s. 17(2)(a)
- F11** s. 6(d) repealed by Registration of Births, Deaths and Marriages (Scotland) Act 1965 (c. 49), **Sch. 2**

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

- C3** References to Minister of Health in s. 2(2)(3) replaced by references to Secretary of State: S.I. 1968/1699, **arts. 2, 5(4)(a)**.

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**Marginal Citations**

- M2** 1965 c. 49.
- M3** 1854 c. 80.

**7 Short title, interpretation and extent. E+W+S**

- (1) This Act may be cited as the Population (Statistics) Act, 1938.
- (2) In this Act the expression “Registration Acts” means the [<sup>F12M4</sup>Births and Deaths Registration Act 1953], and the expression “registration officer” means any superintendent registrar and registrar of births and deaths.
- (3) This Act shall not extend to Northern Ireland.
- (4) . . . . . <sup>F13</sup>

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**Textual Amendments**

- F12** Words substituted by virtue of Births and Deaths Registrations Act 1953 (c. 20), s. 42(4)
- F13** S. 7(4) repealed by Population (Statistics) Act 1960 (c. 32), s. 1(1)

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**Marginal Citations**

- M4** 1953 c. 20.

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## [<sup>F14</sup>SCHEDULE E+W+S

### Textual Amendments

**F14** Sch. substituted by [Population \(Statistics\) Act 1960 \(c. 32\), s. 1\(2\), Sch.](#)

### PARTICULARS WHICH MAY BE REQUIRED E+W+S

- 1 *On registration of a birth (including a still-birth)*
- [<sup>F15</sup>(a) in all cases—
    - (i) the age of the mother;
    - (ii) the number of previous children of the mother, and how many of them were born alive or were still-born;]
  - (b) where the name of any person is to be entered in the register of births as father of the child, [<sup>F16</sup>or as a parent of the child by virtue of section 42 or 43 of the Human Fertilisation and Embryology Act 2008,] the age of that person;
  - [<sup>F17</sup>[<sup>F18</sup>(c) where the birth is of a child whose father and mother were married to, or civil partners of, each other at the time of the child's birth (or a child to whom section 1(3) of the Family Law Reform Act 1987 applies by reason of a marriage or civil partnership between the child's parents)—
    - (i) the date of the marriage or formation of the civil partnership, and
    - (ii) whether before she married, or formed the civil partnership with, the child's other parent, the mother had been married to, or had formed a civil partnership with, any other person;]
  - [<sup>F19</sup>(c) the number of previous children born to the mother and how many of them were—
    - (i) born alive; and
    - (ii) still-born;
  - (d) where the parents are married to, or in a civil partnership with, each other—
    - (i) the date of their marriage or formation of civil partnership; and
    - (ii) whether the mother had been married or in a civil partnership before that date.]
    - (e) where the birth does not fall within paragraph (c) [<sup>F20</sup>or (d)], whether at any time before the birth the mother had been married or had formed a civil partnership.]

### Textual Amendments

- F15** Sch. para. 1(a) substituted (28.5.2012) by [Welfare Reform Act 2009 \(c. 24\), s. 61\(3\), Sch. 6 para. 20\(a\); S.I. 2012/1256, art. 2\(2\)\(b\)](#)
- F16** Words in Sch. para. 1(b) 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. 1\(1\)\(a\); S.I. 2009/479, art. 6\(1\)\(e\)\(2\) \(with art. 7, Sch.\)](#)
- F17** Sch. para. 1(c)-(e) substituted for Sch. para. 1(c) (28.5.2012) by [Welfare Reform Act 2009 \(c. 24\), s. 61\(3\), Sch. 6 para. 20\(b\); S.I. 2012/1256, art. 2\(2\)\(b\)](#)
- F18** Sch. para. 1(c) substituted for Sch. para. 1(c)(d) (E.W.) (2.12.2019) by [The Civil Partnership \(Opposite-sex Couples\) Regulations 2019 \(S.I. 2019/1458\), reg. 1\(2\), Sch. 3 para. 1\(a\)](#)

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- F19** Sch. para. 1(c)(d) substituted for Sch. para. 1(c) (S.) (1.1.2013) by The Population (Statistics) Act 1938 Modifications (Scotland) Order 2012 (S.S.I 2012/287), art. 2 (with art. 1)
- F20** Words in Sch. para. 1(e) omitted (E.W.) (2.12.2019) by virtue of [The Civil Partnership \(Opposite-sex Couples\) Regulations 2019](#) (S.I. 2019/1458), reg. 1(2), [Sch. 3 para. 1\(b\)](#)

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*On registration of death*

- (a) whether the deceased was single, married, widowed [<sup>F21</sup>, divorced, a civil partner or former civil partner, and, if a former civil partner, whether the civil partnership ended on death or dissolution;]
- (b) the age of the surviving spouse [<sup>F22</sup> or civil partner], if any, of the deceased.]

**Textual Amendments**

- F21** Words in Sch. para. 2(a) substituted (5.12.2005) by [Civil Partnership Act 2004](#) (c. 33), s. 263(10)(b), [Sch. 27 para. 9\(a\)](#); S.I. 2005/3175, art. 2(2)
- F22** Words in Sch. para. 2(b) inserted (5.12.2005) by [Civil Partnership Act 2004](#) (c. 33), s. 263(10)(b), [Sch. 27 para. 9\(b\)](#); S.I. 2005/3175, art. 2(2)

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