

Civil Registration Bill

[AS INTRODUCED]

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Civil Registration

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A

B I L L

TO

Amend the Births and Deaths Registration (Northern Ireland) Order 1976; to provide for access to information relating to marriages and civil partnerships and information contained in the Adopted Children Register and the Gender Recognition Register, for the notification of the registration of marriages and civil partnerships, for the Registrar General to supply commemorative documents and for a register called the Record of Northern Ireland Connections; and for connected purposes.

BE IT ENACTED by being passed by the Northern Ireland Assembly and assented to by Her Majesty as follows:

Births

Registration of births

1.—(1) Article 10 of the 1976 Order (registration of births) shall be amended in accordance with subsections (2) to (4).

5 (2) In paragraph (1) (registration by registrar for district where child born or mother ordinarily resident), for the words from “by the registrar for the district” to the words “in a register in his custody” there shall be substituted the words “in a register by any registrar together with”.

10 (3) In paragraph (4) (duty to give information to the registrar and sign the register in the presence of the registrar)—

(a) for the words “the registrar” there shall be substituted the words “any registrar”; and

15 (b) for the words “and to sign the register in the presence of the registrar” there shall be substituted the words “in such manner as may be prescribed”.

(4) In paragraph (6) (effect of qualified informant giving required information and signing the register), for the words “and signs the register” there shall be substituted the words “in the prescribed manner”.

(5) In the definition of “birth” in Article 2(2) of the 1976 Order (interpretation), at the end there shall be added the words “in Northern Ireland”.

Infant children found exposed

2.—(1) Article 11 of the 1976 Order (infant children found exposed) shall be amended as follows. 5

(2) In paragraph (1) (duty of certain persons to give information to the registrar and to sign the register in the presence of the registrar), for the words “and to sign the register in the presence of the registrar” there shall be substituted the words “in the prescribed manner”.

(3) In paragraph (2) (effect of person giving information and signing the register), for the words “and signs the register” there shall be substituted the words “in the prescribed manner”. 10

Issue of notice for information concerning births

3.—(1) In Article 12 of the 1976 Order (issue of notice for information concerning births), paragraph (1) shall be amended as follows. 15

(2) In sub-paragraph (b) (requirement to give certain information), after the word “give” there shall be inserted the words “in the prescribed manner within such time as may be specified in the notice”.

(3) The following provisions shall cease to have effect—

(a) sub-paragraph (a) (requirement to attend personally); 20

(b) sub-paragraph (c) (requirement to sign register) and the immediately preceding “and”.

Registration of father where parents not married

4.—(1) Article 14 of the 1976 Order (registration of father where parents not married) shall be amended as follows. 25

(2) In paragraph (3)(a) (mother and father jointly request registration and sign the register in the presence of each other), for the words “and in that event the mother and that person shall sign the register in the presence of each other” there shall be substituted the words “in the prescribed manner”.

(3) In paragraph (5)(b) (effect of giving information and signing register), for the words “and the signing of the register by him in the presence of the registrar” there shall be substituted the words “in the prescribed manner”. 30

Still-births

Time limit on registration of still-births

5.—(1) In Article 13 of the 1976 Order (registration of birth of child after one year requires written authority of Registrar General), paragraph (3) (rule not to apply to still-births) shall cease to have effect. 35

(2) In Article 15 of the 1976 Order, paragraph (1) (no still-birth to be registered after the expiration of three months from the date of the still-birth) shall cease to have effect. 40

Registration of still-births where parents not married

6.—(1) At the end of Article 14 of the 1976 Order (registration of father where parents not married), there shall be added the following paragraph—

“(6) This Article shall not apply to the registration of a still-birth.”.

5 (2) In Article 18 of the 1976 Order (re-registration of births)—

(a) in paragraph (1)(b) (parents not married), at the end of head (ii) there shall be added—

“or

10 (iii) particulars relating to his father have been entered in the register in the case of a still-birth and the mother disputes them;”;

(b) after paragraph (1A) there shall be inserted the following paragraph—

“(1B) Paragraph (1A) shall not apply to the re-registration of a still-birth.”.

