Isle of Man

Ellan Vannin

AT 12 of 1984

CIVIL REGISTRATION ACT 1984

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Index

Section **Page**

PART I – REGISTRATION SERVICE **5**

1 Registration district 5
2 Appointment of registrars, etc 5

PART II – REGISTRATION OF BIRTHS **6**

3 Particulars of births to be registered 6
4 Information concerning birth to be given to registrar within 42 days 6
5 Information concerning finding of new-born child to be given to registrar within 42 days 7
6 Registrar's power to require information concerning birth 7
7 Registration of births 7
8 Registration between 3 and 12 months from date of birth 8
9 Registration after 12 months from date of birth 8
10 Giving of information to a person other than the registrar 8
11 Information given by person out of the Island 9
12 Registration of father of non-marital child 10
13 Re-registration of birth of non-marital child 11
14 Special provision as to registration of still-birth 12
15 Certificate of registration of birth 13
16 Registration of name of child or of alteration of name 13
17 Re-registration of births of legitimated persons 13
17A Re-registration after declaration of parentage 14

PART III – REGISTRATION OF DEATHS **15**

18 Particulars of deaths to be registered 15
19 Information concerning death in a house 15
20 Information concerning other deaths 16
21 Registrar's power to require information concerning death 16
22 Registration of death 17
23 Registration of death after 12 months 17
24 Certificates of cause of death 17

25 Furnishing of information by coroner 18
26 Certificates as to registration of death 19

PART IV – PROVISIONS AS TO DISPOSAL ETC. OF BODIES 20

27 Prohibition of disposal except on registrar's certificate or coroner's order 20
28 Notification of disposal to registrar 20
29 Prohibition of removal out of the Island without notice 20
30 Disposal of body of still-born child 20

PART V – GENERAL 21

Registers, certified copies, etc. 21

31 Provision of registers, etc, by Chief Registrar 21
32 Quarterly returns to be made by registrar to Chief Registrar 21
33 Custody of registers, etc 21
34 Correction of errors in registers 21
35 Searches of indexes kept by Chief Registrar 22
36 Searches in registers kept by registrars 23
37 Short certificate of birth 23
38 Entry in register as evidence of birth or death 24

Offences 25

39 Offences relating to registers 25
40 Penalties for failure to give information, etc 25
41 Penalty for forging certificate, etc 26
42 Penalties for contravening Part IV 26

Supplemental 26

43 Regulations 26
44 Interpretation 27
45 Transitional provisions and amendments 28
46 Short title and commencement 28

SCHEDULE 1 31

SCHEDULE 2 31

TRANSITIONAL PROVISIONS 31

SCHEDULE 3 32

SCHEDULE 4 32

ENDNOTES 33

TABLE OF LEGISLATION HISTORY 33

TABLE OF RENUMBERED PROVISIONS 33

TABLE OF ENDNOTE REFERENCES 33

Isle of Man

Ellan Vannin

CIVIL REGISTRATION ACT 1984

Received Royal Assent: *18 May 1984*
Passed: *10 July 1984*
Commenced: *1 January 1985*

AN ACT to consolidate with amendments the enactments relating to the civil registration service and the registration of births and deaths; and for connected purposes.

GENERAL NOTE: The maximum fines in this Act are as increased by the *Fines Act 1986* and by the *Criminal Justice (Penalties, Etc.) Act 1993* s 1.

PART I – REGISTRATION SERVICE

1 Registration district

The Island (including its territorial waters) shall be the registration district for the purposes of the registration of births, deaths, marriages and civil partnerships.[1]

2 Appointment of registrars, etc

(1) There shall be appointed fit and proper persons to be registrars.[2]

(2) A person may be appointed registrar for the purpose of registering one or more of the following —

(a) births;

(b) deaths;

(c) marriages:

(d) civil partnerships.[3]

(3) A registrar may be designated by such title as shall indicate the functions to be performed by virtue of his appointment.[4]

(4) [Repealed][5]

(5) The Chief Registrar may give directions to registrars in order to secure uniformity in the administration of this Act and the *Marriage Act 1984*, and it shall be the duty of each registrar to comply with such directions.

(6) Registrars shall have known offices in the Island and shall attend at those offices, and at such other places in the Island, as the Chief Registrar may appoint, on such days and at such hours as the Chief Registrar may approve, for the purposes of performing their functions under this Act and the *Marriage Act 1984*.[6]

PART II – REGISTRATION OF BIRTHS

3 Particulars of births to be registered

[P1953/20/1]

(1) Subject to the provisions of this Part, the birth of every child born in the Island shall be registered by the registrar by entering in a register such particulars concerning the birth as may be prescribed; and different registers shall be kept and different particulars may be prescribed for live-births and still-births respectively.[7]

(2) Where a living new-born child is found exposed and no information as to the place of birth is available, the birth shall be registered by the registrar with such particulars as may be prescribed.[8]

(3) The following persons shall be qualified to give information concerning a birth, that is to say —

(a) the father and mother of the child;

(b) the occupier of the house in which the child was to the knowledge of that occupier born;

(c) any person present at the birth;

(d) any person having charge of the child.

(4) This Part is without prejudice to section 23 of the *Local Government Act 1946* (notification of birth to Health Services Board).

4 Information concerning birth to be given to registrar within 42 days

[P1953/20/2]

(1) In the case of every birth it shall be the duty —

(a) of the father and mother of the child; and

(b) if the father and mother are dead or unable to do so, of each other qualified informant,

to give to the registrar, before the expiration of 42 days from the date of the birth, the prescribed particulars, and in the presence of the registrar to sign the register.

(2) The giving of information and the signing of the register by any one qualified informant shall act as a discharge of any duty under this section of every other qualified informant.

(3) This section shall cease to apply if, before the expiration of the said period and before the birth has been registered, an inquest is held at which the child is found to have been still-born.

5 Information concerning finding of new-born child to be given to registrar within 42 days

[P1953/20/3]

Where any living new-born child is found exposed, it shall be the duty of the person finding the child to give to the best of his knowledge and belief to the registrar, before the expiration of 42 days from the date on which the child was found, such information of the prescribed particulars concerning the birth of the child as the informant possesses, and in the presence of the registrar to sign the register.

