

**EXPLANATORY MEMORANDUM TO**  
**THE PRESUMPTION OF DEATH REGULATIONS (NORTHERN IRELAND) 2009**  
**2009 No. 364**

**1. Introduction**

- 1.1. This Explanatory Memorandum has been prepared by the General Register Office (GRO) part of the Northern Ireland Statistics and Research Agency (NISRA) within the Department of Finance and Personnel (DFP) to accompany the Statutory Rule (details above) which is laid before the Northern Ireland Assembly.
- 1.2. The Statutory Rule is made under section 16(1) of and paragraphs 1(1), 1(2), and 2(1) of Schedule 1 to the Presumption of Death Act (Northern Ireland) 2009 and is subject to the negative resolution procedure.

**2. Purpose**

- 2.1. These Regulations make provision for the particulars that should be sent by the High Court to the Registrar General for Northern Ireland following the making of a declaration of presumed death under sections 1 or 5 of the Presumption of Death Act (Northern Ireland) Act 2009. These particulars can then be entered in the Register of Presumed Deaths from which certificates can be produced for administrative purposes similar to death certificates.
- 2.2. Regulation 1 is the citation and commencement date.
- 2.3. Regulation 2 is the interpretations
- 2.4. Regulation 3. Under the Presumption of Death Act (Northern Ireland) 2009 the High Court have to notify the Registrar General that a declaration of presumed death or variation order has been issued so that the death can be registered. This regulation provides that certain particulars about the deceased person should be included so that the registration can be effected.
- 2.5. Regulation 4 sets out how an entry is to be made in the Register of Presumed Deaths when the Registrar General receives a declaration of presumed death from the High Court.
- 2.6. Schedule 1 lists the particulars to be notified by the High Court to the Registrar General under Regulation 3.
- 2.7. Schedule 2 lists the particulars to be entered in the Register of Presumed Deaths under Regulation 4

**3. Background**

- 3.1. In recent years some of the families of persons that have disappeared, believed dead, during the "troubles" have raised their concerns that these deaths could not be registered in the absence of their physical remains. In response to calls for some change to the law the Department brought forward the Presumption of Death Act (NI) 2009 which would provide a mechanism whereby persons who disappeared in Northern Ireland could be declared by the High Court to be presumed dead if enough proof was produced. The details could then be

registered by the Registrar General and certificates of death provided for the families. This act received Royal Assent in July 2009 and these regulations will provide for the particulars of the presumed deaths to be registered.

#### **4. Consultation**

4.1. The Department conducted a public consultation on a draft Presumption of Death Bill between 23rd January and 15th April 2008 therefore further consultation on these regulations is not considered necessary.

#### **5. Equality Impact**

5.1. The Department included its Equality Impact Screening as part of the public consultation. The screening exercise concluded that an Equality Impact Assessment was not required.

#### **6. Regulatory Impact**

6.1. The Department included its consideration of the potential regulatory impacts as part of the public consultation. It concluded that no Regulatory Impact Assessment was required.

#### **7. Financial Implications**

7.1. The Regulations will give rise to additional administrative costs in the Registrar General's office which can be accommodated within existing resources.

#### **8. Section 24 of the Northern Ireland Act 1998**

8.1. As these Regulations are technical there are no Section 24 implications.

#### **9. EU Implications**

9.1. "Not applicable".

#### **10. Parity or Replicatory Measure**

10.1. The Regulations are required to implement provisions in the Presumption of Death Act (NI) 2009.

#### **11. Additional Information**

11.1 Stanley Campbell at the General Register Office Tel: 02890 252037(W) / 07717732554(M) or e-mail: [stanley.campbell@dfpni.gov.uk](mailto:stanley.campbell@dfpni.gov.uk) can answer any queries regarding these Regulations.