
STATUTORY INSTRUMENTS

2009 No. 2165

**The Registration of Births and Deaths (Amendment)
(England and Wales) Regulations 2009**

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Registration of Births and Deaths (Amendment) (England and Wales) Regulations 2009 and shall come into force on 1st September 2009.

(2) In these Regulations —

“the Act” means the Births and Deaths Registration Act 1953;

“the Principal Regulations” means the Registration of Births and Deaths Regulations 1987(1) and unless the context otherwise requires any reference in these Regulations to a numbered regulation or Schedule is a reference to the Regulation or Schedule bearing that number in those Regulations; and

“the Welsh Language Regulations” means the Registration of Births and Deaths (Welsh Language) Regulations 1987(2).

Amendment to regulation 2

2.—(1) Regulation 2 (Interpretation) is amended as follows.

(2) For the definition of “maiden surname” substitute ““maiden surname” means the surname with which a woman entered into her first marriage or civil partnership, and, where a woman has entered into a civil partnership and marriage, it means the surname with which she entered the first of these ceremonies.”

(3) After the definition “name, surname and qualification” insert ““other parent” means a woman who is a parent by virtue of section 42 or 43 of the Human Fertilisation and Embryology Act 2008.”

Amendment to regulation 3

3. In regulation 3(2) for “Regulation 17(3)(a)” substitute “Regulation 17(7)(a)”.

Amendment to regulation 6

4. In the heading to regulation 6 (Regulation in more than one place) for “Regulation” substitute “Registration”.

Amendment to regulation 7

5. In regulation 7(2) (Particulars to be registered and form of register) for “parents” substitute “mother, father or other parent”.

(1) S.I. 1987/2088, amended by S.I. 1998/638, 1989/497, 1991/2275, 1992/2753, 1994/1948, 1997/844, 1997/1533, 2001/364, 2003/3048, 2005/3177 and 2006/2827.
(2) S.I. 1987/2089, amended by S.I. 1988/687, 1989/511, 1992/1504, 1995/818, 1997/844, 1997/1533, 2001/3647, 2003/3048, 2005/3177 and 2006/2827.

Amendment to regulation 8

6. For regulation 8 (Declaration by parent for registration of birth) substitute —

“Declaration by mother, father or other parent for registration of birth

8. Form 2 is the prescribed form of the declaration to be made under the Act by—
- (a) the mother under section 10(1)(b)(i);
 - (b) the father under section 10(1)(c)(i);
 - (c) the mother under section 10(1B)(b)(i); or
 - (d) the other parent under section 10(1B)(c)(i).”

Amendment to regulation 9

7.—(1) Regulation 9 (Entry of particulars on registration within three months of date of birth) is amended as follows.

(2) For paragraph 4 substitute —

“(4) With respect to space 4 (father’s, or other parent’s, name and surname) —

- (a) If, other than in a case to which sub-paragraph (b) applies, the father or other parent acquired after the child’s birth a name or surname different from their name at the date of the birth, the registrar shall enter in space 4 the name and surname as at the date of birth followed by the name and surname as at the date of registration preceded by the word ‘now’; or if the father or other parent has died between the birth and the date of registration and changed their name between the birth and their subsequent death, their name and surname at birth is provided followed by the word “afterwards” and then their name at the date of their death is inserted into space 4;
- (b) In the case of a request made under paragraph (d), (e), (f) or (g) of section 10(1) or paragraph (d), (e), (f) of section 10(1B) and upon production of a declaration in Form 6A, the registrar shall enter in space 4 of Form 1, the name and surname of the father or putative father or other parent or putative other parent as appropriate and as recorded in the parental responsibility agreement mentioned in section 10(1)(d)(i) or 10(1B)(d)(i) or the orders mentioned in section 10(1)(e)(i), (f)(i), (g)(i), or section 10(1B)(e)(i) or (f)(i).
- (c) In the case of a request under section 10ZA of the Act (Registration of father or second female parent by virtue of certain provisions of the Human Fertilisation and Embryology Act 2008) the registrar shall enter in space 4, as the father or other parent of the child, the name and surname as at the date of death, of the man who is the father or the woman who is the other parent.”