6 Registrar's power to require information concerning birth

[P1953/20/4]

(1) Where, after the expiration of 42 days from the date of the birth of any child or from the date when any living new-born child is found exposed, the birth of the child has, owing to the default of the persons required to give information concerning it, not been registered, the registrar may by notice in writing require any qualified informant —

(a) to attend personally at a registrar's office before such date (being not less than 7 days after the receipt of the notice nor more than 3 months after the date of the birth or finding) as may be specified in the notice; and[9]

(b) to give information to the best of that person's knowledge and belief of the prescribed particulars; and

(c) to sign the register in the presence of the registrar.

(2) A requirement under subsection (1) shall cease to have effect if, before the date specified in the notice and before the person to whom the notice is given complies with it, the birth is duly registered.

7 Registration of births

[P1953/20/5]

Where the registrar receives personally from any qualified informant, at any time before the expiration of 3 months from the date of the birth of any child or from the date when any living new-born child is found exposed, the prescribed particulars concerning the birth of the child, then, subject as may be prescribed in the case of an alleged still-birth where no certificate under section 14(1)(a) is

delivered, he shall forthwith register the birth and the particulars, if not previously registered, in the prescribed form and manner.

8 Registration between 3 and 12 months from date of birth

[P1953/20/6]

(1) Where, after the expiration of 3 months from the date of the birth of any child the birth of the child has not been registered, the registrar may by notice in writing require any qualified informant —

(a) to attend personally at the registrar's office before such date (being not less than 7 days after the receipt of the notice nor more than 12 months after the date of the birth) as may be specified in the notice; and

(b) to make before the registrar a statutory declaration according to the best of the declarant's knowledge and belief of the prescribed particulars; and

(c) to sign the register in the presence of the registrar.

(2) Upon any qualified informant attending before the registrar, whether in pursuance of a requirement or not, and making a statutory declaration under subsection (1)(b) and giving information concerning the birth, the registrar shall forthwith register the birth according to the information of the declarant, and the registrar and the declarant shall each sign the entry of the birth.

(3) This section shall not apply in the case of a still-birth.

9 Registration after 12 months from date of birth

[P1953/20/7]

(1) Where, after the expiration of 12 months from the date of the birth of any child or from the date when any living new-born child is found exposed, the birth of the child has not been registered, the birth shall not be registered except with the written authority of the Chief Registrar and in such manner and subject to such conditions as may be prescribed, and the fact that the authority of the Chief Registrar has been obtained shall be entered in the register.

(2) This section shall not apply in the case of a still-birth.

10 Giving of information to a person other than the registrar

[P1953/20/9; P1975/72/93; 1971/26/19 and 20]

(1) Any person required by or under this Act to give information to the registrar concerning a birth, not being a still-birth, may give that information by making and signing in the presence of and delivering to such officer as may be prescribed a declaration in writing of the prescribed particulars.

(2) The officer in whose presence such a declaration is made shall send the declaration to the registrar who shall in the prescribed manner enter the birth in the register.

(3) An entry made under subsection (2) shall be deemed for the purposes of this Act to have been signed by the person who signed the declaration, and a person making a declaration under this section shall be deemed to have given information concerning the birth to the registrar and to have complied with any requirement of the registrar made under this Act to attend and give that information.

(4) A request made under section 12 may be included in a declaration under subsection (1) and, if the request is made under section 12(1)(b), (c) or (d), the documents required by that paragraph to be produced shall be produced to the officer in whose presence the declaration is made and sent by him with the declaration to the registrar.[10]

(5) A request made under section 13 instead of being made to the registrar may be made by making and signing in the presence of and delivering to a prescribed officer a statement in the prescribed form and producing to the officer any documents required to be produced by that section, and —

(a) the officer shall send the request together with those documents, if any, to the registrar who shall with the authority of the Chief Registrar re-register the birth as if the request had been made to him; and

(b) the person or persons who sign the statement shall be deemed to have signed the register as required by section 13(2).

11 Information given by person out of the Island

(1) Any person required by this Act to give information concerning a birth, who removes out of the Island before the birth is registered, may, not more than 12 months after the birth, make and sign in the presence of a person authorised to administer oaths in the place where he resides a declaration in writing of the prescribed particulars concerning the birth, and send the declaration to the office of a registrar.[11]

(2) Upon receipt of a declaration under subsection (1), the registrar shall register the birth in the prescribed manner.

(3) A person making and sending a declaration under subsection (1) shall, for the purposes of sections 4(2) and 40, be deemed to have given information concerning the birth and signed the register.

12 Registration of father of non-marital child

[P1953/20/10; P1987/42/24; P1989/41/12/6]

(1) Notwithstanding anything in the foregoing provisions of this Part, in the case of a child who is not a marital child, no person shall as father be required to give information concerning the birth of the child, and the registrar shall not enter in the register the name of any person as father of the child except —

(a) at the joint request of the mother and the person stating himself to be the father of the child (in which case that person shall sign the register together with the mother); or

(b) at the request of the mother on production of —

(i) a declaration in the prescribed form made by the mother stating that that person is the father of the child; and

(ii) a statutory declaration made by that person stating that he is the father of the child; or

(c) at the request of that person on production of —

(i) a declaration in the prescribed form made by that person stating that he is the father of the child; and

(ii) a statutory declaration made by the mother stating that that person is the father of the child; or

(d) at the request of the mother or that person on production of —

(i) a copy of a parental responsibility agreement, within the meaning of section 4 of the *Family Law Act 1991*, made between them in relation to the child; and

(ii) a declaration in the prescribed form by the person making the request stating that the agreement was made in compliance with that section and has not been terminated by an order of a court; or

(e) at the request of the mother or that person on production of —

(i) a certified copy of an order specified in subsection (2); and

(ii) a declaration in the prescribed form by the person making the request stating that the order has not been revoked by an order of a court.

(2) The orders referred to in subsection (1)(e)(i) are —

(a) an order under section 4 of the *Family Law Act 1991* giving the person whose name is to be shown as father of the child parental responsibility for the child;

(b) an order under paragraph 1 of Schedule 1 to the said Act requiring that person to make any financial provision for the child (except an order falling within paragraph 3(3) of that Schedule);

(c) an order under section 4 of the *Guardianship of Infants Act 1953* giving that person custody of the child;

(d) an order under section 4 of the *Affiliation Proceedings Act 1966* naming that person as the putative father of the child.

