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# Deaths, Still-Births and Baby Loss Bill

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The paper provides an overview of the proposed Deaths, Still-Births and Baby Loss Bill, introduced by the Minister of Finance to the Northern Ireland Assembly on 25 March 2025. The proposed changes make permanent the temporary procedures for notifying deaths and still-births that were introduced during the COVID-19 pandemic, outlines changes to how deaths and still-births may be registered by same-sex female parents and considers the legislative basis for introducing a baby loss certificate scheme.

This information is provided to Members of the Legislative Assembly (MLAs) in support of their duties, and is not intended to address the specific circumstances of any particular individual. It should not be relied upon as professional legal advice, or as a substitute for it.

# 1 Key Points

## Permanent electronic registration framework for deaths and still-births

- **The Bill makes permanent the COVID-19 emergency measures** that allow deaths and still-births to be registered remotely (e.g. via telephone and electronic document transfer). These practices, used over the past five years, have been widely supported by registrars, funeral directors and families as more convenient and efficient than in-person registration.
- **Around 17,000 deaths and 75 still-births are registered each year in NI**, and normally deaths must be registered within 5 days (still-births within 42 days). The Bill's provisions (Clauses 2–7, 9–10) will embed a **fully digital/remote-capable registration process**, removing requirements for physical signatures and paper transmission of medical certificates in most cases. (Clause 10 will repeal the now-redundant temporary provisions in the Coronavirus Act 2020 that have been extended to cover these processes.)
- **Stakeholder feedback on the digital registration changes has been positive.** After operating under temporary provisions since 2020, registrars and council officials report the electronic system has been “highly beneficial”, and families appreciate the convenience and speed. The Committee may wish to ensure that any minor operational issues that arose have been addressed and that guidance is in place to maintain consistent service across all local registration offices.

## Equalising registration rights for same-sex female parents

- **The Bill addresses a gap in the law affecting same-sex female couples.** Under current law, unmarried opposite-sex parents can register a birth or still-birth separately, but unmarried female partners cannot – they must attend together, and a second female parent cannot register a still-birth alone. The

Bill's Schedule (introduced by Clause 8) will **give same-sex female parents the same flexibility** as other parents: either parent will be able to register independently, and the birth mother will have the right to re-register a still-birth if she disputes details entered by the other parent. Gender-specific terms (like "father") in legislation will be replaced with "other parent" to be inclusive.

## Legal Framework for Baby Loss Certificates in Northern Ireland

- **Clause 11 enables the creation of a Baby Loss Certificate scheme** in Northern Ireland, which will offer parents who experience a pregnancy loss before 24 weeks gestation an opportunity to receive an official certificate acknowledging that loss. Currently, such losses (often termed "miscarriages") are not recorded in any official register and thus receive no formal recognition.
- **The Baby Loss Certificate will be voluntary and have no legal effect**, serving as a commemorative document for those who want it. The Department of Finance has indicated in Assembly debates that certificates will be **issued free of charge** and that the scheme will be made **retrospective**, so that parents can apply for recognition of losses that happened in the past. The specific details (who may apply, information to be included, application process) will be set out in regulations which must be approved by the Assembly before the scheme can operate.
- **The introduction of a baby loss certificate scheme has been widely welcomed** by bereaved parents, health professionals and charities. Evidence shows that lack of recognition for early pregnancy loss can compound grief – research indicates up to 55% of women experience depression after a miscarriage, and in a SANDS survey 93% of respondents supported having an official way to acknowledge pre-24-week losses (with the vast majority preferring an optional scheme).
- **Similar initiatives elsewhere:** England launched a Baby Loss Certificate scheme in 2024 (following a successful pilot) – it is optional, retrospective and can include both parents' names, with over 100,000 certificates issued so far.

Scotland introduced a **Memorial Book and certificate** in 2023 for losses before 24 weeks, allowing individuals to record their loss privately with the national records office and receive a commemorative certificate. Wales is actively exploring a scheme, working with the Sands charity and learning from the English model. Beyond the UK, other jurisdictions like **Germany** and **Australia** also provide for early pregnancy loss certificates or acknowledgments on request, underlining a broader recognition of the need to support parents in this situation.

## **Timeline and next steps**

### **Electronic registration provisions**

The Assembly has extended the existing temporary registration provisions to September 2025 to allow time for this Bill to pass and be enacted without a gap in service. The Committee has indicated it will take the time needed to scrutinise the Bill thoroughly despite the tight schedule.

### **Baby Loss Certificate Scheme**

The Department hopes to have the NI Baby Loss Certificate scheme in place by the end of 2025, aiming to run public consultation concurrently with the Bill's passage. Given that the Bill only establishes the legal powers, the Committee will want to scrutinise the feasibility of this timeline and ensure that implementation (including drafting of regulations and setting up administrative systems) keeps pace.

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## 2 Introduction

The [Deaths, Still Births and Baby Loss Bill](#) (Bill 13/22-27) was introduced to the Northern Ireland Assembly by the Minister of Finance, Mr John O'Dowd on 25 March 2025. The [Second Stage of the Bill](#) was completed on 07 April 2025.

The Bill was introduced to address three key issues:

1. Permanently adopt temporary COVID-19 measures (telephone registration, electronic documents) that allowed for the remote registration of deaths and still-births – Clauses 1–10.
2. Equalise birth/still-birth registration procedures for same-sex female couples – dealt with in Clause 8 the Schedule.
3. Enable a statutory basis for a baby loss certificate scheme for pre-24-week pregnancy losses – Clause 11.

## 3 Background to the bill

The Deaths, Still-Births and Baby Loss Bill was formally introduced to the Northern Ireland Assembly on 25 March 2025. It represents the culmination of a lengthy process of engagement between the Department of Finance (DoF) and the Northern Ireland Assembly Committee for Finance (the Committee). This section provides an overview of the various stages of engagement.