Legitimated persons

15 **Re-registration of births of legitimated persons**

7. In Article 19 of the 1976 Order (re-registration of births of legitimated persons), in paragraph (6) (power of Registrar General where re-registration not pursued to require person to attend and sign register), for sub-paragraphs (i) and (ii) there shall be substituted the words “to take such steps for the purposes of re-
20 registration as are specified in the notice within such time as may be so specified.”.

Deaths

Registration of deaths

25 **8.**—(1) Article 21 of the 1976 Order (registration of deaths) shall be amended in accordance with subsections (2) to (5).

(2) In paragraph (1) (registration by registrar for district where person died or was ordinarily resident), for the words from “by the registrar for the district” to the words “in a register maintained by him for the purpose” there shall be substituted the words “in a register by any registrar”.

30 (3) In paragraphs (2) and (3) (cases where body found but no information as to place of death), for the words “in the district” there shall be substituted the words “by the registrar for the district”.

(4) In paragraph (5) (duty to give information and to sign register)—

35 (a) for the words “to the registrar” there shall be substituted the words “to any registrar”;

(b) for the words “to sign the register in the presence of the registrar” there shall be substituted the words “of such other particulars as may be prescribed, in the prescribed manner”.

40 (5) In paragraph (6) (effect of information being given and register signed), for the words “and signs the register” there shall be substituted the words “in the prescribed manner”.

(6) In Article 2(2) of the 1976 Order (interpretation), after the definition of “birth” there shall be inserted the following definition—

““death” means death in Northern Ireland;”.

Issue of notice for information concerning deaths

9.—(1) In Article 23 of the 1976 Order (issue of notice for information concerning deaths), paragraph (1) shall be amended as follows. 5

(2) In sub-paragraph (b) (requirement to give certain information), after the word “give” there shall be inserted the words “in the prescribed manner within such time as may be specified in the notice”.

(3) The following provisions shall cease to have effect— 10

- (a) sub-paragraph (a) (requirement to attend personally);
- (b) sub-paragraph (c) (requirement to sign register) and the immediately preceding “and”.

Short death certificate

10.—(1) After Article 40 of the 1976 Order (short birth certificate) there shall be inserted the following Article— 15

“Short death certificate

40A. The Department may make regulations—

- (a) providing as respects any entry in a register of deaths made after the commencement of section 10 of the Civil Registration Act (Northern Ireland) 2008, for the issue by the Registrar General or any registrar of a certificate of such of the items comprising that entry (other than items relating to the cause of death) as may be prescribed; 20
- (b) providing for the form of any such certificate; 25
- (c) providing for the particulars to be furnished by an applicant for such a certificate;
- (d) providing for the manner in which any such certificate is to be compiled; and
- (e) requiring the payment, by the applicant for the certificate, of the prescribed fee.”. 30

(2) In Article 34(5) of the 1976 Order (which contains provision that judicial notice shall be taken of any certificate under Article 40 of that Order), after “40” there shall be inserted “or 40A”.

Other amendments of the 1976 Order 35

Discharge of functions of the Registrar General

11. In Article 4 of the 1976 Order (General Register Office and officers), after paragraph (2) there shall be added the following paragraph—

“(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.”.

Reproduction of registers and replacement of lost registers, etc.

5 **12.** In Article 33 of the 1976 Order (reproduction of registers and replacement of lost registers, etc.), in paragraph (2) (authentication by signature of Registrar General) the words “the signature of” shall cease to have effect.

Access to information relating to births and deaths

10 **13.** After Article 34 of the 1976 Order (searches of indexes and certified copies of entries) there shall be inserted the following Article—

“Access to information relating to births and deaths

34A.—(1) Regulations may make provision for any person to have access on payment of the prescribed fee to any information contained in the registers.