(3) Where, in the case of a child who is not a marital child, a person stating himself to be the father of the child makes a request to the registrar in accordance with subsection (1)(c), (d) or (e) —

(a) he shall be treated as a qualified informant concerning the birth for the purposes of this Act; and

(b) the giving of information concerning the birth of the child by that person and the signing of the register by him in the presence of the registrar shall act as a discharge of any other qualified informant under section 4.[12]

13 Re-registration of birth of non-marital child

[P1953/20/10A, P1987/42/25, 1989/41/12/6]

(1) Subject to subsection (2), where the birth of a child who is not a marital child has been registered under this Act but no person has been registered as the father of the child, the registrar shall re-register the birth so as to show a person as the father —

(a) at the joint request of the mother and that person; or

(b) at the request of the mother on production of —

(i) a declaration in the prescribed form made by the mother stating that that person is the father of the child; and

(ii) a statutory declaration made by that person stating that he is the father of the child; or

(c) at the request of that person on production of —

(i) a declaration in the prescribed form made by that person stating that he is the father of the child; and

(ii) a statutory declaration made by the mother stating that that person is the father of the child; or

(d) at the request of the mother or that person on production of —

(i) a copy of a parental responsibility agreement, within the meaning of section 4 of the *Family Law Act 1991*, made between them in relation to the child; and

(ii) a declaration in the prescribed form by the person making the request stating that the agreement was made in compliance with that section and has not been terminated by an order of a court; or

(e) at the request of the mother or that person on production of —

(i) a certified copy of an order specified in section 12(2); and

(ii) a declaration in the prescribed form by the person making the request stating that the order has not been revoked by an order of a court.

(2) No birth shall be re-registered under this section except in the prescribed manner and with the authority of the Chief Registrar.

(3) On the re-registration of a birth under this section —

(a) the registrar shall sign the register;

(b) in the case of a request under subsection (1)(a) or (b), or a request under subsection (1)(d) or (e) made by the mother of the child, the mother shall also sign the register;

(c) in the case of a request under subsection (1)(a) or (c), or a request under subsection (1)(d) or (e) made by the person to be shown as the father of the child, that person shall also sign the register.[13]

14 Special provision as to registration of still-birth

[P1953/20/11]

(1) Any qualified informant giving information to the registrar of the particulars required to be registered concerning a still-birth shall upon giving that information either —

(a) deliver to the registrar a certificate in the prescribed form that the child was not born alive, signed by a registered medical practitioner who was present at the birth or has examined the body of the child, or, if no registered medical practitioner was so present or has examined the body, by a registered midwife who was so present or has examined the body; or

(b) make a declaration in the prescribed form to the effect that no registered medical practitioner or registered 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.

(1A) Upon receipt of a declaration under subsection (1)(b) the registrar shall as soon as reasonably practicable provide a copy to the coroner and the still-birth shall not be registered until the coroner's instructions are received.[14]

(2) The registrar upon registering a still-birth shall, if so required, give free of charge either to the informant or to the person who has control over, or who ordinarily effects the disposal of bodies at the place at which it is intended to dispose of the child's body, a certificate under his hand in the prescribed form that he has registered the still-birth, but may, on receiving written notice of the still-birth accompanied by a certificate under subsection (1)(a), before registering the still-birth give free of charge to the person sending the notice a certificate that he has received notice of the still-birth.

15 Certificate of registration of birth

[P1953/20/12]

(1) At the time of registering the birth of any child, the registrar shall, if so required by the informant of the birth, give to the informant —

(a) free of charge, a certificate under his hand in the form prescribed for the purpose of section 37; and

(b) on payment of the prescribed fee, a certified copy of the entry of birth.

(2) Paragraph (a) of subsection (1) does not apply to a still-birth.

16 Registration of name of child or of alteration of name

[P1953/20/13]

(1) Where, before the expiration of 12 months from the date of the registration of the birth of any child, the name by which it was registered is altered or, if it was registered without a name, a name is given to the child, the registrar upon delivery to him at any time of a certificate in the prescribed form signed —

(a) if the name was altered or given in baptism, either by the person who performed the rite of baptism or by the person who has the custody of the register, if any, in which the baptism is recorded, or

(b) if a name has not been given to the child in baptism, by the father, mother or guardian of the child or other person procuring the name of the child to be altered or given,

and on payment of the prescribed fee shall, without any erasure of the original entry, forthwith enter in the register the name mentioned in the certificate as having been given to the child, and, after stating upon the certificate the fact that the entry has been made, shall forthwith send the certificate to the Chief Registrar together with a certified copy of the entry of the birth with the name added under this subsection.

(2) Where the name of a child is altered or given in baptism, the person who performed the rite of baptism or who has the custody of any register in which the baptism is recorded shall issue the certificate required under this section on payment of the prescribed fee.

(3) This section shall not apply in relation to a still-born child.

17 Re-registration of births of legitimated persons

[P1953/20/14]

(1) Where, in the case of any person whose birth has been registered in the Island, evidence is produced to the Chief Registrar which appears to him to be satisfactory that that person has become a legitimated person, the Chief Registrar may authorise at any time the re-registration of that

person's birth, and the re-registration shall be effected in such manner and at such place as may be prescribed.

(2) Except where —

(a) the name of a person stating himself to be the father of the legitimated person has been entered in the register in pursuance of section 12; or[15]

(b) the paternity of the legitimated person has been established by a court of competent jurisdiction; or[16]

(c) a declaration of the legitimacy of the legitimated person has been made under section 19 of the *Matrimonial Proceedings Act 2003* or section 10A of the *Legitimacy Act 1985*,[17]

the Chief Registrar shall not authorise the re-registration unless information with a view to obtaining it is furnished by both parents.

(3) It shall be the duty of —

(a) the parents of a legitimated person; or

(b) if one of the parents is dead and the condition specified in subsection (2)(a), (b) or (c) is satisfied, by the surviving parent;

to furnish to the Chief Registrar, within 3 months of the date of the marriage of the parents, information with a view to obtaining the re-registration of the birth of that person.

