STATUTORY INSTRUMENTS

1976 No. 1041 (N.I. 14)

Births and Deaths Registration (Northern Ireland) Order 1976 [F1]

\- - - - - - *[2nd July 1976]*

F1 functions transf. SR 1993/494

Modifications etc. (not altering text)

C1 Order modified (temp.) (26.3.2020) by Coronavirus Act 2020 (c. 7), s. 87(2), **Sch. 13 para. 21(3)** (with ss. 88-90, Sch. 13 para. 30); S.I. 2020/361, reg. 2(a)

PART I

INTRODUCTORY

Title and commencement

1. This Order may be cited as the Births and Deaths Registration (Northern Ireland) Order 1976 … *Commencement* …

Interpretation

2.—(1) The Interpretation Act (Northern Ireland) 1954 shall apply to Article 1 and the following provisions of this Order as it applies to a Measure of the Northern Ireland Assembly.

(2) In this Order—

"birth" means a live or a still birth **[**[F2]in Northern Ireland**]**;

[[F3] " death " means death in Northern Ireland; **]**

"the Department" means the Department of Finance;

"disposal", in relation to a dead body, means disposal by burial, cremation or any other means;

"event" means any event which may or is to be registered by a registrar;

[[F4]"father", in relation to an adopted child, means the child's natural father;**]**

"general search" means a search conducted during any number of successive hours not exceeding six, without specifying the object of the search;

"live-birth" means the birth of a child born alive;

Definition rep. by 1979 c. 36

[[F4]"mother", in relation to an adopted child, means the child's natural mother;**]**

"occupier", in relation to a public building, includes the governor, matron, superintendent or other chief officer, and, in relation to a house let in separate apartments or lodgings, includes any person residing in the house who is either the person under whom the lodgings or apartments are immediately held or his agent;

[F5"parental responsibility" and "parental responsibility agreement" have the same meanings as in the Children (Northern Ireland) Order 1995;**]**

"particular search" means a search covering a period not exceeding five years for a specified entry;

"person who effects the disposal" means the person who keeps, or whose officer keeps, the register of burials, or of disposals by other means, in which the disposal is to be registered;

"premises" includes a public building;

"prescribed" means—

(a) except in the case of any fee, prescribed by regulations;

(b) in the said excepted case, prescribed by an order under Article 47;

"public building" means a prison, barracks, hospital, welfare home and such other public building as may be prescribed;

"qualified informant", in relation to any birth or death, means a person who is by this Order required, or stated to be qualified, to give information concerning that birth or death;

"registered medical practitioner" means a fully registered person within the meaning of**[**F6 section 55 of the Medical Act 1983**]**;

F7 ...

"regulations" means regulations made by the Department subject (except as otherwise provided in this Order) to negative resolution;

"relative" includes a relative by marriage**[**F8 or civil partnership**]**F4. . . ;

"statutory provision" has the meaning assigned to it by section 1(*f*) of the Interpretation Act (Northern Ireland) 1954 ;

"still-birth" means the complete expulsion or extraction from its mother after the**[**F9 twenty-fourth week**]** of pregnancy of a child which did not at any time after being completely expelled or extracted breathe or show any other evidence of life.

[F5(2A) Any reference in this Order to a child whose father and mother were or were not married to **[**F10, or civil partners of,**]** each other at the time of his birth shall be construed in accordance with Article 155 of the Children (Northern Ireland) Order 1995.**]**

(3) Any reference in this Order to a relative of a child shall, in relation to a still-birth, be construed as if the still-born child had been born alive.

F2 Art. 2(2): words in the definition of "birth" added (3.10.2011) by Civil Registration Act (Northern Ireland) 2011 (c. 20), **ss. 1(5)**, 34; S.R. 2011/323, **art. 2(a)**

F3 Art. 2(2): definition of "death" inserted (3.10.2011) by Civil Registration Act (Northern Ireland) 2011 (c. 20), **ss. 9(6)**, 34; S.R. 2011/323, **art. 2(d)**

F4 1987 NI 22

F5 1995 NI 2

F6 1983 c. 54

F7 Words in art. 2(2) repealed (16.11.2012) by Civil Registration Act (Northern Ireland) 2011 (c. 20), s. 34, **Sch. 2**; S.R. 2012/406, art. 2, Sch.

F8 2004 c.33

F9 1992 NI 10

F10 Words in art. 2(2A) inserted (13.1.2020) by The Marriage (Same-sex Couples) and Civil Partnership (Opposite-sex Couples) (Northern Ireland) Regulations 2019 (S.I. 2019/1514), regs. 1(2), **22(2)** (with regs. 6-9)

PART II

THE REGISTRATION SERVICE

Registrar General of Births and Deaths

3.—(1) The Head of the Department may appoint a fit and competent person as the Registrar General of Births and Deaths in Northern Ireland (in this Order referred to as "the Registrar General").

(2) Section 18(2) of the Interpretation Act (Northern Ireland) 1954 (provisions as to holders of offices) shall apply to the appointment of the Registrar General.

(3) The Registrar General shall transmit to the Head of the Department an annual report setting out the numbers of live-births and still-births and deaths registered during each year, together with such other information as he considers it appropriate to include or as the Head of the Department may require, and the Head of the Department shall lay the report before the Assembly.

General Register Office and officers

4.—(1) The Department shall continue to maintain the offices of the Registrar General known as the General Register Office.

(2) The Department shall appoint such officers to the General Register Office as the Department may consider necessary for the purpose of discharging the functions of that Office.

