

2021 No. 1436

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

**The Registration of Births and Deaths (Amendment) (England
and Wales) Regulations 2021**

Made - - - - *13th December 2021*

*Coming into force in accordance with regulation 1(2) and
1(3)*

The Registrar General for England and Wales, in exercise of the powers conferred by sections 1(1)(a), 3(1), 5(b), 9(2)(c), and 12(d) of the Births and Deaths Registration Act 1926(e) and by sections 1(1)(f), 10(1) and (1B)(g), 10A(1) and (1B)(h), 11(1) and (2)(i), 13(1)(j), 20(k), 22(1) and (2)(l), 29(2), 39(1) and (2)(m), and 40A(n) of the Births and Deaths Registration Act 1953(o), with the approval of the Secretary of State, makes the following Regulations.

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- (a) Section 1(1) was amended by the Births and Deaths Registration Act 1953 (c. 20), section 43 and Schedule 1, paragraph 2.
 - (b) Section 5 was amended by the Births and Deaths Registration Act 1953, section 43 and Schedule 1, paragraph 3, and by Coroners and Justice Act 2009 (c. 25), section 177(1) and Schedule 21, Part 1, paragraphs 2 and 4.
 - (c) Section 9(2) was inserted by S.I. 2021/1231.
 - (d) The definition of “prescribed” in section 12 was amended by S.I. 2008/678.
 - (e) 1926 c. 48.
 - (f) 1953 c. 20. Section 1(1) was amended by the Children Act 1975 (c. 72), section 108(1)(a) and Schedule 3, paragraph 13.
 - (g) Section 10 was substituted by the Family Law Reform Act 1987 (c. 42), section 24. Subsection (1) was amended by the Children Act 1989 (c. 41), section 108(4) and Schedule 12, paragraph 6, by the Adoption and Children Act 2002 (c. 38), section 139(1) and Schedule 3, paragraph 6, by the Human Fertilisation and Embryology (Deceased Fathers) Act 2003 (c. 24), section 2 and Schedule, paragraph 2, and by S.I. 2019/1458. Subsection (1) was further amended by the Welfare Reform Act 2009 (c. 24), section 56 and Schedule 6, Part 1, paragraphs 1, 11(1) and (2)(b) to (d): these amendments are yet to be brought into force. Subsection (1B) was inserted by the Human Fertilisation and Embryology Act 2008 (c. 22), section 56 and Schedule 6, Part 1, paragraphs 5(1) and (3). Subsection (1B) was further amended by the Welfare Reform Act 2009, section 56 and Schedule 6, Part 1, paragraphs 1, 11(1) and (3)(a) to (c): these amendments are yet to be brought into force.
 - (h) Section 10A was inserted by the Children Act 1975, section 93(2) and substituted by the Family Law Reform Act 1987, section 25. Subsection (1) was amended by the Children Act 1989, section 108(4) and Schedule 12, paragraph 6, by the Adoption and Children Act 2002, section 139(1) and Schedule 3, paragraph 7(a) and (b), by the Human Fertilisation and Embryology Act 2008, section 56 and Schedule 6, Part 1, paragraph 7(1), (3)(a) and (b). Subsection (1) was further amended by the Welfare Reform Act 2009, section 56 and Schedule 6, Part 1, paragraphs 1, 12(1), (2)(a) and (b): those amendments are yet to be brought into force. Subsection (1) was also amended by S.I. 2019/1458. Subsection(1B) was inserted by the Human Fertilisation and Embryology Act 2008, section 56 and Schedule 6, Part 1, paragraph 7(1) and (4), and amended by the Welfare Reform Act 2009, section 56 and schedule 6, Part 1, Paragraphs 1, 12(1), (3)(a) and (b). The amendments made by the Welfare Reform Act 2009 are yet to be brought into force.
 - (i) Section 11(1) was amended by the Population (Statistics) Act 1960 (c. 32), section 2, and by the Nurses, Midwives and Health Visitors Act 1979 (c. 36), Schedule 7. Section 11(2) was amended by the Population (Statistics) Act 1960, section 2.
 - (j) Section 13(1) was amended by S.I. 1968/1242 and 2006/2809.
 - (k) Section 20 was amended by the Coroners and Justice Act 2009, section 177(1) and Schedule 21, Part 1, paragraphs 6 and 12, and Schedule 23, Part 1, and by S.I. 1968/1242.
 - (l) Section 22 was substituted by the Coroners and Justice Act 2009, section 177(1) and Schedule 21, Part 1, paragraphs 6 and 14.
 - (m) Section 39(1) was renumbered as such by S.I. 2021/1231. Section 39(1) was amended by the Welfare Reform Act 2009, section 56 and Schedule 6, Part 1, paragraphs 1 and 16, 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 made by the Welfare Reform Act 2009 and the Deregulation Act 2015 are yet to be brought into force. Subsection (2) was inserted by S.I. 2021/1231.
 - (n) Section 40A was inserted by S.I. 2021/1231.
 - (o) 1953 c. 20.