(4) Where the Chief Registrar believes any person to have become a legitimated person on the marriage of his parents, and the parents or either of them fail to furnish within 3 months from the date of the marriage such information, if any, as may be necessary to enable the Chief Registrar to authorise the re-registration of that person's birth, the Chief Registrar may at any time after the expiration of that period require the parents or either of them to give him such information concerning the matter as he may consider necessary, verified in such manner as he may direct, and for that purpose to attend personally either at the registrar's office or at any other place appointed by him within such time, not being less than 7 days after the receipt of the notice, as may be specified in the notice.

(5) A failure to furnish information as required by this section shall not affect the legitimation of any person.

17A Re-registration after declaration of parentage

[P1953/20/14A; P1987/42/26]

Where a declaration is made under section 10A(1) of the *Legitimacy Act 1985* in relation to a person whose birth has been registered in the Island, and it appears to the Chief Registrar that the birth should be re-registered, he shall authorise the re-registration of the birth, and the re-registration shall be effected in such manner as may be prescribed.[18]

PART III – REGISTRATION OF DEATHS

18 Particulars of deaths to be registered

[P1953/20/15]

(1) Subject to the provisions of this Part, the death of every person dying in the Island and the cause thereof shall be registered by the entry by a registrar in a register of such particulars concerning the death as may be prescribed.[19]

(2) Where a dead body is found and no information as to the place of death is available, the death shall be registered by the entry by a registrar in a register of such particulars concerning the death as may be prescribed.[20]

19 Information concerning death in a house

[P1953/20/16]

(1) The following persons shall be qualified to give information concerning any death in a house —

(a) any relative of the deceased person present at the death or in attendance during his last illness;

(b) any other relative of the deceased who has knowledge of any of the particulars required to be registered concerning the death;[21]

(c) any person present at the death;

(d) the occupier of the house or a person who resided with the deceased if he knew of the death;[22]

(e) [Repealed][23]

(f) the person causing the disposal of the body.

(2) It shall be the duty —

(a) of the nearest relative mentioned in subsection (1)(a); or

(b) if there is no such relative, of the nearest relative mentioned in subsection (1)(b); or[24]

(c) if there are no such relatives, of each person mentioned in subsection (1)(c) or (d); or

(d) if there are no such relatives or persons, of each person mentioned in subsection (1)(f),[25]

to give to the registrar, before the expiration of 5 days from the date of the death, information to the best of his knowledge and belief of the prescribed particulars, and in the presence of the registrar to sign the register.

(3) The giving of information and the signing of the register by any one qualified informant shall act as discharge of any duty under subsection (2) of every other qualified informant.

(4) Subsection (2) shall not have effect if an inquest is held on the body or touching the death of the deceased person.

20 Information concerning other deaths

[P1953/20/17]

(1) The following persons shall be qualified to give information concerning any death elsewhere than in a house, or where a dead body is found and no information as to the place of death is available —

(a) any relative of the deceased who has knowledge of any of the particulars required to be registered concerning the death;

(b) any person present at the death;

(c) any person finding or taking charge of the body;

(d) any person causing the disposal of the body.

(2) It shall be the duty —

(a) of each relative mentioned in subsection (1)(a); or

(b) if there are no such relatives, of each other qualified informant,

to give to the registrar, before the expiration of 5 days from the date of the death or of the finding of the body, such information of the prescribed particulars concerning the death as the informant possesses, and in the presence of the registrar to sign the register.

(3) The giving of information and the signing of the register by any one qualified informant shall act as a discharge of any duty under subsection (2) of every other qualified informant.

(4) Subsection (2) shall not have effect if an inquest is held on the body or touching the death of the deceased person.

21 Registrar's power to require information concerning death

[P1953/20/19]

(1) Where, after the expiration of 5 days from the date of the death or finding of the dead body of any person, the death of that person has, owing to the default of the persons required to give information concerning it, not been registered, a registrar may by notice in writing require any qualified informant —

(a) to attend personally at such place as is specified in the notice, before such date (being not less than 7 days after the receipt of the notice nor more than 12 months from the date of the death or of the finding of the body) as may be specified in the notice; and[26]

(b) to give information to the best of the informant's knowledge and belief of the particulars required to be registered concerning the death; and

(c) to sign the register in the presence of a registrar.[27] [28]

(2) A requirement under subsection (1) shall cease to have the effect if, before the date specified in the notice and before the person to whom the notice is given complies with it, either —

(i) the death is duly registered; or

(ii) an inquest is held on the body or touching the death of the deceased person.

22 Registration of death

[P1953/20/20]

Where the registrar receives personally from any qualified informant, at any time before the expiration of 12 months from the date of the death or finding of the body of any person, information of the prescribed particulars concerning that person's death, then, so soon as he has received any particulars required to be registered concerning the cause of death which are required to be given by any person other than the informant, he shall forthwith register the death and the particulars, if not previously registered, in the prescribed form and manner.

23 Registration of death after 12 months

[P1953/20/21]

After the expiration of 12 months from the date of the death or finding of the dead body of any person, the death of that person shall not be registered except with the written authority of the Chief Registrar and in such manner and subject to such conditions as may be prescribed, and the fact that the authority of the Chief Registrar has been obtained shall be entered in the register.

24 Certificates of cause of death

[P1953/20/22]

(1) In the case of the death of any person who has been attended during his last illness by a registered medical practitioner, that practitioner shall sign a certificate in the prescribed form stating to the best of his knowledge and belief the cause of death and shall forthwith give that certificate to some person required by this Act to give information concerning the death, who shall, except where an inquest is held on the body or touching the death of the deceased person, deliver the certificate to the registrar.

(2) Except where an inquest is held on the body or touching the death of the deceased person, or a post-mortem examination of his body is made by virtue of section 15 of the *Coroners of Inquests Act 1987*, a registrar to whom a certificate of cause of death is delivered under subsection (1) shall enter in the register the cause of death as stated in the certificate, together with the name of the certifying medical practitioner.[29]

(3) The Chief Registrar shall from time to time furnish free of charge to any registered medical practitioner residing or practising in the Island

printed forms of the certificates required to be signed under subsection (1).