[F11(3) Any function of the Registrar General may be performed by an officer appointed under paragraph (2) and authorised for the purpose of that function by the Registrar General.**]**

F11 Art. 4(3) added (3.10.2011) by Civil Registration Act (Northern Ireland) 2011 (c. 20), **ss. 12**, 34; S.R. 2011/323, **art. 2(e)**

Registration districts and registration authorities

5.—(1) Each local government district shall be a registration district for the purposes of the registration of births and deaths and the district council shall be the local registration authority for those purposes.

(2) A district council shall, in the exercise of the functions conferred on it as a local registration authority,—

(a) act as agent for the Department; and

(b) act in accordance with such directions as the Department may give to the council;

and any expenditure to be incurred in the exercise of those functions shall be subject to the approval of the Registrar General.

Registrars and other staff

6.—(1) Subject to the provisions of this Article, a local registration authority, with the approval of the Registrar General, shall appoint a registrar and one or more deputy registrars.

(2) A person holding an appointment under paragraph (1) may with the approval of, and shall at the direction of, the Registrar General be removed from his office of registrar or deputy registrar by the local registration authority.

(3) Any person holding an appointment under paragraph (1) shall have the functions set out in this Order and such functions as may be prescribed in relation to that appointment, and in exercising his functions under this Order and any other statutory provision shall be subject to such instructions or directions as the Registrar General may give.

Financial provisions

7. The Department shall retain or, as the case may be, defray in respect of each financial year the amount of the difference between—

(a) the aggregate of the amounts of salaries, superannuation and other expenses payable by virtue of this Order in respect of any registration district; and

(b) the aggregate of the amounts received in that registration district whether under any statutory provision or otherwise by way of fees or other expenses.

Registrars' offices

8.—(1) A local registration authority shall provide and maintain—

(a) a suitably equipped Register Office in such premises as it may, with the approval of the Registrar General, determine;

(b) a fireproof repository or a fireproof safe or container which, in the opinion of the Registrar General, is suitable for keeping safe the records and registers in the custody of the registrar.

(2) A local registration authority shall cause a notice showing the name of the registration district and the hours fixed for attendance to be placed in a conspicuous position outside the premises containing the Register Office.

Delivery up of books, etc., on ceasing to hold office

9.—(1) When any person ceases to hold the office of registrar, he shall deliver up to his successor or such person as the local registration authority may designate all register containers, keys, registers and documents in his custody as holder of that office.

(2) If any person who has in his custody or power any such article as is mentioned in paragraph (1) wilfully fails to deliver it up to, or account for it to the satisfaction of, any person in whose charge it should be, he shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding**[**F12 level 2 on the standard scale**]**.

(3) Where a person is convicted under paragraph (2) in respect of a failure to deliver up an article or account for it, and the failure continues after conviction he shall be guilty of a further offence and shall be liable on summary conviction, in addition to the fine specified in that paragraph, to a fine not exceeding £5 for every day subsequent to the day on which he is first convicted of an offence under that paragraph on which the offence continues.

(4) If a justice of the peace is satisfied by information on oath that there is reasonable cause to believe that any article withheld in contravention of this Article is in any specified house or place, he may grant a search warrant authorising any constable named therein to enter and search that house or place at any time and seize any such article so found, and any article so seized shall be delivered to the person in whose custody it should be.

F12 1984 NI 3

PART III

REGISTRATION OF BIRTHS

Registration of births

10.—(1) Subject to this Part, the birth of every child shall be registered **[**F13in a register by any registrar together with**]** such particulars concerning the birth as may be prescribed; and different registers shall be kept for live-births and still-births respectively.

(2) Where a living infant child is found exposed and no information as to the place of birth is available, the birth shall be registered by the registrar for the district in which the child is found.

(3) 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) any aunt, uncle, grandfather and grandmother of the child who has knowledge of the birth;

(c) the occupier of the premises in which the child was to the knowledge of the occupier born;

(d) any person present at the birth;

(e) any person having charge of the child.

(4) Except as provided for in **[**F14Articles 14 and 14ZA**]**, it shall, subject to paragraphs (6) and (8), be the duty—

(a) of the father or mother of the child;

(b) in the case of the death or inability of the father and mother, of each other qualified informant;

to give to **[**F15any registrar**]**, before the expiration of a period of forty-two days from the date of the birth, information of—

(i) the particulars required to be registered concerning the birth; and

(ii) such other particulars as may be prescribed;

[F16in such manner as may be prescribed**]**.

[F17(4A) 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 paragraphs (3)(a) and (4) to the father of the child are to be read as references to the woman who is a parent by virtue of that section.**]**

(5) The Registrar General shall make such arrangements as are necessary for the collection and collation of the particulars given to registrars under paragraph (4), and for that purpose he shall make arrangements for the preparation and issue of any necessary forms and instructions.

(6) Where any qualified informant gives the required information concerning a birth **[**F18in the prescribed manner**]**, every other qualified informant shall cease to be under a duty to do so.

(7) Where the Registrar General is satisfied, after such inquiry as he thinks necessary, that the correct particulars concerning a birth are available, he may authorise the registration of the birth even if the information is not given by a qualified informant.

(8) Paragraph (4) shall cease to apply to a birth if, before the expiration of the period referred to in that paragraph and before the birth is registered, an inquest is held at which the child is found to have been still-born.

F13 Words in art. 10(1) substituted (3.10.2011) by Civil Registration Act (Northern Ireland) 2011 (c. 20), **ss. 1(2)**, 34; S.R. 2011/323, **art. 2(a)**