(3) In paragraph 4A after “section 10(1)” insert “, and paragraphs (d) to (f) of section 10(1B)”.

(4) For paragraph(5) substitute—

“(5) With respect to spaces 5 and 6 (father or other parent’s place of birth and occupation)

- (a) In a case to which section 10(1) or 10(1B) of the Act applies, the registrar shall not complete spaces 5 and 6 unless the name and surname of the father, or other parent, of the child have been entered in space 4 pursuant to either of those sections;
- (b) If either the father or the other parent was deceased at the date of the birth the registrar shall enter in space 6 the word ‘deceased’;

- (c) If the father or other parent has changed their occupation since the birth of the child, the registrar shall in space 6, after the occupation as at the date of the birth, enter the occupation as at the date of registration, preceded by the word ‘now’.”

(5) For paragraph (7) substitute “With respect to space 9(b) (mother’s surname at marriage or civil partnership if different from maiden surname) the surname to be entered shall be that in which the mother contracted her marriage to the father, or in which she entered her civil partnership with the other parent of the child.”

(6) For paragraph (8) substitute—

“(8) For space 13 (informant’s usual address) —

- (a) the address required is the address at registration of the birth;
- (b) if under sections 10(1)(a) or 10(1B)(a) of the Act an entry of the father or other parent has been made, the registrar shall enter the father’s or other parent’s address followed by the mother’s address if different;
- (c) except as provided by sub-paragraph (b), the registrar shall not enter the address of the informant if that address is the same as the mother’s usual address.”

Amendment to regulation 10

8.—(1) Regulation 10 (Completion of registration) is amended as follows.

(2) In sub-paragraph (a) after “(b)” insert “or (c)”.

(3) For sub-paragraph (c) substitute —

“(c) where an entry has been made under section 10(1B) of the Act the following persons shall sign the entry in space 14 —

- (i) the person acknowledging herself to be the other parent and then the mother if made under paragraph (a) of section 10(1B);
- (ii) the mother if made pursuant to paragraph (b) of section 10(1B), in which case the registrar shall add after the mother’s signature the words “Statutory declaration made by ... on ...”, inserting the name and surname of the person acknowledging herself to be the other parent and the date on which the statutory declaration was made by her;
- (iii) the person stating herself to be the other parent if made under paragraph (c) of section 10(1B) in which case the registrar shall add after her signature the words “Statutory declaration made by ... on ...” inserting the name and surname of the mother and the date on which the statutory declaration was made by her;
- (iv) the mother or other parent making the request if made under paragraph (d) of section 10(1B), in which case the registrar shall add after his signature the words ‘Pursuant to section 10(1B)(d) of the Births and Deaths Registration Act 1953’;
- (v) the person making the request if made under paragraph (e) of section 10(1B), in which case the registrar shall add after his signature the words ‘Pursuant to section 10(1B)(e) of the Births and Deaths Registration Act 1953’; or
- (vi) the person making the request if made under paragraph (f) of section 10(1B), in which case the registrar shall add after his signature the words ‘Pursuant to section 10(1B)(f) of the Births and Deaths Registration Act 1953’.”

(4) After paragraph (c) insert —

- “(d) Where an entry has been made under section 10ZA of the Act⁽³⁾, the person making the request shall sign the entry in space 14, in which case the registrar shall add after his signature the words “Pursuant to section 10ZA of the Births and Deaths Registration Act 1953.”

Amendment to regulation 13

9. In regulation 13(4)(b)(ii) (Declaration and registration under section 9 of the Act) after the words “of section 10(1) of the Act” insert “, or a request made under paragraph (b), (c), (d), (e), or (f) of section 10(1B) of the Act,”

Amendment to regulation 16

10.—(1) For regulation 16 (Declaration by parent for re-registration of birth) substitute —

“Declaration by mother, father or other parent for the re-registration of a birth

16. Form 2 shall be the prescribed form of the declaration to be made —

- (a) by the mother under section 10A(1)(b)(i) and by the person stating himself to be the father under section 10A(1)(c)(i) of the Act; and
- (b) by the mother under section 10A(1B)(b)(i) and by the person stating herself to be the other parent of the child under section 10A(1B)(c)(i) of the Act.”