Citation, commencement and extent

1.—(1) These Regulations may be cited as the Registration of Births and Deaths (Amendment) (England and Wales) Regulations 2021.

(2) Except as provided by paragraph (3), these Regulations come into force on 20th December 2021.

(3) Regulations 2(9)(b) and (c), 2(11), 2(12), 2(14) and 2(15) come into force—

(a) on the expiry or, if sooner, the repeal, of section 18(1) and paragraph 6 of Part 1 of Schedule 13 to the Coronavirus Act 2020^(a), or

(b) if those provisions of the Coronavirus Act 2020 are repealed on or before 19th December 2021, on 20th December 2021.

(4) Any amendment or repeal made by these Regulations has the same extent as the provision amended or repealed.

Amendment of the Registration of Births and Deaths Regulations 1987

2.—(1) The Registration of Births and Deaths Regulations 1987^(b) are amended as follows.

(2) In regulation 2 (interpretation)^(c)—

(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 9(2) of the Births and Deaths Registration Act 1926, or under section 39(2) of the Act;”;

(b) after the definition of “description”, insert—

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

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

(3) After regulation 2, insert—

“2A Sending and providing notices, information or other documents

Where any notice, information, declaration, certificate, return or other document is required to be given, sent, delivered, produced, supplied, transmitted or otherwise provided for any purpose of these Regulations, 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.

2B Declarations and certificates in an approved electronic form

(1) If a declaration or certificate under these Regulations is prescribed to be made or issued in a form listed in paragraph (2), that declaration or certificate may also be made or issued in an approved electronic form.

(2) The forms are—

(a) form 2,

(a) 2020 c. 7. Section 18(1) and paragraph 6 of Part 1 of Schedule 13 to the Coronavirus Act 2020 are set to expire pursuant to the provisions of section 89 of that Act.

(b) S.I. 1987/2088.

(c) Regulation 2 was amended by S.I. 2009/2165, 2012/1203, and 2013/1869.

(d) 2000 c. 7. Section 15(1) was amended by the Communications Act 2003 (c. 21), section 406(1) and Schedule 17, paragraph 158.

(e) Section 7(2) was amended by S.I. 2016/696.