## **Support for temporary provisions under the Coronavirus Act 2020**

The Committee had previously supported the use of temporary provisions under the Coronavirus Act 2020, which allowed for the registration of deaths and still-births by telephone, without an informant's signature, and for the electronic transfer of registration documents. On 10 April 2024, the Committee agreed to extend these provisions until 24 September 2024 through Statutory Rule (SR) 2024/57, on the understanding that this would be the final extension.

At that time, officials from the Department of Finance indicated that the changes could be made permanent through delegated legislation under the Civil Registration Regulations (Northern Ireland) 2012. While the Committee was broadly supportive, it expressed scepticism about whether this could be achieved without primary legislation.<sup>1</sup>

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## **Political momentum for baby loss certificates**

On 15 April 2024, Liz Kimmins MLA moved a private members' motion in the Northern Ireland Assembly calling on the Minister of Finance "to develop a baby loss certificate scheme for those parents who have lost a baby during pregnancy before 24 weeks".<sup>2</sup>

Following the motion, then Finance Minister Dr Caoimhe Archibald confirmed she was committed to working with then Health Minister Robin Swann to assess the feasibility of introducing baby loss certificates in Northern Ireland.<sup>3</sup>

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<sup>1</sup> [Committee for Finance Minutes of Proceedings 10 April 2024](#)

<sup>2</sup> Northern Ireland Assembly, [Official Report \(Hansard\), vol 156, No 4 \(PDF\)](#), 15 April 2024

<sup>3</sup> [Archibald and Swann commit to progressing Baby Loss Certificate Scheme](#)

## Recognition of the need for primary legislation

At its meeting on 8 May 2024, the Committee reviewed two proposed statutory rules and indicated it was content with the Department's proposals to move away from reliance on the Coronavirus Act. However, the statutory rules were never formally laid in the Business Office.<sup>4</sup>

On 19 June 2024, the Committee was notified that both the Office of the Legislative Counsel and the Departmental Solicitor's Office had concluded there was insufficient scope within existing regulations to deliver the changes, and that primary legislation would be required. This outcome confirmed the Committee's earlier concerns and led to further frustration over delays.<sup>5</sup>

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## Response from the Department and further extensions

An urgent oral briefing was provided by the Permanent Secretary on 3 July 2024, during which the Committee expressed disappointment that the reforms could not proceed via delegated legislation and that a further extension of the Coronavirus Act provisions would now be necessary. The Committee also learned that no suitable legislative vehicle was available to attach the changes to, necessitating stand-alone legislation.<sup>6</sup>

At an evidence session with the Registrar General on 11 September 2024, the Committee reiterated its regret at the continued reliance on the Coronavirus Act and strongly supported the inclusion of enabling powers for a baby loss certificate scheme in any new legislation.<sup>7</sup>

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<sup>4</sup> [Committee for Finance Minutes of Proceedings 8 May 2024](#)

<sup>5</sup> [Committee for Finance Minutes of Proceedings 19 June 2024](#)

<sup>6</sup> [Committee for Finance Minutes of Proceedings 3 July 2024](#)

<sup>7</sup> [Committee for Finance OFFICIAL REPORT \(Hansard\) Deaths and Stillbirth Legislation: General Register Office 11 September 2024](#)



## **Legislative development and Committee oversight**

On 2 October 2024, the Committee agreed to recommend a further extension of the Coronavirus Act provisions until 24 March 2025 via SR 2024/172.

This was followed by a briefing from the Minister on 27 November 2024, who confirmed that the inclusion of a baby loss certificate scheme would require further development of the Bill and could result in additional delays.

Despite this, the Committee welcomed the inclusion of the certificate scheme within the Bill.<sup>8</sup>

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## **Extension to September 2025 and legislative timetable**

On 26 February 2025, the Committee considered a proposal by the Department to make a statutory rule extending the expiry date of the temporary provisions in the Coronavirus Act 2020 in relation to death and still-birth registration until 24 September 2025.<sup>9</sup>

The Committee supported this intention, and the Assembly approved the Minister's motion to extend the temporary provisions accordingly.<sup>10</sup>

The Department has indicated its hope that the Bill will complete its legislative passage by September, avoiding the need for further extensions. However, the Committee has made clear that it must be given adequate time to scrutinise the Bill properly and will determine the necessary timetable independently once the Bill is formally referred.<sup>11</sup>

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<sup>8</sup> [Committee for Finance OFFICIAL REPORT \(HANSARD\) Briefing from Dr Caoimhe Archibald MLA, Minister of Finance 27 November 2024](#)

<sup>9</sup> [Northern Ireland Assembly Committee for Finance Minutes of Proceedings 26 February 2025](#)

<sup>10</sup> [Northern Ireland Assembly Business Official Report: Tuesday 06 May 2025](#)

<sup>11</sup> [Northern Ireland Assembly Official Report Monday 07 April 2025](#)

## 4 Permanent electronic registration framework

The legal framework for registering deaths and still-births in Northern Ireland is set out in the Births and Deaths Registration (Northern Ireland) Order 1976 (“the 1976 Order”) and the Civil Registration Regulations (Northern Ireland) 2012 (“the 2012 Regulations”).

The General Register Office oversees the process, which is delivered locally by councils across 11 districts. Each year, around 17,000 deaths and 75 still-births are registered. Normally, deaths must be registered within 5 days and still-births within 42 days.

During the COVID-19 pandemic, the Coronavirus Act 2020 (“the 2020 Act”) temporarily modified the 1976 Order and the 2012 Regulations to enable the electronic transfer of documents required for the registration of deaths and still-births and enabled the registration to be carried out by telephone without the attendance of an informant (usually a family member) as opposed to attending in person.

