

2012 No. 1604

SOCIAL SECURITY

The Social Security (Notification of Deaths) Regulations 2012

Made - - - - *20th June 2012*

Laid before Parliament *25th June 2012*

Coming into force - - *16th July 2012*

The Secretary of State for Work and Pensions, with the concurrence of the Commissioners for Her Majesty's Revenue and Customs(a), makes the following Regulations in exercise of the powers conferred by sections 125 and 189(1), (4) and (6) of the Social Security Administration Act 1992(b).

The Social Security Advisory Committee has agreed that proposals in respect of these Regulations should not be referred to it(c).

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Social Security (Notification of Deaths) Regulations 2012 and shall come into force on 16th July 2012.

(2) In these Regulations—

“the 1987 Regulations” means the Registration of Births and Deaths Regulations 1987(d);

“the notification service” means any service operated by the Secretary of State, or persons providing a service to the Secretary of State, by which—

(a) individuals may transmit information about deaths to the Secretary of State, and

(b) that information may be transmitted to other persons by the Secretary of State;

“local authority” means—

(a) in respect of England and Wales, each of the following—

(i) a county council in England;

(ii) a district council in England for an area without a county council;

(a) By virtue of section 50 of the Commissioners for Revenue and Customs Act 2005 (c.11), a reference in an enactment to the Commissioners of Inland Revenue, however expressed, shall be taken as a reference to the Commissioners for Her Majesty's Revenue and Customs.

(b) 1992 c. 5. Section 125 was amended by paragraphs 25(a) and (b) of Schedule 1 to the Social Security Contributions (Transfer of Functions etc.) Act 1999 (c. 2); paragraph 5 of Schedule 3 to the Social Security (Recovery of Benefits) Act 1997 (c. 27); paragraphs 60(a) and (b) of Schedule 2 to the Jobseekers Act 1995 (c. 18); paragraph 89 of Schedule 7 to the Social Security Act 1998 (c. 14); paragraph 14 of Schedule 2(2) to the State Pension Credit Act 2002 (c. 16); and paragraph 10(17) of Schedule 3 to the Welfare Reform Act 2007 (c. 5). Section 189 was amended by paragraphs 109(a) and (c) of Schedule 7 to the Social Security Act 1998 (c. 14); paragraph 57(2) of Schedule 3 to the Social Security Contributions (Transfer of Functions etc.) Act 1999 (c. 2); and paragraph 1 of Schedule 6 to the Tax Credits Act 2002 (c. 21). There are other amending instruments but none is relevant.

(c) Section 173(1)(b) of the Social Security Administration Act 1992 (c. 5).

(d) S.I. 1987/2088.

- (iii) a London borough council;
- (iv) the Common Council of the City of London;
- (v) the Council of the Isles of Scilly;
- (vi) a county or county borough council in Wales;
- (b) in respect of Scotland, a council constituted under section 2 (constitution of councils) of the Local Government etc. (Scotland) Act 1994(a).

Deaths in England and Wales

2.—(1) In respect of deaths occurring in England and Wales, the following persons shall furnish the Secretary of State with particulars of death in accordance with regulation 4.

(2) The persons referred to in paragraph (1) are—

- (a) each registrar of births and deaths employed by a local authority which is facilitating the notification service, in relation to—
 - (i) deaths registered by that registrar; and
 - (ii) deaths for which that registrar has attested a declaration under section 23A(1) (giving of information concerning a death to a person other than the registrar) of the Births and Deaths Registration Act 1953(b) in accordance with regulation 42A(2) (declaration and registration under section 23A of the Act) of the 1987 Regulations(c);
- (b) the Registrar General for England and Wales.

(3) Paragraph (2)(a) does not apply in the following circumstances.

(4) The circumstances are—

- (a) where the registrar has received a certificate from a coroner under section 11(7) (proceedings at inquest) or 16(4) (adjournment of inquest in event of criminal proceedings) of the Coroners Act 1988(d);
- (b) where—
 - (i) the registrar is registering a death under regulation 42A(4) of the 1987 Regulations; and
 - (ii) the declaration was attested by a registrar of a local authority which is facilitating the notification service;
- (c) where the registrar is employed by more than one local authority and is acting in relation to a death as an officer of a local authority that does not facilitate the notification service.

Deaths in Scotland

3. In respect of deaths occurring in Scotland, the Registrar General of Births, Deaths and Marriages for Scotland shall, in relation to deaths notified to him, furnish the Secretary of State with particulars of death in accordance with regulation 4.

Particulars to be furnished

4. The particulars of death are those available at the time at which they are to be furnished and specified in—

- (a) Schedule 1, where the particulars are furnished by a registrar of births and deaths in England and Wales in the manner specified in regulation 5(2)(a);

(a) 1994 c. 39.

(b) 1953 c. 20. Section 23A was inserted by S.I. 1996/2395.

(c) Regulation 42A was inserted by S.I. 1997/844 and amended by S.I. 2006/2827.

(d) 1988 c. 13.

- (b) Schedule 2, where the particulars are furnished by the Registrar General for England and Wales in the manner specified in regulation 5(2)(b);
- (c) Schedule 3, where the particulars are furnished by the Registrar General of Births, Deaths and Marriages for Scotland in the manner specified in regulation 5(2)(c);
- (d) Schedule 4, where the particulars are furnished by the Registrar General of Births, Deaths and Marriages for Scotland in the manner specified in regulation 5(2)(d).

Manner in which and time at which particulars are to be furnished

5.—(1) The particulars shall be furnished to the Secretary of State in writing (which may include writing held in an electronic format).