- (b) form 3,
 - (c) form 4,
 - (d) form 6A,
 - (e) form 6B,
 - (f) form 10,
 - (g) form 11,
 - (h) form 12,
 - (i) form 14,
 - (j) form 15,
 - (k) form 16,
 - (l) form 17,
 - (m) form 18.”.
- (4) In regulation 3 (preparation of draft particulars)(a)—
- (a) for paragraph (1)(b), substitute—
 - “(b) in an approved electronic form.”;
 - (b) for paragraph (2)(b), substitute—
 - “(b) in an approved electronic form.”;
 - (c) in paragraph (3)—
 - (i) omit “where the informant is present”,
 - (ii) for “him”, substitute “the informant”.
- (5) In regulation 9(b) (entry of particulars on registration) in paragraph (1), omit—
- (a) “forthwith”, and
 - (b) “in the presence of the informant”.
- (6) In regulation 13 (declaration and registration under section 9 of the Act), in paragraph (3)(a), omit “in the presence of the declarant”.
- (7) In regulation 14 (alteration or giving of name after registration), in paragraph (2)(c)—
- (a) in sub-paragraph (a), for the words from “if the entry” to “form 3”, substitute “where the name was altered or given in baptism”;
 - (b) in sub-paragraph (b), for the words from “if the entry” to “form 4”, substitute “where the name was altered or given otherwise than in baptism”.
- (8) In regulation 17 (re-registration of birth)(d)—
- (a) in paragraph (2)
 - (i) for the words before sub-paragraph (a) substitute—
 - “In a section 10A(1)(a) case, the registrar shall enter the particulars to be registered concerning the birth in spaces 1 to 13 on form 1, and call upon the mother and father to verify the particulars entered, and to sign the entry in space 14.”; and
 - (ii) omit sub-paragraph (a);
 - (iii) renumber sub-paragraph (b) as paragraph (2A);
 - (b) for paragraph (3), substitute—

(a) Regulation 3 was substituted by S.I. 1992/2753 and amended by S.I. 1997/844, 2009/2165 and 2012/1203.
 (b) Regulation 9(1), and the heading of regulation 9, were amended by S.I. 2012/1203.
 (c) Regulation 14(2) was amended by S.I. 1991/2275.
 (d) Regulation 17 was amended by S.I. 2009/2165 and 2012/1203.

“(3) In a section 10A(1B)(a) case, the registrar shall enter the particulars to be registered concerning the birth in spaces 1 to 13 on form 1, and call upon the mother and other parent to verify the particulars entered, and to sign the entry in space 14.”

- (9) In regulation 34 (registration where no reference to coroner), in paragraph (1)(a)—
- (a) in sub-paragraph (a), for the words from “in form 10” to “form 11”, substitute “or a declaration, in a form prescribed under regulation 32,”;
 - (b) in sub-paragraph (c), omit “personally”;
 - (c) in the words after sub-paragraph (c), omit “in the presence of the informant”.
- (10) In regulation 35 (registration on coroner’s notification where no inquest is held), in paragraph (1)(b), omit the words “and the particulars”.
- (11) In regulation 41 (reference to coroner), in paragraph (1)(b)(ii)(c), for “14 days” substitute “28 days”.
- (12) In regulation 42 (registration within twelve months from date of death where no report to coroner), in paragraph (1)(d)—
- (a) in sub-paragraph (c), omit “personally”;
 - (b) omit—
 - (i) “forthwith”, and
 - (ii) “in the presence of the informant”.
- (13) In regulation 42A (declaration and registration under section 23A of the Act), in paragraph (3)(a), omit “in the presence of the declarant”.
- (14) In regulation 43 (registration where inquest is not held), in paragraph (1)(e), omit “in the presence of a qualified informant”.
- (15) In regulation 47 (registration after 12 months), in paragraph (3)(f), omit—
- (a) “shall arrange for that informant to attend at his office and”, and,
 - (b) “in his presence”.
- (16) In regulation 50 (notification of disposal), for paragraph (a) substitute—
- “(a) write, sign and date the notification of disposal embodied in form 17 or in the coroner’s order with regard to the deceased, and deliver the notification to the relevant registrar; or
 - (aa) where a certificate under regulation 49(1) is issued in an approved electronic form, notify the relevant registrar of the disposal in an approved electronic form; or”.
- (17) In regulation 56 (correction of other minor clerical errors after completion)(g)—
- (a) in paragraph (1), omit “in the presence of an informant”;
 - (b) in paragraph (2), omit “in the presence of..”, in both places it occurs.
- (18) In regulation 57 (correction of other clerical errors after completion)(h)—
- (a) omit paragraph (1)(b);
 - (b) in paragraph (2), omit the words from “, in the presence” to the end of the paragraph;

(a) Regulation 34(1) was amended by S.I. 2012/1203, and modified by the Coronavirus Act 2020, section 18(1), Schedule 13, Part 1, paragraph 6(1) and (2). The modifications have a temporary effect by virtue of section 89 of that Act.