The relaxation of the existing legislative requirements on the death and still-birth registration process has proved successful for the local registration service, the public and other stakeholders.

Although no formal public consultation was carried out for the Bill, the Department of Finance engaged with key stakeholders (registrars, local councils, healthcare providers, funeral directors and users of the service) and found strong support. After nearly five years of operating under the electronic/phone system, it has become regarded as the de facto norm. Registrars and council officials report that the process is working well and has been “highly beneficial to all involved”. Funeral directors and families have also welcomed the convenience and quick turnaround of electronic documents.<sup>12</sup>

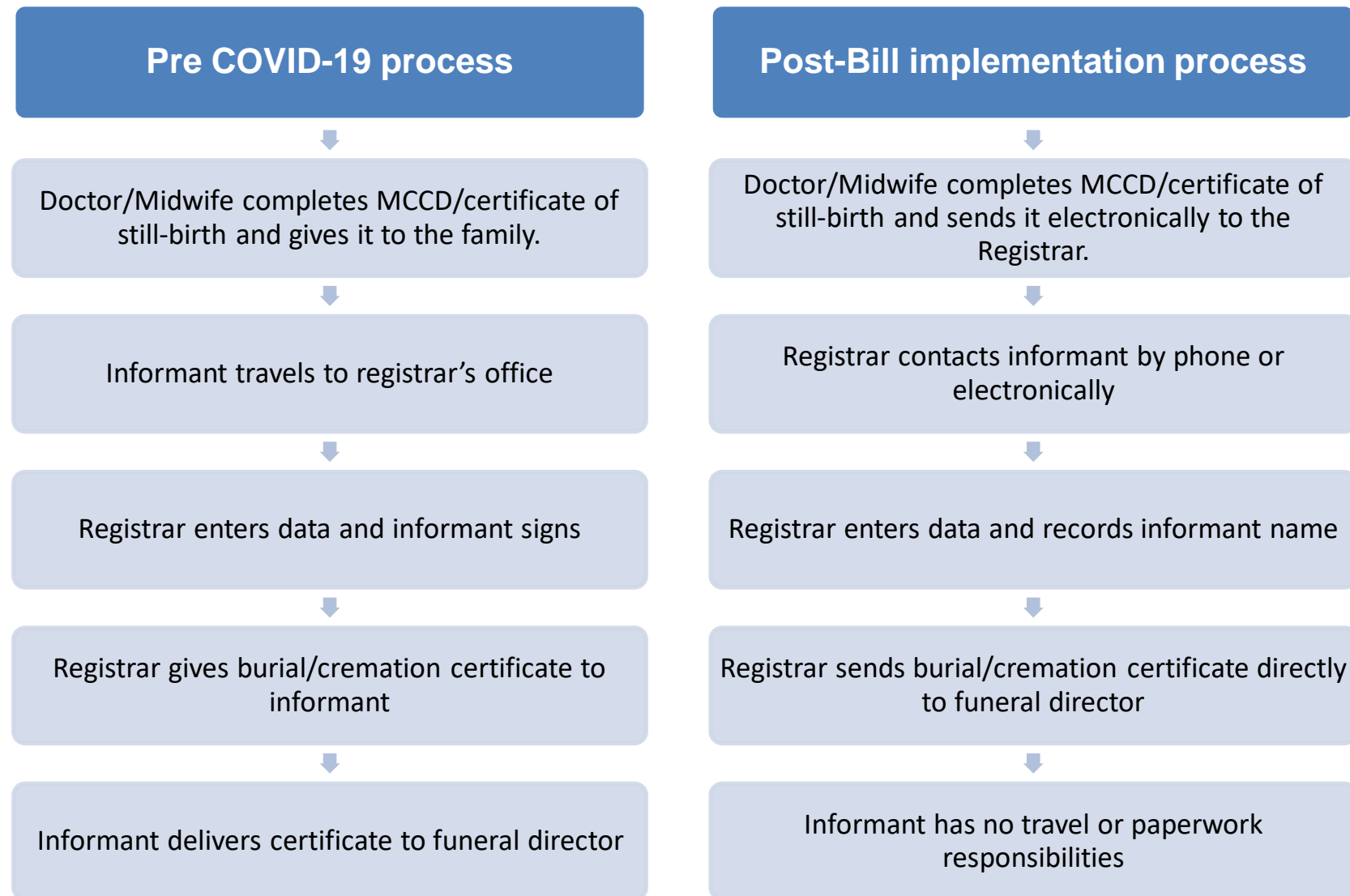
Section 90(2) of the 2020 Act enables devolved administrations to bring forward extensions to the provisions on a six-monthly basis. To enable the change in relation

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<sup>12</sup> Explanatory and Financial Memorandum - Deaths, Still-Births and Baby Loss Bill as introduced in the Northern Ireland Assembly on 25 March 2025, (Bill 13/22-27)

to registrations to remain in place, the Bill effectively carries over the COVID-19 emergency measures into permanent law.

Figure 1 outlines the registration of deaths and still births in the pre-pandemic era and how the process is currently being administered.

**Figure 1: Registration of Deaths and still births before and after proposed changes**

## 4.1 Overview of clauses relating to electronic registration reforms

### **Clause 2: Power to approve electronic submissions**

Allow the Registrar General to authorise the use of electronic methods for submitting documents required in the registration process. This includes, for example, the Medical Certificate of Cause of Death (MCCD), which can be sent electronically by a medical practitioner to the registrar and permits documents to be signed electronically. The amendment will be inserted after Article 2(3) of the 1976 Order.