15 (2) Regulations under paragraph (1) may provide that the relevant period must have expired in relation to the information.

(3) In paragraph (2)—

“the relevant period” means—

20 (a) in relation to information relating to a birth, the period of 100 years from the date of the birth or such other period as may be prescribed;

(b) in relation to information relating to a death, the period of 50 years from the date of the death or such other period as may be prescribed.

25 (4) Regulations under paragraph (1) may provide for the Registrar General—

(a) to make arrangements with any person for the purpose of providing access to information as mentioned in that paragraph; and

30 (b) for that purpose to transfer information to that person subject to conditions (including conditions as to the making of payments by that person to the Registrar General).

(5) Paragraph (1) shall not apply to any register of still-births.

(6) This Article is without prejudice to Article 38.”.

35 **Correction of errors in registers**

14.—(1) In Article 35 of the 1976 Order (correction of errors in registers), in paragraph (2)(a) (clerical errors), for the words “clerical error” there shall be substituted the words “error (other than an error of fact or substance)”.

40 (2) In Article 36 of the 1976 Order (correction or cancellation of entries in registers on motion of certain officers)—

- (a) in paragraph (1), the words “in his custody” shall cease to have effect;
- (b) in paragraph (2), for the words “the registrar having custody of the register” there shall be substituted the words “any registrar”;
- (c) in paragraph (3)—
 - (i) for the words “the registrar having custody of the register when” there shall be substituted the words “any registrar”; 5
 - (ii) in sub-paragraph (a) for the words from “attend” to “of the notice)” there shall be substituted the words “take such steps as may be specified in the notice for the purposes of this paragraph within such time”; 10
- (d) in paragraph (4), for the words “the registrar having custody of the register” there shall be substituted the words “any registrar”;
- (e) in paragraph (5), for the words from “to the person” to the end there shall be substituted the words “requiring any person to cancel such of the entries as the Registrar General may specify”. 15

Registration or alteration of child's name

15.—(1) Article 37 of the 1976 Order (registration or alteration of child's name) shall be amended as follows.

(2) Paragraph (2) (special procedure for children under the age of two) shall cease to have effect. 20

(3) In paragraph (3) (procedure for children under the age of 18)—

- (a) sub-paragraphs (a) and (b) (evidence produced to Registrar General) shall cease to have effect;
- (b) for the words from “recorded under this paragraph” to the end there shall be substituted the words “so recorded”. 25

(4) In paragraph (4) (procedure for persons over the age of 18), sub-paragraphs (a) and (b) (evidence produced to Registrar General) shall cease to have effect.

(5) After paragraph (4) there shall be inserted the following paragraphs—

“(4A) The Registrar General may notify such persons as the Registrar General considers appropriate of a change of name or surname recorded under this Article. 30

(4B) A person may make an application in the prescribed form to the Registrar General as to persons to be notified under paragraph (4A) of a change of name or surname recorded under this Article in consequence of an application made by that person under paragraph (3) or (4). 35

(4C) The prescribed fee shall be paid to the Registrar General by any person making an application under paragraph (4B).

(4D) The power conferred by paragraph (4A) may be exercised whether or not an application has been made under paragraph (4B).”.

(6) In paragraph (7), for the words “paragraphs (2) and (3)” there shall be substituted the words “paragraph (3)”. 40

Certified copies

16. For Article 39 of the 1976 Order (photographic copies, etc.) there shall be substituted the following Article—

“Certified copies

- 5 39. A certified copy issued under this Order may be—
- (a) made by any method of reproducing a document; or
 - (b) a document containing such information as may be prescribed derived from an entry in the registers.”.

Issue of short birth certificate

- 10 17. In Article 40 of the 1976 Order (short birth certificate), in paragraph (a) (issue by Registrar General or person having custody of the register) for the words “person having the custody of the register” there shall be substituted the words “any registrar”.