Amendment to regulation 17

11. For regulation 17 (Re-registration of birth) substitute—

“Re-registration of birth

17.—(1) The relevant registrar shall re-register a birth under section 10A or 10A(1B) of the Act in accordance with the following provisions.

(2) Where a mother and father attend together before the registrar, and prior to the expiration of three months from the date of the birth, to give information for the re-registration of the birth, the registrar shall—

- (a) ascertain from the mother and father the particulars to be registered concerning the birth, and enter them in spaces 1 to 13 on form 1, and in the presence of the mother and father and in accordance with the authority of the Registrar General call upon the mother and father to verify the particulars entered, and to sign the entry in space 14; or
- (b) Where a mother or father separately attend, the registrar shall, after their signature—
 - (i) in a section 10A(1)(b) case, add the words “Statutory declaration made by ... on ...” inserting the name and surname of the person acknowledging himself as the father and the date on which the statutory declaration was made by him;
 - (ii) in a section 10A(1)(c) case, add the words, “Statutory declaration made by ... on ...,” inserting the name and surname of the mother and the date on which the statutory declaration was made by her;

(3) Section 10ZA was amended by 2008 (c.22), section 56 and Schedule 6, paragraph 6.

- (iii) in a section 10A(1)(d) case, add the words “Pursuant to section 10A(1)(d) of the Births and Deaths Registration Act 1953”;
- (iv) in a section 10A(1)(e) case, add the words “Pursuant to section 10A(1)(e) of the Births and Deaths Registration Act 1953”;
- (v) in a section 10A(1)(f) case, add the words “Pursuant to section 10A(1)(f) of the Births and Deaths Registration Act 1953”;
- (vi) in a section 10A(1)(ff) case, add the words “Pursuant to section 10A(1)(ff) of the Births and Deaths Registration Act 1953”; or
- (vii) in a section 10A(1)(g) case, add the words “Pursuant to section 10A(1)(g) of the Births and Deaths Registration Act 1953”.

(3) Where a mother and other parent attend together before the registrar, and prior to the expiration of three months from the date of the birth, to give information for the re-registration of the birth, the registrar shall in a section 10A(1B)(a) case ascertain from the mother and other parent the particulars to be registered concerning the birth and enter them in spaces 1 to 13 on form 1 in the presence of the mother and other parent, and call upon the mother and other parent to verify the particulars entered and to sign the entry in space 14.

(4) Where the mother or other parent separately attend, the registrar shall, after their signature —

- (i) in a section 10A(1B)(b) case, add the words “Statutory declaration made by on” inserting the name of the person acknowledging herself to be the other parent and the date on which the statutory declaration was made by her;
- (ii) in a section 10A(1B)(c) case, add the words “Statutory declaration made by ...on...” inserting the name of the mother and the date on which the statutory declaration was made by her;
- (iii) in a section 10A(1B)(d) case, add the words “Pursuant to section 10A(1B)(d) of the Births and Deaths Registration Act 1953”;
- (iv) in a section 10A(1B)(e) case, add the words “Pursuant to section 10A(1B)(e) of the Births and Deaths Registration Act 1953”;
- (v) in a section 10A(1B)(f) case, add the words “Pursuant to section 10A(1B)(f) of the Births and Deaths Registration Act 1953”; or
- (vi) in a section 10A(1B)(g) case, add the words “Pursuant to section 10A(1B)(g) of the Births and Deaths Registration Act 1953”.

(5) The registrar shall enter in space 15 the date on which the entry is made, and add the words “On the authority of the Registrar General”.

(6) The registrar shall sign the entry in space 16, and add his official description.