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### **Clause 3: Digital transfer of the Certificate of Still-Birth**

Clause 3 amends Article 15 of the 1976 Order and Regulation 21 of the 2012 Regulations to allow a Certificate of Still-Birth to be sent directly from a medical practitioner or midwife to the registrar by approved electronic means. It also permits electronic signatures in accordance with the Registrar General's prescribed method, enabling a fully digital process.

The clause removes the requirement for informants to submit written notice and a paper copy of the certificate, as the registrar will already receive it directly. It allows the certificate of registration to be issued directly to the funeral director and, on request, to the informant.

Medical professionals are required to provide a free copy of the certificate to any qualified informant who asks for one. These provisions do not apply in cases that have been referred to the coroner, where different procedures are required.

Finally, the clause updates Regulation 21 and Schedule 1 (Form 10) of the 2012 Regulations to reflect the removal of the written notice requirement where registration is delayed.

**Clause 4: Direct electronic submission of MCCD to the registrar**

Clause 4 amends Articles 22 and 25 of the 1976 Order to enable the MCCD to be submitted directly by a medical practitioner to the registrar using approved electronic methods including electronic signatures as prescribed by the Registrar General. It removes the requirement for written notice from an informant and for the informant to physically deliver the certificate.

The clause also introduces a duty on the medical practitioner to provide a copy of the certificate, free of charge, to any qualified informant who requests it. Where an informant does attend in person, the process for verifying and correcting the entry is also clarified including verifying the details with the informant (excluding cause of death) and the physical signing of the register. These changes align with the broader digital reforms in the Bill and ensure that informants no longer need to handle physical documentation unless they choose to.

Additional technical changes are made throughout Article 25 to reflect that the registrar, not the informant, is now the primary recipient of both the certificate and any supporting details. This includes amending outdated references and clarifying procedures where the registration is delayed.

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**Clause 5: Issuing registration forms to funeral directors and informants**

Clause 5 amends Article 29 of the 1976 Order and Regulation 28 of the 2012 Regulations to enable the registrar to issue the certificate of registration of death directly to the funeral director. It also keeps the option for the informant to receive a copy of the certificate if they ask for it.

In addition, the clause removes the need for a written notice and a paper copy of the Medical Certificate of Cause of Death (MCCD) in cases where a certificate of registration is issued before the full registration is completed. This is because the registrar will already have received the required information electronically from the medical practitioner.

Consequential amendments are made to Regulation 28 and Form 13 in Schedule 1 of the 2012 Regulations to reflect the updated electronic process and terminology.

## **Clause 6: Modernising the Registration of Still-Births**

Clause 6 updates Regulation 16 of the 2012 Regulations to modernise how informants provide information for the registration of a still-birth. It allows this to be done in person, by telephone, or via approved electronic means.

If the informant attends in person, they must sign the register. If the registration is completed remotely, the registrar will record the name of the informant. The registrar must also verify the details with the informant—excluding the medical cause of the still-birth—and correct any errors identified.

The clause also makes a technical update to Regulation 30(2)(b) to reference the amended procedure and updates Forms 2, 2A and 2B in Schedule 1 to reflect the new signing and verification options, including Irish language equivalents.

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## **Clause 7: Modernised procedures for registering deaths**

Clause 7 amends Regulation 25 of the 2012 Regulations to allow information for the registration of a death to be provided in person, by telephone, or via approved electronic means.

Where the informant attends in person, they must sign the register entry. If the registration is completed remotely, the registrar will instead record the informant's name. These changes reflect and support the shift to a more flexible and accessible digital registration system.

Associated updates are made to Forms 3, 3A and 3B in Schedule 1 to reflect the revised procedure for informant identification, including bilingual (English and Irish) terminology.

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## **Clause 8: Schedule of technical and equality-focused amendments**

Clause 8 introduces a Schedule containing minor but important amendments to the 1976 Order and the 2012 Regulations. The schedule is discussed in more detail in section 4.

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**Clause 9: Preserving flexibility to update regulations**

Clause 9 confirms that the amendments made to the Civil Registration Regulations (Northern Ireland) 2012 by this Bill do not restrict the Department's existing powers to amend those Regulations in future.

This ensures continued flexibility to update and refine the regulatory framework as needed, without requiring further primary legislation.

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**Clause 10: Removal of pandemic-era registration provisions**

Clause 10 repeals Section 18(3) and Part 3 of Schedule 13 of the Coronavirus Act 2020, which provided temporary measures for the remote registration of deaths and still-births in Northern Ireland during the pandemic.

These provisions allowed for telephone registration, omitted the requirement for an informant's signature, and enabled electronic transmission of registration documents. With the Bill now creating a permanent legislative framework for these processes, Clause 10 removes the need to rely on temporary emergency legislation.

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**Clause 11: Provision for a baby loss certificate scheme**

Clause 11 gives the Department of Finance the power to make regulations establishing a baby loss certificate scheme in Northern Ireland. The scheme would allow for the recognition of pregnancy losses that occur before 24 weeks' gestation - losses not currently covered by the legal definition of still-birth.

The clause outlines what the regulations may cover, including:

- Eligibility criteria.
- Application requirements.
- Certificate content and format.
- Who can apply; and
- Whether fees may be charged (e.g., for copies or amended certificates).



It also allows for supplementary or consequential provisions, including amendments to existing legislation, but requires that any regulations be approved by a resolution of the Northern Ireland Assembly before they can take effect.

This clause provides the legal foundation for developing a scheme similar to those already in place in other parts of the UK.