Notification of births and deaths

- 15 18. After Article 40A of the 1976 Order (inserted by section 10) there shall be inserted the following Article—

“Notification of births and deaths

- 20 40B.—(1) The Registrar General may notify such persons as the Registrar General considers appropriate of the registration of a birth or a death under this Order.
- (2) An application may be made in the prescribed form to the Registrar General as to persons to be notified by the Registrar General under paragraph (1) by any person who gave information leading to the registration of the birth or the death.
- 25 (3) The prescribed fee shall be payable to the Registrar General by any person making an application under paragraph (2).
- (4) The power conferred by paragraph (1) may be exercised whether or not an application has been made under paragraph (2).
- (5) This Article shall not apply to the registration of a still-birth.”.

30 **Entries in registers as evidence**

19. In Article 41 of the 1976 Order (entries in registers as evidence), in paragraph (1)(a) (entry of a birth or death in a register not to be evidence unless signed by a person professing to be a valid informant), for the words “is signed by” there shall be substituted the words “includes the name of”.

35 **Refusal to give information**

20. In Article 44 of the 1976 Order (refusal to give information), sub-paragraph (b) of paragraph (1) (which makes it an offence to fail to sign a register in the presence of the registrar when required to do so by the 1976 Order) shall cease to have effect.

Fees payable for searches, certified copies, etc.

21.—(1) Article 47 of the 1976 Order (fees payable for searches, certified copies, etc.) shall be amended as follows.

- (2) In paragraph (1) (matters for or in respect of which fees payable)—
- (a) in sub-paragraph (c), for the word “officer” there shall be substituted the word “person”; 5
 - (b) after sub-paragraph (c) there shall be inserted the following sub-paragraph—
“(cc) applications under Article 40B;”;
 - (c) after sub-paragraph (d) there shall be substituted the following sub-paragraph— 10
“(da) documents supplied under section 26 of the Civil Registration Act (Northern Ireland) 2008;
(db) entries made in the Record of Northern Ireland Connections under section 27 of that Act;” 15
- (3) In paragraph (4) (registrar may refuse to comply until fee paid)—
- (a) after the words “Except as may be prescribed” there shall be inserted the words “the Registrar General or”;
 - (b) after the words “this Order” there shall be inserted the words “or the Civil Registration Act (Northern Ireland) 2008”; 20
 - (c) for the word “officer” there shall be substituted the word “person”.

Miscellaneous

Access to information relating to marriages and civil partnerships

22.—(1) In Article 35 of the Marriage (Northern Ireland) Order 2003 (NI 3) (searches), after paragraph (4) there shall be added the following paragraphs— 25

“(5) Regulations may make provision for any person to have access, on payment of the prescribed fee, to any information contained in any marriage registration records.

(6) Regulations under paragraph (5) may provide that the relevant period must have expired in relation to the information. 30

(7) In paragraph (6) “the relevant period” in relation to a marriage means the period of 75 years from the date on which the marriage was solemnised or such other period as may be prescribed.

(8) Regulations under paragraph (5) may provide for the Registrar General— 35

- (a) to make arrangements with any person for the purpose of providing access to information as mentioned in that paragraph; and
- (b) for that purpose to transfer information to that person subject to conditions (including conditions as to the making of payments by that person to the Registrar General).” 40

(2) In section 155 of the Civil Partnership Act 2004 (c. 33) (searches), after subsection (5) there shall be added the following subsections—

5 “(6) Regulations under section 159 may make provision for any person to have access, on payment of the prescribed fee, to any information contained in any civil partnership registration records.

(7) Regulations under section 159 may provide that the relevant period must have expired in relation to the information.

10 (8) In subsection (7) “the relevant period” in relation to a civil partnership means the period of 75 years from the date on which the civil partnership was registered or such other period as may be prescribed.