(7) Where a father, mother or other parent attends to register the birth within three months from the date of the birth before an officer mentioned in regulation 15 (Officers before whom statements may be made) that officer shall—

- (a) call upon the mother, father or other parent to make and sign a statement in form 2 in accordance with the authority of the Registrar General;
- (b) attest the statement and deliver it to the relevant registrar together with the authority of the Registrar General and also —
 - (i) in a section 10A(1)(b) or (c), or 10A(1B)(b) or (c) case, the statutory declaration;

- (ii) in a case under paragraph (d), (e),(f) or (g) of section 10A(1) a declaration in form 6B and either the parental responsibility agreement in a case mentioned in paragraph (d) or the order mentioned in paragraphs (e) to (g) of that section;
 - (iii) in a case under paragraph (d), (e) or (f) of section 10A(1B) a declaration in Form 6B and either the parental responsibility agreement in a case mentioned in paragraph (d) or the order mentioned in paragraphs (e) to (f) of that section.
- (8) Form 6B is the prescribed form of the declaration for the purpose of paragraphs (d) to (g) of section 10A(1) and paragraphs (d) to (f) of section 10A(1B) of the Act.
- (9) Upon receiving the documents referred to in paragraph 7 above the relevant registrar shall —
- (a) copy the particulars recorded in the spaces of the particular statement into the corresponding spaces of form 1;
 - (b) enter in space 14 the name of the mother, father or other parent in the form in which the statement was signed and —
 - (i) add the words “by declaration dated ...”, inserting the date on which the declaration was made and signed; or
 - (ii) in a case under paragraph (b), (c), (d), (e), (f), (ff) or (g) of section 10A(1) make the further addition specified in paragraph 2(b) or under section 10A(1B)(b),(c),(d),(e),(f) or (g) make the further addition specified in paragraph 4;
 - (c) enter in space 15 the date on which the entry is made, adding the words “On the authority of the Registrar General”; and
 - (d) if not more than three months have elapsed from the date of the birth, sign the entry in space 16 and add his official description; or
 - (e) if more than three months have elapsed from the date of birth, make the whole entry in the presence of the relevant superintendent registrar, in which case both officers shall sign the entry in space 16 and add their official descriptions.
- (10) In a section 10A(1)(ff) case, or a section 10A(1B)(g) case any reference in these Regulations to the mother shall be to another qualified informant in the case of the death or inability of the mother.”

Amendment to regulation 18

- 12.** For regulation 18 (Noting of previous entry) substitute—

“Noting of previous entry

18. Where the Registrar General has directed that there shall be a re-registration in accordance with this Part of these Regulations, the registrar or superintendent registrar who has custody of the register in which the birth was previously registered shall, when so directed by the Registrar General, enter a note in the margin of the entry with the following words—

- (i) “Re-registered under section 10A of the Births and Deaths Registration Act 1953 on ...” inserting the date of the re-registration; or
- (ii) “Re-registered under section 10A (1B) of the Births and Deaths Registration Act 1953 on ...” inserting the date of the re-registration.”

Amendment to regulation 19

- 13.—(1) In paragraph (a) (Attendance and particulars on re-registration) for.
- (2) In paragraph (b) for “parents” substitute “mother, father or other parent”.
- (3) In regulation 19(b)(i) (Attendance and particulars on re-registration) for “father and mother” substitute “father and mother, or the other parent and mother”.
- (4) In regulation 19(b)(ii) after “father” insert “or her civil partnership with the other parent”.
- (5) For regulation 19(b)(iii) substitute “in space 9(b) of form 1 the surname (if any) to be entered shall be that in which the mother contracted her marriage or civil partnership to the father or other parent (respectively) of the child prior to re-registration.”.

Amendment to regulation 20

14. For regulation 20 (Re-registration where parent attends) substitute the following —

“Re-registration where mother, father or other parent attends

20. Where the mother, father or other parent as the case may be, attend at the office of the relevant registrar to re-register a birth, the registrar must —

- (a) ascertain from them the particulars to be registered and enter them in spaces 1 to 13 of form 1 and;
- (b) ask whoever is acting as the informant to verify the particulars and to sign the entry in space 14 of form 1;
- (c) enter in space 15 of form 1 the date on which the entry is made and add the words “On the authority of the Registrar General”; and
- (d) sign the entry in space 16 of form 1 and add his official description.”