(b) Regulation 35(1) was amended by S.I. 1997/844, and by S.I. 2012/1203.

(c) Regulation 41(1)(b)(ii) was modified by the Coronavirus Act 2020, section 18(1), Schedule 13, Part 1, paragraph 6(1) and (3). The modifications have a temporary effect by virtue of section 89 of that Act.

(d) Regulation 42(1) was amended by S.I. 2006/2827 and modified by the Coronavirus Act 2020, section 18(1), Schedule 13, Part 1, paragraph 6(1) and (4). The modifications have a temporary effect by virtue of section 89 of that Act.

(e) Regulation 43(1) was amended by S.I. 2006/2827 and modified by the Coronavirus Act 2020, section 18(1), Schedule 13, Part 1, paragraph 6(1) and (5). The modifications have a temporary effect by virtue of section 89 of that Act.

(f) Regulation 47(3) was amended by S.I. 1997/844 and modified by the Coronavirus Act 2020, section 18(1), Schedule 13, Part 1, paragraph 6(1) and (6). The modifications have a temporary effect by virtue of section 89 of that Act.

(g) Regulation 56(1) and (2) were substituted by S.I. 2006/2827.

(h) Regulation 57 was amended by S.I. 1988/638 and 2006/2827.

- (c) in paragraph (3) for the words from “shall enter a marginal note” to the end of the paragraph, substitute—

“shall—

- (a) enter a marginal note in the following form—
“In space [or column] corrected to on by me [registrar or superintendent registrar] on authority of the Registrar General”;
- (b) complete and sign the note in the places provided; and
- (c) record on the marginal note the informant’s qualification for giving information concerning the correction.”.

Given under my hand on 13th December 2021
Signed by authority of the Registrar General for England and Wales

Andrew Dent
Deputy Registrar General

I approve,
Signed by authority of the Secretary of State

Kevin Foster
Parliamentary Under Secretary of State
Home Office

13th December 2021

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Registration of Births and Deaths Regulations 1987 (S.I. 1987/2088) (“the 1987 Regulations”) to enable the use of electronic communications and storage for certain documents used in connection with the registration of births and deaths. The Births and Deaths Registration (Electronic Communications and Electronic Storage) Order 2021 (S.I. 2021/1231)(“the 2021 Order”), introduced electronic methods of communication and storage in connection with the process of registration of births and deaths.

These Regulations enable certain declarations, certificates and other documents prescribed by the 1987 Regulations to be in an electronic form approved by the Registrar General. These Regulations also enable any notice, information, declaration, certificate, return or other document required to be given, sent, delivered, produced, supplied, transmitted or otherwise provided for any purpose under the 1987 Regulations to be provided by sending that document, or a copy of it, in an electronic form approved by the Registrar General.

The effect that this instrument will have on the costs of business, the voluntary sector and the public sector is outlined in the impact assessment prepared for the 2021 Order, available from www.legislation.gov.uk. Hard copies can be obtained by writing to the Registration Services Team, General Register Office, Smedley Hydro, Trafalgar Road, Birkdale, Southport PR8 2HH.

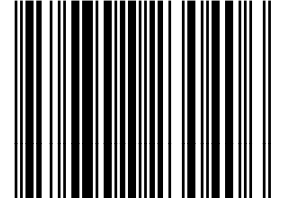
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