



Births and Deaths Registration Act 1926

1926 CHAPTER 48

An Act to amend the law relating to certification of deaths and the disposal of the dead. [15th December 1926.]

BE IT ENACTED by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

1 Prohibition of disposal except on registrar's certificate or coroner's order

- (1) Subject as hereinafter provided, the body of a deceased person shall not be disposed of before a certificate of the registrar given in pursuance of this Act or an order of the coroner has been delivered to the person effecting the disposal:

Provided that it shall be lawful for the person effecting the disposal by burial of the body of any deceased person, if satisfied by a written declaration in the prescribed form by the person procuring the disposal that a certificate of the registrar or order of the coroner has been issued in respect of the deceased, to proceed with the burial notwithstanding that the certificate or order has not been previously delivered to him.

- (2) Any person contravening the provisions of this section shall be liable on summary conviction to a fine not exceeding ten pounds.

2 Registrar's certificate and coroner's order

- (1) The registrar, upon registering any death, shall forthwith give to the person giving information concerning the death a certificate under his hand that he has registered the death; but may, before registering the death and subject to such conditions as may be prescribed, upon receiving written notice of the occurrence of a death in respect of which he has received a medical certificate under section twenty of the Births and Deaths Registration Act, 1874, as amended by this Act, give to the person sending the notice, if required to do so, a certificate under his hand that he has received notice of the death; and any such certificate shall be given without fee :

Provided that the registrar shall not issue any certificate in any case in which he is satisfied that an order has been issued by the coroner authorising the burial of the body.

- (2) Where the body of a deceased person has been removed into England for disposal, and no order has been given by a coroner in respect thereof, the registrar of the sub-district in which it is intended to dispose of the body, if it appears that the death is not required by law to be registered in England, shall give upon application by the person procuring the disposal and upon payment of the prescribed fee a certificate to that effect in the prescribed form.
- (3) A person to whom any certificate issued by the registrar under this section is delivered shall transmit it to the person effecting the disposal.
- (4) A registrar by whom a certificate has been given under this Act may, upon receiving a satisfactory explanation of any circumstances by reason of which such certificate is not available for the purposes of this Act, issue on payment of the prescribed fee a duplicate thereof either to the person to whom the original certificate was given or to the person effecting the disposal; and any such duplicate certificate shall be in a distinctive form.

3 Notification of disposal to registrar

- (1) The person effecting the disposal of the body of any deceased person shall, within ninety-six hours of the disposal, deliver to the registrar in the prescribed manner a notification as to the date, place and means of disposal of the body.
- (2) The registrar shall, on the expiration of the prescribed period after the issue of a certificate by him or of an order by the coroner in respect of a deceased person, if no notification as aforesaid has been previously received by him of the disposal of the body of the deceased, make enquiry of the person to whom the certificate or order was given; and it shall be the duty of such person to give information to the best of his knowledge and belief as to the person having the custody of the certificate or order, the place in which the body is lying, or, if the body has been disposed of, the person effecting the disposal.

4 Prohibition of removal of body out of England without notice

The body of a deceased person shall not be removed out of England until the expiration of the prescribed period after notice of the removal has been given to the coroner within whose jurisdiction the body is lying or otherwise than in accordance with such procedure as may be prescribed, and any person contravening the provisions of this section shall be liable on summary conviction to a fine not exceeding ten pounds.

5 Burial of still-born children

It shall not be lawful for a person who has control over or who ordinarily buries bodies in any burial ground to permit to be buried or to bury in such burial ground a still-born child before there is delivered to him either a certificate given by the registrar under the provisions of this Act relating to still-births or, if there has been an inquest, an order of the coroner.

6 Form and destination of medical certificate of cause of death

- (1) Every certificate of cause of death required to be given by section twenty of the Births and Deaths Registration Act, 1874, shall be in the prescribed form; and the forms to be furnished under paragraph (1) of that section shall be the forms so prescribed.
- (2) Notwithstanding anything contained in paragraphs (2) and (3) of section twenty of the Births and Deaths Registration-Act, 1874, every certificate of cause of death required to be signed by that section shall be delivered forthwith by the registered medical practitioner by whom the certificate is signed to the registrar, and the registered medical practitioner, on signing a certificate as aforesaid shall give in the prescribed form to some person required by the Births and Deaths Registration Acts, 1836 to 1901, to give information concerning the death, notice in writing of the signing of the certificate, and that person shall, except where an inquest is held on the body of the deceased person, deliver the said notice to the registrar.