25 Furnishing of information by coroner

[P1953/20/23; P1926/59/20(4)]

(1) Where an inquest is held touching a death the coroner shall send to the registrar, within 5 days after the finding of the inquest is given, a certificate under his hand giving information concerning the death and specifying the finding with respect to the particulars required to be registered concerning the death and with respect to the cause of death, and specifying the time and place at which the inquest was held.[30]

(2) On receiving a certificate under subsection (1) the registrar shall in the prescribed form and manner register the death and the particulars as found at the inquest, and, if the death has been previously registered, the said particulars shall be entered in the prescribed manner without any alteration of the original entry.

(3) Where a coroner adjourns an inquest in compliance with section 13(1) of the *Coroners of Inquests Act 1987*, he shall furnish the registrar with a certificate under his hand stating the particulars required to be registered concerning the death, so far as they have been ascertained at the date of the certificate; and the registrar shall enter the death and particulars in the prescribed form and manner.[31]

(4) Where a coroner does not resume an inquest which he has adjourned in compliance with the said section 13(1), he shall (without prejudice to subsection (3)) furnish the registrar with a certificate under his hand stating the result of the relevant criminal proceedings.[32]

(4A) Where a coroner resumes an inquest which he has adjourned in compliance with the said section 13(1) —

(a) he shall, after the termination of the inquest, furnish the registrar with a certificate under his hand stating the result of the relevant criminal proceedings; and

(b) subsection (1) shall not apply in relation to that inquest.[33]

(4B) In sections (4) and (4A) "the relevant criminal proceedings" has the meaning given by section 13(9) of the said Act of 1987.[34]

(5) Where the coroner decides that an inquest touching a death is unnecessary, he shall send to the registrar a certificate stating the cause of death as reported to him, and the registrar shall in the prescribed form and manner make an entry thereof in the register.[35]

(6) Where, as a result of a post-mortem examination of any dead body under section 15 of the said Act of 1987, the coroner is satisfied that an inquest is unnecessary, he shall send to the registrar a certificate stating the cause of death as disclosed by the report of the person making the examination,

and the registrar shall in the prescribed form and manner make an entry thereof in the register.[36]

26 Certificates as to registration of death

[P1953/20/24]

(1) The registrar, upon registering any death, shall forthwith give to the person giving information concerning the death free of charge a certificate under his hand that he has registered the death.

(2) The registrar shall not issue a certificate under subsection (1) in any case in which he is satisfied that a coroner's order has been issued authorising the disposal of the body.

(3) Where the body of a deceased person has been removed to the Island for disposal, and no order has been given by a coroner in respect thereof, a registrar, if it appears that the death is not required by law to be registered in the Island, shall upon application by the person procuring the disposal and on payment of the prescribed fee, give a certificate to that effect in the prescribed form.[37]

(4) A person to whom any certificate under subsection (1) or (3) is delivered shall transmit it to the person effecting the disposal of the body of the deceased person.

(5) A registrar by whom a certificate has been given under this section may, upon receiving a satisfactory explanation of any circumstances by reason of which the certificate is not available for the purposes of section 27, and on payment of the prescribed fee, issue a duplicate thereof either to the person to whom the original certificate was given or to the person effecting the disposal of the body; and any such duplicate certificate shall be in a distinctive form.

(6) Where, on the expiration of the prescribed period after the issue in respect of any deceased person of a certificate under this section or of a coroner's order authorising the disposal of the body, no notification under section 28 has been received by the registrar, the registrar shall make enquiry of the person to whom the certificate or order was issued and it shall be the duty of that 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.

PART IV – PROVISIONS AS TO DISPOSAL ETC. OF BODIES

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

[P1926/48/1]

(1) Subject to subsection (2), the body of a deceased person shall not be disposed of before a certificate of the registrar under section 26 or an order of the coroner has been delivered to the person effecting the disposal.

(2) 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, may proceed with the burial notwithstanding that the certificate or order has not been previously delivered to him.

28 Notification of disposal to registrar

[P1926/48/3]

The person effecting the disposal of the body of any deceased person shall, within 96 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.

29 Prohibition of removal out of the Island without notice

[P1926/48/4]

The body of a deceased person shall not be removed out of the Island until the expiration of the prescribed period after notice of the removal has been given to the coroner or otherwise than in accordance with such procedure as may be prescribed.

30 Disposal of body of still-born child

[P1926/48/5]

No person who has control over or who ordinarily effects the disposal of bodies at any place shall at such place dispose, or permit to be disposed, of a still-born child before there is delivered to him either a certificate given by the registrar under section 14(2) or, if there has been an inquest, an order of the coroner.

PART V – GENERAL

Registers, certified copies, etc.

31 Provision of registers, etc, by Chief Registrar

[P1953/20/25]

Registers of live-births, still-births and deaths shall be in such form as may be prescribed, and the Chief Registrar shall provide any such registers, and any of the forms for making certified copies of entries in registers, which may be required for the purposes of this Act.

32 Quarterly returns to be made by registrar to Chief Registrar

[P1953/20/26]

Every registrar shall in the months of January, April, July and October on such days as may be appointed by the Chief Registrar —

(a) make and deliver to the Chief Registrar in the prescribed form a true copy, certified by him in the prescribed manner, of all entries of live-births, still-births and deaths made in the registers kept by him during the period of 3 months ending with the last day of the previous month; or

(b) if no live-birth, still-birth or death has been registered by the registrar during that period, deliver to the Chief Registrar in the prescribed form a certificate to that effect.[38]

33 Custody of registers, etc

[P1953/20/28]

(1) Every registrar shall keep safely all registers of live-births, still-births and deaths which are in his custody and, when not in use, the registers shall be kept in accordance with regulations under section 43.

(2) When a register of live-births, still-births or deaths is filled, the registrar shall deliver it to the Chief Registrar.

(3) The certified copies sent to the Chief Registrar under section 32 and the registers delivered to him under subsection (2) shall be kept at such place or places and in such order and manner as the Chief Registrar, subject to any directions of the Clerk of the Rolls, may think fit.

34 Correction of errors in registers

[P1953/20/29]

(1) No alteration shall be made in any register of live-births, still-births or deaths except as authorised by this Act.

(2) Any clerical error which may from time to time be discovered in any such register may, in the prescribed manner and subject to the prescribed

conditions, be corrected by any person authorised in that behalf by the Chief Registrar.

