

2021 No. 1231

**REGISTRATION OF BIRTHS, DEATHS & MARRIAGES,
ETC., ENGLAND AND WALES**

**The Births and Deaths Registration (Electronic Communications
and Electronic Storage) Order 2021**

<i>Made</i>	- - - -	<i>2nd November 2021</i>
<i>Laid before Parliament</i>		<i>4th November 2021</i>
<i>Coming into force</i>	- -	<i>1st December 2021</i>

The Secretary of State, in exercise of the powers conferred by sections 8, 9(5) and 9(6) of the Electronic Communications Act 2000(a), makes the following Order.

In accordance with section 8(3) of the Electronic Communication Act 2000, the Secretary of State considers that the authorisation of the use of electronic communications by this Order for any purpose is such that the extent (if any) to which records of things done for that purpose will be available will be no less satisfactory in cases where use is made of electronic communications than in other cases.

Citation, commencement and extent

1.—(1) This Order may be cited as the Births and Deaths Registration (Electronic Communications and Electronic Storage) Order 2021.

(2) This Order comes into force on 1st December 2021.

(3) Any amendment made by this Order has the same extent as the provision amended.

Amendment of the Births and Deaths Registration Act 1926

2.—(1) The Births and Deaths Registration Act 1926(b) is amended as follows.

(2) In section 1 (prohibition of disposal except on registrar’s certificate or coroner’s order)(c), after subsection (1), insert—

“(1A) For the purposes of subsection (1), a certificate, an order of the coroner or a written declaration may be delivered as a copy in an approved electronic form.

(1B) A declaration under subsection (1) may be made in an approved electronic form.”.

(3) In section 3 (notification of disposal to registrar)(d), after subsection (1), insert—

(a) 2000 c. 7. See section 9(1) for the definition of “appropriate Minister”.

(b) 1926 c. 48.

(c) Section 1 was amended by the Criminal Justice Act 1967 (c. 80), section 92(1) and Schedule 3, Part 1, and modified by the Births and Deaths Registration Act 1953 (c. 20), Schedule 1, paragraph 2.

(d) Section 3 was amended by the Births and Deaths Registration Act 1953 (c. 20), section 43(2) and Schedule 2.

“(3) A notification under subsection (1) may be made and delivered in an approved electronic form.”.

(4) In section 5 (burial of still-born children)(a), after “delivered to him”, insert “(either physically or as a copy in an approved electronic form)”.

(5) In section 9 (regulations)(b)—

- (a) in the heading, after “Regulations”, insert “and approval of electronic forms etc.”;
- (b) the existing text becomes subsection (1);
- (c) after that subsection, insert—

“(2) The Registrar General may approve forms of electronic communication or electronic storage (including an electronic signature) for the purposes of a provision of this Act.”.

(6) In section 12 (definitions)(c), after the definition of “Registrar”, insert—

““approved electronic form” means any form of electronic communication or electronic storage (including an electronic signature) approved by the Registrar General pursuant to section 9(2) of this Act;”.

(7) After the definition of “disposal”, insert—

““electronic communication” has the meaning given in section 15(1) of the Electronic Communications Act 2000;

““electronic signature” has the meaning given in section 7(2) of the Electronic Communications Act 2000;”.

Amendment of the Births and Deaths Registration Act 1953

3.—(1) The Births and Deaths Registration Act 1953(d) is amended as follows.

(2) In section 11 (special provision as to registration of still-birth), in subsection (2)(e), omit “under his hand”.

(3) In section 13 (registration of name of child or of alteration of name), after subsection (1A)(f), insert—

“(1B) Where a certificate delivered under subsection (1) is in an approved electronic form, the registrar or superintendent registrar may (subject to the terms of any approval given by the Registrar General under section 39(2)) discharge the duty set out in subsection (1A)(a) by incorporating into the certificate (or a copy of it), or associating to the certificate (or a copy of it), an electronic signature and a statement that the entry mentioned in subsection (1) has been made.”.

(4) In section 24 (certificates as to registration of death)—

- (a) in subsection (1)(g), for “under his hand”, substitute “in writing”;
- (b) in subsection (5), for the words from “as to the person” to “certificate or order”, substitute “as to any person to whom the certificate or order has been given or sent”.

(5) In section 26 (quarterly returns to be made by registrar to superintendent registrar)—

- (a) in paragraph (1)(b)(h)—
 - (i) omit “, either”,

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- (a) Section 5 was amended by the Coroners and Justice Act 2009 (c. 25), section 177(1) and Schedule 21, Part 1, paragraphs 2 and 4, and amended by the Births and Deaths Registration Act 1953 (c. 20), Schedule 1, paragraph 3.
 - (b) Section 9 was amended by the Public Health Act 1936 (c. 49), section 346 and Schedule 3, Part 5, and amended by the Public Health (London) Act 1936 (c. 49), section 308 and Schedule 7; and amended by S. I. 2008/678.
 - (c) Section 12 was amended by the Still-Birth (Definition) Act 1992 (c. 29), section 1(1) and by S.I. 2008/678.
 - (d) 1953 c. 20.
 - (e) Subsection (2) was amended by the Population (Statistics) Act 1960 (c. 32), section 2.
 - (f) Subsection (1A) was inserted by S.I. 2006/2809.
 - (g) Subsection (1) was amended by the Coroners and Justice Act 2009 (c. 25), section 177(1) and Schedule 3, paragraphs 6 and 17. The amendment introduced by the Coroners and Justice Act 2009 is yet to be brought into force.
 - (h) Paragraph 1(b) was substituted by S.I. 2006/2809.