7 Registration of still-births

- (1) The birth of every still-born child shall be registered by the registrar in a register of still-births containing the heads of information prescribed in the First Schedule to this Act.
- (2) In the case of every still-birth, it shall, unless there has been an inquest, be the duty of the person who would, if the child had been born alive, have been required by the Births and Deaths Registration Acts, 1836 to 1901, to give information concerning the birth, to give information to the registrar of the particulars required to be registered concerning the still-birth; and every such person upon giving information shall either—
 - (i) deliver to the registrar a written certificate that the child was not born alive, signed by a registered medical practitioner or certified midwife who was in attendance at the birth or who has examined the body of such child; or
 - (ii) make a declaration in the prescribed form to the effect that no registered medical practitioner or certified midwife was present at the birth, or has examined the body, or that his or her certificate cannot be obtained and that the child was not born alive.
- (3) Subject to the provisions of this Act, and subject to the prescribed exceptions, the provisions of the Births and Deaths Registration Acts, 1836 to 1901, shall apply to the registration and entry of a still-birth as they apply to the registration or entry of the birth of a child born alive.
- (4) The registrar upon registering a still-birth shall, if so required, give, either to the person giving information concerning the still-birth or to the person who has control over or who ordinarily buries bodies in a burial ground in which it is intended to bury the still-born child, a certificate under his hand in the prescribed form that he has registered the still-birth, but may, on receiving written notice of a still-birth accompanied by a certificate given by a registered medical practitioner or certified midwife under the foregoing provisions of this section, before registering the still-birth give to the person sending the notice a certificate that he has received notice of the still-birth, and any certificate given under this subsection shall be given without fee.

8 Payment of fees

- (1) In addition to the fee to be paid to any registrar under the provisions of section twenty-nine of the Births and Deaths Registration Act, 1836, as amended by section thirty-one of the Births and Deaths Registration Act, 1874, there shall be paid in respect of each entry of death in the register an additional sum of three pence.
- (2) Where the person effecting the disposal is the incumbent of a parish, the fee payable to the incumbent in respect of the disposal shall be increased by the sum of sixpence.

9 Regulations

The Minister of Health, with the concurrence of the Secretary of State, may make regulations—

- (a) prescribing the period and form of notice to be given to the coroner of an intention to remove a body out of England; and as to the procedure upon removal and the notification of, the registrar as to the date and place of such removal;
- (b) imposing any conditions and restrictions with respect to means of disposal otherwise than by burial or cremation, as to the period of time a body may be retained after death in an inhabited house or other premises or with respect to embalming or preservation, which may appear to be desirable in the interests of public health or public safety.

10 Application to cremation

The power to make regulations under section seven of the Cremation Act, 1902, shall include a power to make regulations for the purpose of applying the provisions of this Act to cases where human remains are disposed of by cremation, and except as may be provided by any such regulations this Act shall not apply to cremation.

11 Penalties

Any person contravening any of the provisions of this Act in respect of which no penalty is expressly imposed shall be liable on summary conviction to a fine not exceeding forty shillings.

12 Definitions

In this Act, unless the context otherwise requires—

" Prescribed " means prescribed by the Registrar-General with the concurrence of the Minister of Health;

" Registrar " means, with respect to any death or birth the registrar who is the registrar for the sub-district in which the death or birth takes place;

" disposal " means disposal by burial, cremation or any other means, and "disposed of" has a corresponding meaning;

" person effecting the disposal " means the person by whom or whose officer the register of burials in which the disposal is to be registered is kept, except that in the case of a burial under the Burial Laws Amendment Act, 1880, in the churchyard or graveyard of a parish or ecclesiastical district the expression " person effecting the disposal " shall be construed as referring to the relative,

friend, or legal representative having charge of or being responsible for the burial of the deceased person;

" still-born " and " still-birth " shall apply to any child which has issued forth from its mother after the twenty-eighth week of pregnancy and which did not at any time after being completely expelled from its mother, breathe or show any other signs of life.

13 Repeals, extent, short title and commencement

- (1) The enactments set out in the Second Schedule to this Act are hereby repealed to the extent specified in the third column of that Schedule.
- (2) This Act shall not apply to Scotland or Northern Ireland.
- (3) This Act may be cited as the Births and Deaths Registration Act, 1926, and the Births and Deaths Registration Acts, 1836 to 1901, and this Act may be cited together as the Births and Deaths Registration Acts, 1836 to 1926.
- (4) This Act shall come into operation on the first day of July, nineteen hundred and twenty-seven.

Status: This is the original version (as it was originally enacted).

SCHEDULES.

FIRST SCHEDULE

Section 7.

FOR OF REGISTER OF STILL-BIRTHS

No.	When And Where Born.	Sex.	Name and Surname of father.	Name and Maiden name of Mother.	Rank of Profession of Father.	Signature Description and Residence of Informant.	When Registered.	Nature of Evidence upon which registered as still- born.	Signature of Registrar.

SECOND SCHEDULE

Section 13.

ENACTMENTS REPEALED

Session and Chapter.	Short Title.	Extent of Repeal.
37 & 38 Vict. c. 88.	The Births and Deaths Registration Act, 1874.	Section seventeen and in section eighteen the words from " and shall " to " coroner."
43 & 44 Vict. c. 41.	The Burial Laws Amendment Act, 1880.	Section eleven.
44 & 45 Vict. c. 2.	The Burial and Registration Acts (Doubts Removal) Act, 1881.	The whole Act.