(3) An error of fact or substance in any such register may be corrected by entry in the margin (without alteration of the original entry) by the officer having custody of the register, on payment of the prescribed fee and upon production to him by the person requiring the error to be corrected of a statutory declaration setting forth the nature of the error and the true facts of the case made by 2 qualified informants of the birth or death with reference to which the error has been made, or in default of 2 qualified informants then by 2 credible persons having knowledge of the truth of the case.

(4) Where an error of fact or substance (other than an error relating to the cause of death) occurs in the information given by a coroner's certificate concerning a dead body upon which or a death touching which he has held an inquest, the coroner, if satisfied by evidence on oath or statutory declaration that such an error exists, may certify under his hand to the officer having the custody of the register in which the information is entered the nature of the error and the true facts of the case as ascertained by him on that evidence, and the error may thereupon be corrected by that officer in the register by entering in the margin (without any alteration of the original entry) the facts as so certified by the coroner.

35 Searches of indexes kept by Chief Registrar

[P1953/20/30]

(1) The Chief Registrar shall cause indexes of all certified copies of entries in registers sent to him under this Act to be made and kept in the General Registry.

(1A) Indexes made and kept by the Chief Registrar under subsection (1) and any information contained in them and the registers to which they relate may be kept in such format (including electronic) as the Chief Registrar thinks fit, provided it is possible (to the extent permitted as mentioned in this section) to search for, and to obtain a copy in legible form of, that information.[39]

(2) Any person shall be entitled to search the indexes maintained under subsection (1) at any time when the General Registry is open for that purpose, and to have a certified copy of any entry in the said certified copies, on payment of the prescribed fee, but subject to the qualification in subsection (3).[40]

(3) Subsection (2) does not apply to —

(a) registers of still-births;

(b) adoption registers; or

(c) the gender recognition register.[41]

(4) Despite subsection (3)(a) and (b), the Chief Registrar may, if satisfied that it is appropriate in any particular case and on payment of the prescribed fee (if any) —

(a) permit access to the indexes to those registers for the purposes of research; or

(b) cause a search to be made in those indexes for, and permit any person to have a certified copy of, any entry in those registers.[42]

(5) For the sake of clarity, the Chief Registrar shall only permit a person to inspect an entry in the gender recognition register, or have a copy of such an entry, as permitted by the *Gender Recognition Act 2009* or an order under that Act.[43]

36 Searches in registers kept by registrars

[P1953/20/32]

(1) Every registrar shall at any time when his office is required to be open for the transaction of public business allow searches to be made in any register of births or deaths in his keeping, and shall give a copy certified under his hand of any entry therein, on payment of the prescribed fee.

(2) Subsection (1) does not apply to registers of —

(a) still-births;

(b) adoptions;

(c) the gender recognition register.[44]

(3) Despite subsection (2)(a) and (b), a registrar may in a particular case, with the consent of the Chief Registrar, if the registrar is satisfied that it is appropriate in any particular case and on payment of the prescribed fee (if any) —

(a) permit access to those registers for the purposes of research; or

(b) cause a search to be made for, and permit any person to have a certified copy of, any entry in those registers.[45]

(4) For the sake of clarity, a registrar shall only permit a person to inspect an entry in the gender recognition register or have a copy of an entry in it, as permitted by the *Gender Recognition Act 2009* or an order under that Act.[46]

37 Short certificate of birth

[P1953/20/33]

(1) Any person shall, on payment of the prescribed fee and on furnishing the prescribed particulars, be entitled to obtain from the Chief Registrar or a registrar a short certificate of the birth of any person.

(2) Any such certificate shall be in the prescribed form and shall be compiled in the prescribed manner from the records and registers in the custody of

the Chief Registrar, or from the registers in the custody of the registrar, as the case may be, and shall contain such particulars as may be prescribed.

(3) Any particulars prescribed in relation to a certificate under this section shall include the name, surname, sex and date of birth but not any particulars relating to parentage or adoption.

(4) This section does not apply to a still-birth.

38 Entry in register as evidence of birth or death

[P1953/20/34]

(1) The following provisions of this section shall have effect in relation to entries in registers under this Act.

(2) An entry or a certified copy of an entry of a birth or death in a register, or in a certified copy of a register, shall not be evidence of the birth or death unless the entry purports to be signed by some person professing to be the informant and to be such a person as might be required or permitted by law at the date of the entry to give to the registrar information concerning that birth or death.[47]

(3) Subsection (2) shall not apply —

(a) in relation to an entry of a birth which purports to have been made with the authority of the Chief Registrar; or

(b) in relation to an entry of a death which purports to have been made upon a certificate from a coroner; or

(c) in relation to the re-registration of a birth under section 10(5).

(4) Where more than 12 months have intervened between the date of the birth of any child or the date when any living new-born child was found exposed and the date of the registration of the birth of that child, the entry or a certified copy of the entry of the birth of the child in the register, or in a certified copy of the register, shall not be evidence of the birth unless it purports to have been made with the authority of the Chief Registrar.

(5) Where more than 12 months have intervened between the date of the death or of the finding of the dead body of any person and the date of the registration of that person's death, the entry or a certified copy of the entry of the death in the register, or in a certified copy of the register, shall not be evidence of the death unless the entry purports to have been made with the authority of the Chief Registrar.

(6) A certified copy of an entry in a register or in a certified copy of a register shall be deemed to be a true copy notwithstanding that it is made on a form different from that on which the original entry was made, if any differences in the column headings under which the particulars appear

in the original entry and the copy respectively are differences of form only and not of substance.

(7) Any certified copy of an entry given in the General Registry shall be signed by or on behalf of the Chief Registrar; and, subject to subsections (2) to (6), any certified copy of an entry purporting to be so signed shall be received as evidence of the birth or death to which it relates without any further or other proof of the entry.

Offences

39 Offences relating to registers

[P1953/20/35]

If any person —

(a) being a registrar, refuses or without reasonable cause omits to register any birth or death or particulars concerning which information has been tendered to him by a qualified informant and which he is required by or under this Act to register; or

(b) being a person having the custody of any register of births or register of deaths, carelessly loses or injures the register or allows the register to be injured,

he shall be guilty of an offence and liable on summary conviction to a fine not exceeding £1,000.