- (ii) for the words from “in the prescribed form” to “under his hand, or”, substitute “a certificate in the prescribed form to that effect.”;
 - (iii) omit paragraph (b)(ii);
 - (b) in subsection (2)(a), for “under his hand”, substitute “in writing”;
 - (c) in subsection (4)(b), omit the definitions of “approved” and “electronic signature”.
- (6) In section 29 (correction of errors in registers), in subsection (4)(c), for “under his hand”, substitute “in writing”.
- (7) In section 31 (searches of indexes kept by superintendent registrars), for “under the hand of”, substitute “issued by”.
- (8) In section 32 (searches in registers kept by registrars)(d), for “under his hand”, substitute “by the registrar”.
- (9) In section 37 (penalty for forging certificate, etc)(e) after “order”, in each place it occurs, insert “(including any copy of the same in an approved electronic form)”.
- (10) In section 39 (regulations)(f)—
- (a) in the heading, after “Regulations”, insert “and approval of electronic forms etc.”;
 - (b) the existing text becomes subsection (1) of that section;
 - (c) after that subsection, insert—
 - “(2) The Registrar General may approve forms of electronic communication or electronic storage (including an electronic signature) for the purposes of a provision of this Act.”.
- (11) In section 40 (sending documents by post)—
- (a) in the heading, for “Sending documents by post”, substitute “Sending and providing notices, information or other documents”;
 - (b) for “Any notice”, substitute “Where any notice”;
 - (c) for the words from “required by” to “by post.”, substitute—
 - “is required to be given, sent, delivered, produced, supplied, transmitted or otherwise provided for any purpose of this Act, the requirement may be met by—
 - (a) sending the document by post, or
 - (b) providing the document, or a copy of it, in an approved electronic form.”.
- (12) After section 40, insert—

“40A Original documents may be in an approved electronic form

If a declaration made or certificate issued in the prescribed form for the purposes of this Act is made or issued in electronic form, it must be made or issued in an approved electronic form.”.

- (13) In section 41 (interpretation)—

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- (a) Subsection (2) was amended by S.I. 2006/2809.
 - (b) Subsection (4) was inserted by S.I. 2006/2809.
 - (c) Subsection (4) was substituted by the Criminal Law Act 1977 (c. 45), section 65 and Schedule 12 and amended by the Coroners Act 1980 (c. 38), section 1 and Schedule 2, and amended by the Coroners Act 1988 (c. 13), section 36(1) and Schedule 3, paragraph 5. Subsection (4) was also amended by the Coroners and Justice Act 2009 (c. 25), section 177(1) and Schedule 21, Part 1, paragraphs 6, 18(1), (3), and (4) and Schedule 23, Part 1.
 - (d) Section 32 was amended by the Immigration Act 2016 (c. 19), sections 89(1) and (2)(b), and by Schedule 15, Part 2, paragraphs 21 and 25.
 - (e) Section 37 was amended by the Forgery and Counterfeiting Act 1981 (c. 45), section 30 and Schedule 1, Part 1, and by the Criminal Law Act 1977 (c. 45), section 31(6).
 - (f) Section 39 was amended by the Welfare Reform Act 2009 (c. 25), section 177(1) and Schedule 6, Part 1, paragraphs 1 and 16, and amended by the Deregulation Act 2015 (c. 20), section 98, and by the Immigration Act 2016 (c. 19), Schedule 15, Part 2, paragraphs 21 and 29. Amendments by the Welfare Reform Act 2009 and the Deregulation Act 2015 are yet to be brought into force.

- (a) in subsection (1)(a), after the definition of “the 2009 Act”, insert—
- ““approved electronic form” means any form of electronic communication or electronic storage (including an electronic signature) approved by the Registrar General pursuant to the powers conferred under section 39(2) of this Act;”;
- (b) after the definition of “disposal” insert—
- ““electronic communication” has the meaning given in section 15(1) of the Electronic Communications Act 2000;
- “electronic signature” has the meaning given in section 7(2) of the Electronic Communications Act 2000;”.

2nd November 2021

Kevin Foster
Parliamentary Under Secretary of State
Home Office

EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends the Births and Deaths Registration Act 1926 (c. 48) (the “1926 Act”) and the Births and Deaths Registration Act 1953 (c. 20) (the “1953 Act”) to enable the use of electronic communications and storage for certain documents used in connection with the registration of births and deaths.

Article 2 amends the 1926 Act to enable the electronic transmission of death registration documents and notifications between the registrars and the persons effecting the disposal of the bodies.

Article 3 amends the 1953 Act to enable any notice, information, declaration, certificate, requisition, return or other document required under that Act to be provided by sending that document, or a copy of it, in an electronic form approved by the Registrar General. The amendments also enable certain prescribed declarations and certificates under the Act to be in an electronic form approved by the Registrar General.

A full impact assessment of the effect that this instrument will have on the costs of business, the voluntary sector and the public sector is available from www.legislation.gov.uk. Hard copies can be obtained by writing to the Civil Registration Reform Team, General Register Office, Smedley Office, Smedley Hydro, Trafalgar Road, Birkdale, Southport PR8 2HH.

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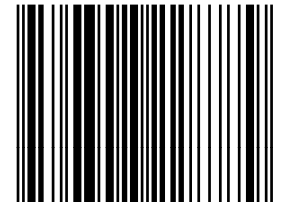
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(a) The current text of section 41 has been renumbered as subsection (1) by the Coroners and Justice Act 2009 (c. 25), section 177(1) and Schedule 21, Part 1, paragraphs 6 and 21(2). The amendment is yet to be brought into force.

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