Amendment to regulation 21

15. In regulation 21 (Making of declaration where parent does not attend) after paragraph 5(c) insert —

“(6) In this regulation parent means mother, father or other parent.”

Amendment to regulation 22

16. In regulation 22(b) (Re-registration in pursuance of declaration) after “mother” insert “or “other parent”.”

Amendment to regulation 23

- 17.—(1) In the first paragraph of regulation 23 (Re-registration where particulars not verified by parent) after “14(1)” insert “of the Act”.

- (2) After “(c)” insert “(2) In this regulation, parent means mother, father or other parent.”

Amendment to regulation 26

- 18.—(1) In regulation 26(1)(a) for “parent” substitute “mother, father or other parent”.
- (2) In sub-paragraph (b) for “parent” substitute “mother, father or other parent”.
- (3) In paragraph (2) for “parent” substitute “mother, father or other parent”.

Amendment to regulation 34A

19.—(1) In regulation 34A(4)(c)(ii) (Declaration and registration of a still-birth under section 9 of the Act) after “10(1)” insert “, or paragraphs (b) or (c) of section 10(1B)”.

(2) In regulation 34A(4)(c)(ii) after “paragraph (1)(b)” insert “or (ii) or (iii) of paragraph (1)(c)”.

(3) In regulation 34A(4)(c)(iii) for “paragraph (1)(c) of regulation 10” substitute “paragraph 1(d) of regulation 10”.

Amendment to regulation 42

20.—(1) In regulation 42(3)(a) (Registration within 12 months from date of death where no report to coroner) after “occupation of the father” insert “or other parent,”.

(2) For regulation 42(3)(a)(i) substitute — “(i) the names and surnames of the mother, father and other parent are to be entered, whichever is appropriate, and the surname of the mother if it is different from the surname of the father or other parent”.

(3) For regulation 42(3)(a)(ii) substitute — “(ii) it is within the knowledge of the informant that the mother was known by the surname of the father or the surname of the other parent at any time during the lifetime of the child,”.

(4) After paragraph (3)(bb) insert “(bc) the name, surname and occupation of adoptive parent(s) shall also be entered in space 6.”.

Amendment to regulation 55

21. For regulation 55(2)(g) (Correction of minor clerical errors after completion) substitute “any error, in space 14 of a birth entry, in copying the date of a statutory declaration as required by regulations 10(1)(b)(ii) or (iii), or 10(1)(c)(ii) or (iii) or 17(2)(b)(i) or (ii), or 17(4)(i) or (ii)”.

Amendment to regulation 56

22.—(1) In regulation 56(3)(a)(ii) (correction of other minor clerical errors after completion) after ‘father’s’ insert ‘or other parent’s’.

(2) In regulation 56(3)(a)(iii) after “father’s” insert “or other parent’s”.

(3) In regulation 56(3)(a)(vi) after “mother,” insert “nor the other parent”.

Amendment to regulation 63

23.—(1) Replace regulation 63(2)(a)(iii) (Application for short certificate of birth) with —“(iii) the name and surname of his adoptive parent(s),”.

(2) In regulation 63(2)(b)(iii) after “father” insert “or other parent”.

Substitution of certain forms in Schedule 2

24. In Schedule 2 (prescribed forms) for forms 1, 2, 6A, 6B and 9, substitute forms 1, 2, 6A, 6B and 9 in Schedule 1 to these Regulations.

Amendment to the Welsh Language Regulations 1987

25.—(1) The Welsh Language Regulations are amended as follows.

(2) In Schedule 2 (Prescribed forms) for forms 1, 2, 6A, 6B and 7 substitute forms 1, 2, 6A, 6B and 7 in Schedule 2 to these Regulations.

(3) In Schedule 3, for the entries in columns (1), (2) and (3) substitute the entries in columns (1), (2) and (3) in the table in Schedule 3 to these Regulations.

Given under my hand on

4th August 2009

James Hall
Registrar General

I approve,

5th August 2009

David Hanson
Minister of State
Home Office