40 Penalties for failure to give information, etc

[P1953/20/36]

If any person —

(a) being required by or under this Act to give information concerning any birth or death or any living new-born child or any dead body, wilfully refuses to answer any question put to him by the registrar relating to the particulars required to be registered concerning the birth or death or, save as provided in this Act, fails to comply with any requirement of the registrar made thereunder;

(b) refuses or fails without reasonable excuse to give, deliver or send any certificate which he is required by this Act to give, deliver or send;

(c) being a parent and, save as provided in this Act, fails to give information concerning the birth of his child as required by this Act; or

(d) being a parent of a legitimated person, fails to comply with any requirement of the Chief Registrar made under section 17(4);

(e) being a person upon whom a duty to give information concerning a death is imposed by section 19(2)(a) or 20(2)(a), fails to give that information and that information is not given, or

(f) registers any birth or death, or causes any birth or death to be registered, in contravention of section 9 or 23 (registration after 12 months),

he shall be guilty of an offence and liable on summary conviction to a fine not exceeding £1,000.

41 Penalty for forging certificate, etc

[P1953/20/370]

If any person forges or falsifies any certificate, declaration or order under this Act, or knowingly uses, or gives or sends to any person, as genuine any false or forged certificate, declaration or order for the purposes of this Act, he shall be guilty of an offence and liable on conviction on information to imprisonment for a term not exceeding 2 years, or to a fine, or to both.

42 Penalties for contravening Part IV

[1926/48/1-5]

Any person who —

(a) disposes of the body of a deceased person without a certificate of the registrar under section 26 or an order of the coroner;

(b) fails to deliver to the registrar within 96 hours of the disposal of the body of a deceased person the notification required by section 28;

(c) removes the body of a deceased person out of the Island in contravention of section 29; or

(d) disposes, or permits to be disposed, of a still-born child without a certificate of the registrar under section 14(2) or an order of the coroner,

shall be guilty of an offence and liable on summary conviction to a fine not exceeding £1,000.

Supplemental

43 Regulations

(1) The Clerk of the Rolls may make regulations prescribing any matter (other than any fee) which by this Act may be prescribed.

(2) The Treasury may make regulations prescribing any fee which by this Act may be prescribed, or which by any other Act may be prescribed by regulations under this subsection.[48]

(3) The Treasury may by regulations provide for this Act to apply, with such adaptations and modifications as appear to it to be necessary, to births and deaths registered in accordance with regulations made, or having effect as if made, under section 41(l)(g) to (i) of the British Nationality Act 1981 (an Act of Parliament).[49]

(4) Regulations under subsection (2) or (3) shall not have effect unless they are approved by Tynwald.

44 Interpretation

In this Act —

"**birth**" includes a live-birth and a still-birth;

"**coroner**" means a coroner of inquests;

"**disposal**", in relation to a dead body, means disposal by burial, cremation or any other means, and cognate expressions shall be construed accordingly;

"**district**" [Repealed][50]

"**father**", in relation to an adopted child, means its natural father;

"**house**" includes a public institution;

"**legitimated person**" includes any person recognised by the law of the Island as having been legitimated by the subsequent marriage of his parents, whether or not the recognition was effected under any enactment;

"**live-birth**" means the birth of a child born alive;

"**marital child**" means —

(a) a child whose parents were married to each other at the time of his birth or (if the marriage has been terminated before his birth) at the time of the act of intercourse resulting in his birth;

(b) a child who is treated as legitimate by virtue of section 1 of the *Legitimacy Act 1985*.[51]

(c) a child who is a legitimated person, that is, a person legitimated or recognised as legitimated —

(i) by the customary law of the Island; or

(ii) under section 2 or 3 of the *Legitimacy Act 1985*; or[52]

(iii) by a legitimation (whether or not by virtue of the subsequent marriage of his parents) recognised by the law of the Island and effected under the law of any other country;

(d) a child who is an adopted child;[53]

(e) any other child who is treated in law as legitimate;

"**mother**", in relation to an adopted child, means its natural mother;

"**non-marital child**" [Repealed][54]

"**occupier**", in relation to a public institution, includes the governor, keeper, master, matron, superintendent or other chief resident officer, and, in relation to a house let in separate apartments or lodgings, includes any person residing in the house who is the person under whom the lodgings or separate apartments are immediately held, or his agent;

"**person effecting the disposal**" means —

(a) in the case of a burial under section 12 of the *Burials Act 1986*, the person having the charge of or being responsible for the burial;

(b) in the case of any other burial, the person by whom or whose officer the register of burials in which the burial is to be registered is kept;

(c) in the case of a cremation, such person as may be prescribed by regulations under section 6 of the *Cremation Act 1957*;[55]

"**public institution**" means a prison or hospital, and such other public or charitable institution as may be prescribed;[56]

"**prescribed**" means prescribed by regulations made under section 43;

"**the prescribed particulars**", in relation to a birth or death, means the particulars required to be registered concerning the birth or death;

"**qualified informant**", in relation to a birth or death, means a person who is by this Act required, or stated to be qualified, to give information concerning that birth or death;

"**registrar**" in relation to births, deaths or marriages means any person appointed for the purpose of registering an event of that class;[57]

"**relative**" includes a relative by marriage or civil partnership;[58]

"**still-born child**" means a child which has issued forth from its mother after the 24th 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, and the expression "**still-birth**" shall be construed accordingly.[59]

45 Transitional provisions and amendments

(1) The transitional provisions contained in Schedule 2 shall have effect.

(2) The enactments specified in Schedule 3 are amended in accordance with that Schedule.

(3) [Repealed][60]

46 Short title and commencement

(1) This Act may be cited as the Civil Registration Act 1984.

(2) This Act shall come into operation on such day as the Governor in Council may by order appoint.[61]

SCHEDULE 1[62]

SCHEDULE 2

TRANSITIONAL PROVISIONS

Section 45(1)

Superintendent registrar

1. The person who at commencement holds the office of superintendent registrar shall continue to hold office as registrar, subject to section 2(4), but on terms and conditions no less favourable than those on which he held office immediately before commencement.

Custody of registers etc.

2. (1) Section 33(3) applies to registers which are at commencement deposited in the office of the superintendent registrar pursuant to section 54 of the 1924 Act as it applies to the copies and registers therein mentioned.