## 4.2 Considerations relating to electronic registration reforms

The digital registration procedures set out in the Bill - such as the electronic delivery of the (MCCD) and Certificate of Still-Birth - have been in operational use for several years under the temporary provisions of the Coronavirus Act 2020. As such, these processes are established and tested in practice, and stakeholder feedback has been positive. In scrutinising their formal inclusion in primary legislation, the Committee may wish to consider:

### **Stakeholder experience and feedback**

While stakeholders such as registrars, funeral directors, healthcare professionals, and local councils have expressed broad support for the continued use of digital registration processes, it may be worth confirming whether:

- Any operational concerns have been raised since their introduction,
- Whether these issues have been addressed either through changes in practice or updated guidance, and
- Whether the DoF has conducted a formal review or evaluation of the process prior to introducing the Bill.

### **Consistency across councils**

Given that registration is delivered by 11 councils, are there measures or guidance in place to ensure consistency of practice across Northern Ireland?

**Data protection and regulatory safeguards**

The electronic transmission of the MCCD and other registration documents involves the handling of sensitive personal and medical data. Do the digital processes comply with the following:

- The UK General Data Protection Regulation (UK GDPR),
- The Data Protection Act 2018, and
- Relevant information governance standards

**Access and transparency for informants**

The Bill includes provisions requiring that a copy of the MCCD or Certificate of Still-Birth be provided, free of charge, to a qualified informant upon request.

- Is clear guidance available for informants on how to make such a request?
- Are there defined timeframes within which requests must be submitted and responded to?

## 5 Equalising registration rights for same-sex female parents

These changes are addressed in Clause 8 and the schedule of the bill.

Since the introduction of the Civil Registration (Northern Ireland) Act 2011 and the corresponding 2012 regulations, opposite-sex parents, who are not married or in a civil partnership, have a number of options for the registration of a birth or still-birth that are not available for same-sex female parents who are not married or in a civil partnership.

As required by the 1976 Order, all births and still-births in Northern Ireland must be registered in any registration office in Northern Ireland within 42 days of the date of the birth/still-birth.

For births, an opposite sex couple who are neither married nor in a civil partnership can attend separately at the registration office to register a birth. However, the same choice is not available to same sex female couples. If a same sex female couple wish to carry out a joint registration of a birth (which includes the mother and second female parent's details) they must attend the registration together.

For still-births, an unmarried father can register a still-birth alone and include both parents' details. However, a second female parent (who is not married or in a civil partnership with the mother) cannot do the same - she must attend with the birth mother. This creates a procedural inequality that the Bill seeks to remove by giving same-sex female parents the same rights as opposite-sex parents in relation to birth/still-birth registrations. The existing differences in birth/still birth registrations and the proposed changes are outlined in table 1.

The amendments to Article 14ZA of the 1976 Order remove the requirement for both parents to be physically present together to sign the register, allowing the method of signing to be prescribed in regulations. Article 18(1) (ba) is expanded to include a provision enabling the mother to re-register a still-birth in cases of dispute.

Additionally, Regulations 12 and 13 of the 2012 Regulations are updated to allow same-sex female couples to register separately and to replace gendered references such as “father” with the inclusive term “other parent”.

At the Bill’s second stage, Mr Paul Frew MLA raised concerns about the substitution of the term “father” with “other parent” in the 2012 Regulations, questioning whether this change—intended to recognise same-sex female parents—might inadvertently disadvantage biological fathers. While acknowledging the importance of ensuring equal recognition for same-sex female parents, the Member cautioned that the move could risk creating a new inequality. Mr Frew urged the Minister to consider whether the rights of biological fathers are being overlooked in the effort to address existing procedural disparities.

**Table 1: Birth and still-birth registration: overview of procedural differences for opposite-sex vs same-sex female parents and planned reforms**

<b>Registration scenario</b>	<b>Opposite-sex parents (unmarried/not in civil partnership)</b>	<b>Same-sex female parents (unmarried/not in civil partnership)</b>	<b>Change proposed by the Bill</b>
<b>Separate attendance for birth registration</b>	Either parent may attend separately at the registration office	Both parents must attend together to register the birth	Same-sex female parents will be able to attend separately
<b>Registering a still-birth without the other parent</b>	An unmarried father can register a still-birth without the mother	A second female parent cannot register a still-birth alone	A second female parent will be able to register a still-birth without the mother present
<b>Right to re-register if parent disputes details</b>	If the mother disputes the father's details, she can request re-registration	No provision exists for re-registration in case of a dispute by the mother	The birth mother will be able to request re-registration if she disputes the second female parent's details

## 6 Legal Framework for baby loss certificates in Northern Ireland

Under current law in Northern Ireland, only a baby lost from the 24th week of pregnancy onwards is officially recorded (as a still-birth); earlier losses have no formal recognition.

Research suggests that half (50%) of adults in the UK said that they, or someone they know, experienced at least one form of pregnancy or baby loss.<sup>13</sup> There is a lot of uncertainty around how many miscarriages and pregnancy losses occur each year in the UK. Unlike still-births and neonatal deaths, miscarriages are not counted. Tommy's, the pregnancy and baby charity estimated that there were between 110,426 and 156,089 miscarriages in England and Wales in 2022. However, they expect this figure to be an underestimation given that a significant number of miscarriages may not be reported.<sup>14</sup>

Early pregnancy loss is considered the most common obstetric complication. However, this high incidence rate can lead to health providers (and society in general) underestimating the impact on the mental health of those affected. The high incidence rate also means that early miscarriage is often overlooked in research.<sup>15</sup>

Bereaved parents, charities and clinicians have long called for change, citing the evidence of the negative psychological repercussions that miscarriage and baby loss can have on parents. Some studies have reported the negative effects of experiencing a miscarriage on women's mental health: 55% of women presented symptoms of depression, up to 27% perinatal grief; and more than 18% reported moderate anxiety.<sup>16 17</sup> Compared to women with one prior miscarriage, couples with

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<sup>13</sup> [baby loss awareness week survey shows half uk adults have been affected](#)