(9) Regulations under section 159 may provide for the Registrar General—

15 (a) to make arrangements with any person for the purpose of providing access to information as mentioned in subsection (6); and

(b) for that purpose to transfer information to that person subject to conditions (including conditions as to the making of payments by that person to the Registrar General).”.

Notification of registration of marriages and civil partnerships

20 **23.**—(1) After Article 35 of the Marriage (Northern Ireland) Order 2003 (NI 3) there shall be inserted the following Article—

“Notification of registration

35A.—(1) The Registrar General may notify such persons as the Registrar General considers appropriate of the registration of a marriage.

25 (2) An application may be made in the prescribed form to the Registrar General as to persons to be notified by the Registrar General under paragraph (1) by either party to the marriage.

(3) The prescribed fee shall be payable to the Registrar General by the applicant.

30 (4) The power conferred by paragraph (1) may be exercised whether or not an application has been made under paragraph (2).”.

(2) After section 155 of the Civil Partnership Act 2004 (c. 33) there shall be inserted the following section—

“Notification of registration

35 155A.—(1) The Registrar General may notify such persons as the Registrar General considers appropriate of the registration of a civil partnership.

40 (2) An application may be made in the prescribed form to the Registrar General as to persons to be notified by the Registrar General under subsection (1) by either civil partner.

(3) The prescribed fee shall be payable to the Registrar General by the applicant.

(4) The power conferred by paragraph (1) may be exercised whether or not an application has been made under subsection (2).”.

Access to information in the Adopted Children Register 5

24.—(1) The Adoption (Northern Ireland) Order 1987 (NI 22) (Adopted Children Register) shall be amended as follows.

(2) In the definition of “prescribed” in Article 2(2), after the word “Articles” in the second place where it occurs there shall be inserted “50(4) and (6)”.

(3) In Article 50, after paragraph (3) there shall be added the following paragraphs— 10

“(4) The Department of Finance and Personnel may by regulations make provision for any person to have access, on payment of the prescribed fee, to any information contained in the Adopted Children Register. 15

(5) Regulations under paragraph (4) may provide that the relevant period must have expired in relation to the information.

(6) In paragraph (5) “the relevant period” in relation to the adoption of a child means the expiration of the period of 100 years from the date of the child’s birth or such other period as may be prescribed. 20

(7) Regulations under paragraph (4) may provide for the Registrar General—

(a) to make arrangements with any person for the purpose of providing access to information as mentioned in that paragraph; and 25

(b) for that purpose to transfer information to that person subject to conditions (including conditions as to the making of payments by that person to the Registrar General).”.

Access to information in the Gender Recognition Register

25.—(1) Paragraph 22 of Schedule 3 to the Gender Recognition Act 2004 (c. 7) (Gender Recognition Register maintained in Northern Ireland) shall be amended as follows. 30

(2) In sub-paragraph (4) (Gender Recognition Register not to be open to public inspection or search), for the word “The” there shall be substituted the words “Subject to sub-paragraph (5), the”. 35

(3) After sub-paragraph (4) there shall be added the following sub-paragraphs—

“(5) The Department of Finance and Personnel may by regulations make provision for any person to have access, on payment of the prescribed fee, to any information contained in the Gender Recognition Register. 40

(6) Regulations under sub-paragraph (5) may provide that the relevant period must have expired in relation to the information.

5 (7) In sub-paragraph (6) “the relevant period” in relation to information relating to a person means the period of 100 years from the date of that person’s birth or such other period as may be prescribed.

(8) Regulations under sub-paragraph (5) may provide for the Registrar General—

10 (a) to make arrangements with any person for the purpose of providing access to information as mentioned in that sub-paragraph; and

(b) for that purpose to transfer information to that person subject to conditions (including conditions as to the making of payments by that person to the Registrar General).”.

Commemorative documents

15 **26.** The Registrar General may supply any person with a document commemorating any entry in a register relating to—

(a) a birth;

(b) a marriage or a civil partnership; or

(c) a death,

20 on payment of the prescribed fee to the Registrar General.

