

Mr Peter Hall  
Finance Committee Clerk  
Northern Ireland Assembly  
Parliament Buildings  
Stormont  
Belfast BT4 3XX

Private Office  
2<sup>nd</sup> Floor  
Clare House  
303 Airport Road West  
BELFAST  
BT3 9ED  
Tel: 028 9081 6338  
Email: [private.office@finance-ni.gov.uk](mailto:private.office@finance-ni.gov.uk)

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Dear Peter

The Department of Finance proposes to make a Statutory Rule, The Baby Loss Certificate Regulations (Northern Ireland) 2026 under powers conferred by section 11 of the Deaths, Still-Births and Baby Loss Act (Northern Ireland) 2026. The Statutory Rule is subject to draft affirmative resolution procedure before the Assembly.

### **Purpose of the Statutory Rule**

The Regulations are secondary legislation as a result of the Deaths, Still-Births and Baby Loss Act (Northern Ireland) 2026, which received Royal Assent on 25 February 2026.

The General Register Office (GRO) provides registration services in Northern Ireland, providing official recognition for births, deaths, marriages and civil partnerships among other important life events.

However, losses that occur before the end of 24 weeks of pregnancy are not recognised under current legislation. Losses after 24 weeks are considered still-births, and, after this loss is recorded, a certificate of still-birth is produced. If an infant dies following a live birth, the birth and death are both recognised and birth and death certificates are created thereafter.

There has previously been no formal recognition in law and no certificate scheme to recognise the loss of a baby before the end of 24 weeks of pregnancy.

The Act included provisions for the Department to make regulations for the introduction of a Baby Loss Certificate Scheme. The purpose of the new regulations is to provide the means to enable the provision of a Baby Loss Certificate to those who have lost a baby prior to the end of the 24<sup>th</sup> week of pregnancy.

The regulations will include the framework for the scheme including conditions for the issue of a certificate, the information that a certificate will contain, the form of the application and who can apply.

The aim of a Baby Loss Certificate Scheme is to provide a certificate which recognises the loss of a baby prior to the end of 24 weeks of pregnancy. It will offer the opportunity to have the loss recorded, and to obtain a certificate. It will be entirely voluntary with no legal requirement to record the loss. The resulting certificate will have no legal standing but will provide a formal means of recognising the loss and its impact.

The Baby Loss Certificate Scheme will bridge this gap in the registration service. Its objective is to provide the same formal recognition as other losses through a baby loss certificate.

### **Previous Engagement with the Committee**

A full consultation on the baby loss provisions in the governing Act for these draft Regulations; the Deaths, Still-Births and Baby Loss (Northern Ireland) Act 2026 was undertaken. The subject matter and approach outlined during those engagements remains unchanged.

### **Financial Implications**

The majority of service changes can be met without placing any additional burden on the public purse or the general public.

### **Consultation**

No public consultation has been undertaken in relation to the regulations, but a consultation was carried out on proposals for a Baby Loss Certificate Scheme.

The draft content and parameters for a Baby Loss Certificate Scheme were published for consultation over a 12-week period from 17 June 2025 to 12 September 2025. During this time, individuals and organisations across Northern Ireland had the opportunity to consider and give their views on the proposed scheme.

Overall, the quantitative responses to the consultation on the draft parameters for the Baby Loss Certificate Scheme showed strong support for aspects of the scheme already under consideration and gave useful informative about preferences for the design elements for the operation of the scheme and certificates themselves. There was considerable alignment between the key findings of the consultation exercise and the Department's original proposal.

The learnings that have been drawn out have raised several adjustments that were made to improve the scheme and make it more aligned to the needs of anyone who has been affected by a loss of this kind – whether in terms of the content and tone of the certificates themselves or with regard to the scheme eligibility criteria.

## **Compliance with Section 24 of the Northern Ireland Act 1998**

The Statutory Rule has been reviewed against section 24 of the Northern Ireland Act 1998 and the Department is satisfied that the Baby Loss Certificate Regulations (Northern Ireland) 2026 are not incompatible with Convention Rights; are not incompatible with Article 2(1) of the Windsor Framework; do not discriminate against a person or class of person on the grounds of religious belief or political opinion and do not modify an enactment in breach of Section 7 of the Northern Ireland Act 1998.

## **Consideration by the Executive**

A determination was made that the matters covered in the Draft Rule do not meet the threshold for matters that require consideration by the Executive.

## **Equality Impact**

The Department has screened the policy for equality impacts and a full Equality Impact Assessment (EQIA) is not required as no adverse impacts have been identified.

## **Regulatory Impact**

A Regulatory Impact Assessment is not considered necessary. There will be no impact on businesses, charities, social enterprises or voluntary bodies.

## **Rural Needs Impact**

A Rural Needs Impact Assessment is not considered necessary. There will be no impact on people in rural areas.

## **Data Protection Impact**

Whilst the content of the draft Rule will not itself have implications for the processing of personal data in line with data protection requirements, the Department undertook a full data protection impact assessment on how the data collected as part of the baby loss certificate scheme will be processed and have put in place suitable mitigating measures to ensure that all data protection requirements are met.

## **Child Rights Impact**

A Child Rights Impact Assessment is not considered necessary. There will be no impact on children.

## **Position in Great Britain**

### **England**

Baby loss certificates were introduced in England on 22 February 2024 by the Department of Health & Social Care (DHSC), acting on the plans in the Women's Health Strategy for England and on recommendations from the Pregnancy Loss Review. The baby loss certificate in England is not a legal document and is obtained

on a voluntary basis. The applicant must be over 16 years old and have lived in England at the time of the loss. Certificates were originally offered for losses on or after 1 September 2018, but this has now changed and there is no time limit on when the loss occurred.

### **Scotland**

A similar scheme operates in Scotland. The National Records of Scotland (NRS) holds 'The Memorial Book of Pregnancy and Baby Loss Prior to 24 weeks'. Once a loss has been recorded in the book, a commemorative certificate of the entry is issued free of charge. A certificate from the Memorial Book has no legal status and cannot be used as evidence of the loss. The loss must have occurred in Scotland at the time the application is made. There is no time limit on making an application for an entry in the Memorial Book. Applications may be submitted for historical or recent losses and also terminations.

### **Other Jurisdictions**

Baby loss certificate schemes are not currently in operation in Wales or Ireland.

### **EU Implications**

Not applicable.

### **Proposed timing of consideration of the SL1**

This SL1 has been submitted to the Committee in accordance with the minimum four-week timeframe and the Department would propose that the Committee considers it at their scheduled meeting on 13 May 2026 to ensure that the Regulations come into operation by the proposed operational date.

### **Operational Date**

It is proposed that the rule will come into operation on or before 1 June 2026.

*When the Rule together with the Explanatory Memorandum has been laid at the Assembly Business Office the Business Office will submit copies to the Committee.*

You will wish to bring this matter to the attention of Finance Departmental Committee.

Yours sincerely

**GERARD WILLIS**  
**DEPARTMENTAL ASSEMBLY LIAISON OFFICER**