<sup>14</sup> [Tommy's pregnancy loss statistics](#)

<sup>15</sup> [Cuenca D. Pregnancy loss: Consequences for mental health. Front Glob Womens Health. 2023 Jan 23;3:1032212.](#)

<sup>16</sup> [The mental health impact of perinatal loss: A systematic review and meta-analysis](#)

<sup>17</sup> [deMontigny F, Verdon C, Meunier S, Gervais C, Côté I. Protective and risk factors for women's Mental health after a spontaneous abortion. Rev Lat Am Enfermagem. \(2020\) 28:e3350.](#)

recurrent pregnancy loss present severe symptoms of both depression and stress, for a longer time, and experience a greater negative impact on their mental health during subsequent pregnancies.<sup>18</sup>

The lack of formal acknowledgment can in some cases compound parental grief, as parents feel their loss “is invisible” or not validated.<sup>19</sup>

Conversely, research has identified that providing some official recognition of pre-24-week losses could aid the grieving process. For example, research by SANDS (Still-birth and Neonatal Death Society) reported that bereaved parents and families who had experienced a loss before 24 weeks gestation were calling for improved support, choice and official recognition of their loss. The majority (93%) supported a change to the system to enable registration pre-24 weeks, with 87% saying this should be optional. Only 14% believed registration should be mandatory.<sup>20</sup>

In this context, the inclusion of the framework within the bill to allow the establishment of a scheme within the bill has been widely welcomed as an important and timely reform.

## 6.1 Clause 11: certificates of baby loss

Clause 11 provides the DoF with the enabling powers to create a baby loss Certificate Scheme through secondary legislation. It allows the DoF to make regulations governing the issue of certificates by the Registrar General to recognise losses during pregnancy that do not meet the legal definition of still-birth under the 1976 Order.

The clause outlines that the regulations may set out who can apply, what information certificates must contain, the form and content of applications, and whether fees can be charged for certificates or copies. It also permits supplementary and consequential changes to other legislation if necessary.

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<sup>18</sup> [Klock SC, Chang G, Hiley A, Hill J. Psychological distress among women with recurrent spontaneous abortion. \*Psychosomatics\*. \(1997\) 38:503–7.](#)

<sup>19</sup> [Parents in England who have lost baby before 24 weeks can apply for certificate](#)

<sup>20</sup> [Citizen Participation and Public Petitions PE2046: Provide birth certificates for stillborn babies](#)

Importantly, any regulations made under this clause must first be laid before and approved by a resolution of the Northern Ireland Assembly.

## 6.2 Outline of proposed regulations and timeline

During the Second Stage reading of the Bill, the Minister of Finance, Mr John O'Dowd, stated that the Baby Loss Certificate Scheme will be entirely voluntary, with no legal requirement to record the loss. The certificates will have no legal standing but will offer a formal means of recognising the loss and its impact. The Minister further indicated that the Department of Finance intends for the certificates to be issued free of charge.

Mr O'Dowd confirmed that both the language used in the scheme and its retrospective application will be key elements of the forthcoming public consultation. While acknowledging that there may be legal and technical considerations, he expressed a clear intention for the scheme to apply retrospectively to past losses.

The Minister also stated that a public consultation would be held to determine the details of the scheme and that he anticipated it would be operational by the end of 2025.

During the debate, Members of the Assembly raised concerns about the feasibility of introducing the scheme within the proposed timeframe, particularly given that the Bill was still at Second Stage and only provides enabling powers for future regulations.

In response, Mr O'Dowd acknowledged the ambitious timeline but reaffirmed his commitment to delivering the scheme within the year. He noted that officials from the Department of Health were already working closely with his department and expressed a willingness to conduct consultations in parallel with the legislative process to accelerate delivery. While committed to the goal, he recognised that progress would ultimately depend on how quickly the Bill passes through the Assembly.<sup>21</sup>

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<sup>21</sup> [Northern Ireland Assembly Official Report: Monday 07 April 2025](#)



## 7 Baby loss certificate schemes in the UK and elsewhere

### 7.1 England's Baby Loss Certificate scheme

The introduction of baby loss certificates in England followed long-standing calls from bereaved parents, MPs, and charities to formally recognise the loss of a baby before 24 weeks of gestation — a category not currently recognised by the legal definition of still-birth. This definition, based on the Births and Deaths Registration Act 1953, requires registration only from 24 weeks onwards.

As a result of those calls, a requirement for a government review into the possibility of recognising or registering pregnancy losses before 24 weeks was included in the Civil Partnerships, Marriages and Deaths (Registration etc) Act 2019 <sup>22</sup>

This was followed by the Pregnancy Loss Review which was commissioned by the Department of Health and Social Care and published in July 2023. The review recommended the introduction on a baby loss certificate. The specifics of the recommendation are set out below:

- Retrospective with no cut-off point so people with a historic loss may also access this recognition.
- Available to anyone regardless of the type of loss they have experienced. Parents should have the option to be able to supply evidence of the loss, but this should not be mandatory.
- Contain wording that is adaptable (including an option to add a baby's name) so parents can choose the language they prefer.
- Available as a download or as a hard copy. The certificate needs to be accessible by all.
- Available to both parents
- Official government-issued certificates rather than just commemorative.

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<sup>22</sup> [Civil Partnerships, Marriages and Deaths \(Registration etc\) Act 2019](#)

- To ensure the certificates remain credible, the applicant should be required to provide identity verification.<sup>23</sup>

The government accepted this recommendation and committed to developing a scheme that would provide bereaved parents with official, but non-legal, recognition of their loss.