Record of Northern Ireland Connections

27.—(1) The Registrar General shall maintain—

(a) a register called the Record of Northern Ireland Connections in which shall be made entries under this section; and

25 (b) an index of the register.

(2) Any person may apply to the Registrar General in the prescribed manner for an event mentioned in Schedule 1 to be entered in the register in the prescribed form on payment of the prescribed fee to the Registrar General.

30 (3) The Registrar General may amend or delete any entry made under this section.

(4) Any person may on payment of the prescribed fee to the Registrar General—

(a) search the index,

(b) have access to any information contained in the register, and

35 (c) require the Registrar General to provide a copy of any entry in the register.

(5) In this section—

“prescribed” means—

40 (a) except in the case of any fee, prescribed by regulations made by the Department of Finance and Personnel;

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(b) in the case of any fee, prescribed by order made under Article 47 of the 1976 Order;

“register” means the Record of Northern Ireland Connections established under subsection (1).

(7) Regulations under this section shall be subject to negative resolution. 5

Supplementary

Interpretation

28. In this Act—

“the 1976 Order” means the Births and Deaths Registration (Northern Ireland) Order 1976 (NI 14). 10

Repeals

29. The repeals set out in Schedule 2 shall have effect.

Commencement

30. Sections 1 to 29 shall come into operation on such day or days as the Department of Finance and Personnel may by order appoint. 15

Short title

31. This Act may be cited as the Civil Registration Act (Northern Ireland) 2008.

SCHEDULES

SCHEDULE 1

Section 27.

EVENTS WHICH MAY BE RECORDED UNDER SECTION 27

1. A birth which occurred outside Northern Ireland if—
- 5 (a) a parent or grandparent of the child was born in Northern Ireland, or
(b) there is an entry in the register relating to a parent or grandparent of the child.
2. A death which occurred outside Northern Ireland if—
- 10 (a) the deceased person was born in Northern Ireland or was resident in Northern Ireland at the time of his death;
(b) a parent or grandparent of the deceased person was born in Northern Ireland, or
(c) there is an entry in the register relating to a parent or grandparent of the deceased person.
- 15 3.—(1) A marriage which occurred outside Northern Ireland if—
(a) at least one of the parties was born in Northern Ireland or was resident in Northern Ireland at the time of the marriage;
(b) a parent or grandparent was born in Northern Ireland; or
(c) there is an entry in the register relating to a parent or grandparent.
- 20 (2) In this paragraph—
“parent or grandparent” means parent or grandparent of at least one of the parties;
“parties” means parties to the marriage.
- 25 4.—(1) The formation of a civil partnership in Great Britain or the entering into of an overseas relationship if (in either case)—
(a) at least one of the parties was born in Northern Ireland or was resident in Northern Ireland at the time of the event;
(b) a parent or grandparent was born in Northern Ireland; or
(c) there is an entry in the register relating to a parent or grandparent.
- 30 (2) In this paragraph—
“overseas relationship” has the meaning given by section 212 of the Civil Partnership Act 2004 (c. 33);
“parent or grandparent” means parent or grandparent of at least one of the parties;
35 “parties” means parties to the formation of the civil partnership.

SCHEDULE 2

REPEALS

Short Title	Extent of repeal	
The Births and Deaths Registration (Northern Ireland) Order 1976 (NI 14).	In Article 2(2), the definition of “registrar”.	5
	In Article 12(1), sub-paragraph (a) and sub-paragraph (c) and the immediately preceding “and”.	
	Article 13(3).	
	Article 15(1).	10
	In Article 23(1), sub-paragraph (a) and sub-paragraph (c) and the immediately preceding “and”.	
	In Article 33(2), the words “the signature of”.	
	In Article 36(1), the words “in his custody”.	15
	In Article 37, paragraphs (2), (3)(a) and (b) and (4)(a) and (b).	
In Article 44(1), sub-paragraph (b).		