(2) The particulars shall be furnished to the Secretary of State—

- (a) where they are being furnished by a registrar of births and deaths in England and Wales, as soon as reasonably practicable after the death is registered or the declaration attested;
- (b) where they are being furnished by the Registrar General for England and Wales, within such period (beginning with the time at which the death is registered) as the Secretary of State may in his discretion specify;
- (c) where they are being furnished by the Registrar General of Births, Deaths and Marriages for Scotland, having been notified of a death registered in a local authority which is facilitating the notification service, as soon as reasonably practicable after the death is registered;
- (d) where they are being furnished by the Registrar General of Births, Deaths and Marriages for Scotland, in any case, within such period (beginning with the time at which the death is registered) as the Secretary of State may in his discretion specify.

(3) Subject to paragraph (1), a registrar may exercise discretion in deciding the manner in which particulars are to be furnished.

Revocation

6. The Social Security (Notification of Deaths) Regulations 1987(a) are revoked.

Signed by authority of the Secretary of State for Work and Pensions.

19th June 2012

Chris Grayling,
Minister of State
Department for Work and Pensions

We concur

20th June 2012

Stephen Banyard
Dave Hartnett
Two of the Commissioners for Her Majesty's Revenue and Customs

(a) S.I. 1987/250.

SCHEDULE 1

Regulation 4(a)

Particulars of a death to be furnished by a registrar of births and deaths in England and Wales

1. The surname and forenames of the deceased.
2. The date of death.
3. The sex of the deceased.
4. The date of birth of the deceased.
5. The usual address of the deceased at the date of death.
6. The date on which the death was registered.
7. Any identifying reference number.
8. The district where the death was registered or, in the case of a declaration, the district where the death is required to be registered.

SCHEDULE 2

Regulation 4(b)

Particulars of a death to be furnished by the Registrar General for England and Wales

1. The surname and forenames of the deceased.
2. The date of death.
3. The sex of the deceased.
4. The maiden surname of a deceased married, widowed or divorced woman.
5. The date of birth of the deceased.
6. The usual address of the deceased at the date of death.

SCHEDULE 3

Regulation 4(c)

Particulars of a death to be furnished by the Registrar General of Births, Deaths and Marriages for Scotland as soon as reasonably practicable

1. The surname and forenames of the deceased.
2. The date of death.
3. The sex of the deceased.
4. The date of birth of the deceased.
5. The usual address of the deceased at the date of death.
6. The date on which the death was registered.
7. Any identifying reference number.

8. The district where the death was registered.

SCHEDULE 4

Regulation 4(d)

Particulars of a death to be furnished by the Registrar General of Births, Deaths and Marriages for Scotland as the Secretary of State may direct

1. The surname and forenames of the deceased.
2. The date of death.
3. The sex of the deceased.
4. The maiden surname of a deceased married, widowed or divorced woman.
5. The date of birth of the deceased.
6. The place of usual residence of the deceased.
7. The district where the death was registered.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations revoke and replace the Social Security (Notification of Deaths) Regulations 1987 (S.I. 1987/2088). They require registrars of births and deaths in England and Wales, the Registrar General for England and Wales, and the Registrar General of Births, Deaths and Marriages for Scotland to provide specified particulars of death to the Secretary of State for the purposes set out in section 125(1) of the Social Security Administration Act 1992 (c.5). The regulations also provide the manner in which and the times at which the duty is to be carried out.

Regulation 2 provides for a duty on registrars of births and deaths employed in local authorities that are facilitating the notification service, and the Registrar General for England and Wales, to pass particulars of death to the Secretary of State. This covers death registration and death declaration data. It also provides exceptions to the duty where the registrar has received a certificate from a coroner under section 11(7) or 16(4) of the Coroners Act 1988 (c.13), where a declaration has previously been attested by a registrar in a local authority that is facilitating the notification service, and where the registrar is registering the death in a local authority that is not facilitating the notification service.

Regulation 3 provides for a duty on the Registrar General of Births, Deaths and Marriages for Scotland to furnish particulars to the Secretary of State.

Regulation 4 sets out the particulars of the death of a person that are to be furnished, introducing the four Schedules to the Regulations.

Regulation 5 provides for the manner in which, and the time at which, information must be furnished to the Secretary of State. Regulation 5(3) provides that registrars have a discretion in deciding how to exercise their duty as to the manner of furnishing information to the Secretary of State, subject to the overriding obligation that it must be in writing.

Regulation 6 revokes the Social Security (Notification of Deaths) Regulations 1987 (S.I. 1987/250).

Schedule 1 lists the particulars of death that are to be furnished to the Secretary of State by a registrar of births and deaths in England and Wales when furnishing the particulars in the manner specified in regulation 5(2)(a).

Schedule 2 lists the particulars of death that are to be furnished to the Secretary of State by the Registrar General for England and Wales when furnishing the particulars in the manner specified in regulation 5(2)(b).

Schedule 3 lists the particulars of death that are to be furnished to the Secretary of State by the Registrar General of Births, Deaths and Marriages for Scotland when furnishing the particulars in the manner specified in regulation 5(2)(c).

Schedule 4 lists the particulars of death that are to be furnished to the Secretary of State by the Registrar General of Births, Deaths and Marriages for Scotland when furnishing the particulars in the manner specified in regulation 5(2)(d).

A full impact assessment has not been published for this instrument as it has no impact on the private sector or civil society organisations.

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STATUTORY INSTRUMENTS

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