### **Pilot programme: testing the scheme**

Before the national rollout, the government tested the Baby Loss Certificate Scheme with 1,000 bereaved families. The pilot aimed to refine the application process and ensure that the certificates met the needs of grieving parents. Following the completion of the pilot programme, the Under-Secretary of State for Health and Social Care, Maria Caulfield, indicated that she had:

‘Commissioned an enhanced service specification to improve the application process and ensure the proper protection of this sensitive service, including strengthening the method of second parent verification.’<sup>24</sup>

### **Launch and eligibility**

The Baby Loss Certificate Scheme in England was officially launched on 22 February 2024. It was initially available to individuals who experienced a pregnancy loss before 24 weeks’ gestation from September 2018 onwards. In October 2024, eligibility was extended to include losses that occurred prior to 1 October 1992.<sup>25</sup>

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<sup>23</sup> [Department of Health and Social Care \(2023\) Pregnancy loss review summary report](#)

<sup>24</sup> [UK Parliament. Pregnancy Loss Review Recommendations: Implementation Volume 738: debated on Thursday 19 October 2023](#)

<sup>25</sup> [Certificates recognising heartbreak of losing a baby extended - GOV.UK](#)

Applicants to the scheme must be aged 16 or over, reside in England, and be either the baby's parent or a surrogate. Applications can be made via an online portal on GOV.UK or, for those without internet access, by telephone. Applicants are required to verify their identity using their NHS number or the postcode registered with their GP, along with the mobile phone number or email address held by their GP practice.

Parents are not required to provide access to their medical records or any medical evidence to apply. This means an application can still be made even if the loss was not formally recorded by a GP or medical team.<sup>26</sup>

Both parents can be on the baby loss certificate if they each consent to include their name. When one parent starts the application process, they can include the name and contact details of the second parent, and the application will then be paused while the second parent is contacted by the service for their consent – and they'll have 7 days to respond to the request. Once the second parent confirms they are happy for their details to be included on the certificate, the first parent can complete the application. Where the second parent doesn't provide their consent, the certificate will only contain the details of the first parent.<sup>27</sup>

The certificates cover every type of loss that occurred 24 weeks, are free of charge and official in appearance, but are not a legal document - it does not create or imply any legal rights or status. It is intended to provide formal recognition of the loss. The certificate is also customisable, allowing parents to include the baby's name and choose preferred wording to reflect their experience.

Parents who have experienced multiple losses may apply for separate certificates for each baby. The scheme is entirely voluntary, and there is no obligation to request a certificate.<sup>28</sup>

In April 2025, the Department for Health and Social Care announced that over 100,000 certificates had been issued under the scheme.<sup>29</sup>

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<sup>26</sup> [Baby loss certificates – your questions answered](#)

<sup>27</sup> [Baby loss certificates – your questions answered](#)

<sup>28</sup> [Rowland R \(2025\) Registration of Still Birth. House of Commons Library](#)

<sup>29</sup> [More than 100,000 baby loss certificates have now been issued - GOV.UK](#)

## 7.2 Scotland's Memorial Book and Certificate

In September 2023, in his statement on the Programme for Government 2023-24 the then First Minister, Humza Yousaf MSP committed to launching a Memorial Book for those who have experienced a pregnancy or baby loss prior to 24 weeks.<sup>30</sup>

The book has been produced jointly by the Scottish Government and National Records of Scotland (NRS). The Book was developed in partnership with health professionals, Royal Colleges and baby loss charities and launched on 4 October 2023. As well as an entry in the Memorial Book, applicants will be given a commemorative certificate which is intended to give recognition and comfort to those who want to record their loss.<sup>31</sup>

The Memorial Book initiative was developed in partnership with health professionals, Royal Colleges and baby loss charities and launched on 4 October 2023. It serves as a non-legal, commemorative record, allowing individuals to have their loss formally recognised. The Scottish Government has positioned the Memorial Book as part of a suite of measures aimed at enhancing bereavement care and support services for pregnancy loss.<sup>32</sup>

### Eligibility for entry into Scotland's Memorial Book

To be eligible for entry, the applicant must be the individual who physically experienced the pregnancy or baby loss. The loss must have occurred in Scotland, or the applicant must currently be resident in Scotland. There is no time limit on when the loss occurred, and historical applications are welcome.

Where the person who experienced the loss has died, their partner may submit the application. However, if the individual who experienced the loss is living, they must be the one to apply. Applicants may request the inclusion of a partner's name on the

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<sup>30</sup> [Meeting of the Parliament: 05/09/2023 | Scottish Parliament Website](#)

<sup>31</sup> [The Memorial Book - National Records of Scotland \(NRS\)](#)

<sup>32</sup> [The Memorial Book - National Records of Scotland \(NRS\)](#)

certificate, provided both parties consent and sign the application form. Individuals who have experienced multiple losses may apply for each loss separately.

The certificates cover every type of loss that occurred before 24 weeks including abortions.<sup>33</sup> No medical evidence is required, and the service is entirely voluntary and free of charge.

The entries in Scotland's Memorial Book of Pregnancy and Baby Loss Prior to 24 Weeks are securely stored by National Records of Scotland (NRS) and are accessible only to a limited number of authorised staff. NRS uses recorded information to create an index, which is also restricted in access. The Memorial Book is not open to public view, and access to data is limited to the individual(s) named in the application. If the applicant has died, access to their data cannot be refused under section 38 of the Freedom of Information (Scotland) Act 2002; however, NRS will still aim to uphold a duty of confidentiality. Any disclosure under Freedom of Information will be assessed on a case-by-case basis, considering applicable exemptions and the specific circumstances of the request.

### 7.3 Wales approach to baby loss certificates

As of early 2025, the Welsh Government has not yet introduced a formal baby loss certificate scheme. However, there has been increasing political interest and public advocacy on the issue. On several occasions between March 2024 and January 2025, Members of the Senedd (MSs) raised questions about the potential for introducing a scheme similar to that in England.

In response, the Welsh Government stated that officials were working closely with UK Government counterparts to understand the English model and consider its applicability in Wales. The Minister for Health and Social Services also noted the role of the charity Sands, which already provides memory boxes—including commemorative 'birth certificates'—to bereaved families.

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<sup>33</sup> [memorial-book-pregnancy-baby-loss-prior-24-weeks-faq.pdf](#)

The government confirmed that Sands had been commissioned to hold “listening events” with families and support staff across Wales. These events aim to inform the development of a Wales-specific national bereavement care pathway, with the second phase—covering pregnancy and baby loss—expected to begin in the coming months.

Further political support was voiced in January 2025 when Claire Hughes, MP, urged ministers in the UK Parliament to ensure that a Welsh baby loss certificate scheme is introduced without delay.<sup>34</sup>

## 7.4 Germany’s Certificate of Miscarriage

Under German law, a miscarriage is defined as the loss of a pregnancy either before the 24th week of gestation or where the foetus weighs less than 500 grams. A still-birth, by contrast, refers to the loss of a pregnancy from the 24th week onwards, or where the foetus weighs at least 500 grams.<sup>35</sup>

In Germany, parents who experience a miscarriage may request a Certificate of Miscarriage (Bescheinigung über eine Fehlgeburt) from the local registry office (Standesamt). The issuance of miscarriage certificates is governed by the Civil Status Act (Personenstandsgesetz) and its associated implementing regulations. While there is no legal obligation to register a miscarriage, the law permits the issuance of a certificate upon request. The certificate serves as a form of recognition but does not carry the same legal status as a birth or death certificate.<sup>36</sup>

### Eligibility and process

The certificate may be issued to the mother or, under certain conditions, to the father. Where the parents would have had joint custody had the child been born alive — for example, if they were married at the time of the birth, or if, as an unmarried couple,

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<sup>34</sup> [Rowland R \(2025\) Registration of Still Birth. House of Commons Library](#)

<sup>35</sup> [Germany introduces paid miscarriage leave | Lockton](#)

<sup>36</sup> [Birth announcement - Miscarriage certificate](#)

they had made a joint custody declaration before the birth — either parent may apply. In all other cases, only the mother is permitted to submit the application.

Applications must be made to the registry office in the area where the miscarriage occurred. Supporting documentation, such as a medical certificate from a doctor or midwife confirming the miscarriage, is typically required. The requirements are set out in more detail below:

- a certificate of miscarriage issued by a doctor or midwife/obstetrician or
- the maternity file, if it shows the miscarriage.
- if applicable, a certificate of burial of the miscarriage
- if possible: the parents' birth certificates or their marriage certificate.

The certificate generally includes information such as the date and place of the miscarriage and, if the parents wish, the name chosen for the child.<sup>37</sup>

## 7.5 Australia baby loss certificate schemes

Several Australian states and territories offer commemorative certificates for early pregnancy loss, providing formal recognition for losses occurring before the legal threshold for still-birth registration. These certificates are non-statutory, carry no legal status, and are issued free of charge. They intend to offer comfort and acknowledgement to grieving families.

Most states require that the loss occurred before 20 weeks' gestation or that the baby weighed less than 400 grams. In some jurisdictions, such as the Australian Capital Territory (ACT), medical evidence is not required to apply.<sup>38</sup> However, in others - such as Tasmania - a certificate from a medical practitioner or midwife is necessary.<sup>39</sup>

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<sup>37</sup> [Birth announcement - Miscarriage certificate](#)

<sup>38</sup> [Early pregnancy loss certificates - Access Canberra](#)

<sup>39</sup> [Early pregnancy loss recognition certificate](#)

The certificates often feature artistic designs and may include the baby's name, date, and place of loss. For example, Victoria's certificate incorporates artwork by Western Australian artist Till Heike, featuring native flora and fauna.<sup>40</sup>

Although these certificates are not included in official birth or death registers, some states maintain a closed register to facilitate the reissue of certificates if required.

## 8 Conclusion

The Deaths, Still-Births and Baby Loss Bill represents a considered update to Northern Ireland's civil registration framework. It seeks to place on a permanent statutory footing a number of procedural changes introduced during the COVID-19 pandemic, including the remote registration of deaths and still-births and the electronic transmission of supporting documentation. These measures, having been in operational use for several years, have been widely regarded by stakeholders as both effective and compassionate.

The Bill also addresses a procedural difference that has affected some same-sex female couples by aligning their ability to register births and still-births on equal terms with opposite-sex couples. In doing so, it brings the legislation into line with current social and legal understandings of family diversity and parental recognition.

Importantly, the Bill introduces enabling powers for the creation of a baby loss Certificate scheme in Northern Ireland. This is intended to provide formal, voluntary recognition for losses occurring before 24 weeks of gestation—losses that currently fall outside the scope of legal registration. Similar initiatives in other parts of the UK have been well received by bereaved parents and advocacy groups.

As the Committee for Finance undertakes detailed scrutiny of the Bill, members may wish to explore several areas. These include the readiness and consistency of the new digital registration system across local councils; the safeguards in place to ensure data protection and system resilience; the practicalities of implementing the

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<sup>40</sup> [Victorian Government - Early pregnancy loss commemorative certificate](#)



revised parental registration procedures; and the policy and operational detail underpinning the development of the proposed certificate scheme. The Department has indicated its intention to have the scheme in place by the end of 2025, which will require timely consultation and coordinated preparatory work.

Overall, the Bill aims to modernise administrative processes, improve accessibility, and respond to stakeholder feedback in areas where existing provisions are no longer fit for purpose. The legislation has the potential to enhance service delivery and provide recognition and support to individuals and families at significant and often difficult moments in their lives.