(2) Section 35(l) applies to the registers deposited as mentioned in sub-paragraph (1) as it applies to registers sent to the Chief Registrar under this Act.

(3) Section 35(2) applies to the indexes prepared under section 56 of the 1924 Act as it applies to indexes prepared under section 35(l).

Evidence

3. Section 38 applies, with any necessary modifications, to an entry or a certified copy of an entry in a register of births and deaths prepared under an enactment repealed by this Act or by the 1924 Act as it applies to an entry or certified copy of an entry in a register under this Act.

Re-registration of birth of legitimated person

4. In the case of a person recognised by the law of the Island as having been legitimated by the subsequent marriage of his parents, and whose birth was not before commencement required to be re-registered by paragraph 2 of the Schedule to the 1928 Act, section 17 shall apply with the substitution in subsections (3) and (4), for the words "the date of the marriage", of the words "the commencement of this Act".

Interpretation

5. In this Schedule —

"**commencement**" means the commencement of this Act;

"**the 1924 Act**" means the *Civil Registration and Dissenters" Marriage Act 1924*;

"**the 1928 Act**" means the *Legitimacy Act 1928*.

SCHEDULE 3[63]

SCHEDULE 4[64]

ENDNOTES

Table of Legislation History

Legislation	Year and No	Commencement

Table of Renumbered Provisions

Original	Current

Table of Endnote References

[1] S 1 substituted by Marriage and Civil Registration (Amendment) Act 2011 Sch 2 and amended by Civil Partnership Act 2011 Sch 14.
[2] Subs (1) amended by Civil Service Act 1990 Sch 3 and by Marriage and Civil Registration (Amendment) Act 2011 Sch 2.
[3] Subs (2) substituted by Marriage and Civil Registration (Amendment) Act 2011 Sch 2. Para (d) added by Civil Partnership Act 2011 Sch 14.
Ed. note: Para 65(4) of the *Civil Partnership Act 2011* Sch 14 provides as follows: "On the coming into operation of this paragraph [6/4/2011 - see SD151/11] every person holding an appointment as a registrar of marriages under that section [s 2(2)(d)] is deemed also to be appointed a registrar of civil partnerships.".
[4] Subs (3) amended by Marriage and Civil Registration (Amendment) Act 2011 Sch 5.
[5] Subs (4) repealed by Civil Service Act 1990 Sch 4.
[6] Subs (6) substituted by Marriage and Civil Registration (Amendment) Act 2011 Sch 2.
[7] Subs (1) amended by Marriage and Civil Registration (Amendment) Act 2011 Sch 5.
[8] Subs (2) amended by Marriage and Civil Registration (Amendment) Act 2011 Sch 2.
[9] Para (a) amended by Marriage and Civil Registration (Amendment) Act 2011 Sch 2.
[10] Subs (4) amended by Family Law Act 1991 Sch 5.
[11] Subs (1) amended by Marriage and Civil Registration (Amendment) Act 2011 Sch 2.
[12] S 12 substituted by Family Law Act 1991 Sch 3.
[13] S 13 substituted by Family Law Act 1991 Sch 3.
[14] Subs (1A) inserted by Marriage and Civil Registration (Amendment) Act 2011 Sch 2.
[15] Para (a) amended by Family Law Act 1991 Sch 5.
[16] Para (b) amended by Family Law Act 1991 Sch 6.

[17] Para (c) amended by Family Law Act 1991 Sch 5 and by Matrimonial Proceedings Act 2003 Sch 5.
[18] S 17A inserted by Family Law Act 1991 s 19.
[19] Subs (1) amended by Marriage and Civil Registration (Amendment) Act 2011 Sch 2.
[20] Subs (2) amended by Marriage and Civil Registration (Amendment) Act 2011 Sch 2.
[21] Para (b) substituted by Marriage and Civil Registration (Amendment) Act 2011 Sch 2.
[22] Para (d) amended by Marriage and Civil Registration (Amendment) Act 2011 Sch 2.
[23] Para (e) repealed by Marriage and Civil Registration (Amendment) Act 2011 Sch 5.
[24] Para (b) amended by Marriage and Civil Registration (Amendment) Act 2011 Sch 2.
[25] Para (d) amended by Marriage and Civil Registration (Amendment) Act 2011 Sch 5.
[26] Para (a) amended by Marriage and Civil Registration (Amendment) Act 2011 Sch 2.
[27] Subs (1) amended by Marriage and Civil Registration (Amendment) Act 2011 Sch 2.
[28] Para (c) amended by Marriage and Civil Registration (Amendment) Act 2011 Sch 2.
[29] Subs (2) amended by Coroners of Inquests Act 1987 Sch 1.
[30] Subs (1) amended by Coroners of Inquests Act 1987 Sch 2.
[31] Subs (3) substituted by Coroners of Inquests Act 1987 Sch 1.
[32] Subs (4) substituted by Coroners of Inquests Act 1987 Sch 1.
[33] Subs (4A) inserted by Coroners of Inquests Act 1987 Sch 1.
[34] Subs (4B) inserted by Coroners of Inquests Act 1987 Sch 1.
[35] Subs (5) amended by Coroners of Inquests Act 1987 Sch 2.
[36] Subs (6) amended by Coroners of Inquests Act 1987 Sch 1.
[37] Subs (3) amended by Marriage and Civil Registration (Amendment) Act 2011 Sch 2.
[38] Para (b) amended by Marriage and Civil Registration (Amendment) Act 2011 Sch 2.
[39] Subs (1A) inserted by Marriage and Civil Registration (Amendment) Act 2011 Sch 2.
[40] Subs (2) amended by Marriage and Civil Registration (Amendment) Act 2011 Sch 2.
[41] Subs (3) substituted by Marriage and Civil Registration (Amendment) Act 2011 Sch 2.
[42] Subs (4) added by Marriage and Civil Registration (Amendment) Act 2011 Sch 2.
[43] Subs (5) added by Marriage and Civil Registration (Amendment) Act 2011 Sch 2.
[44] Subs (2) substituted by Marriage and Civil Registration (Amendment) Act 2011 Sch 2.
[45] Subs (3) added by Marriage and Civil Registration (Amendment) Act 2011 Sch 2.
[46] Subs (4) added by Marriage and Civil Registration (Amendment) Act 2011 Sch 2.
[47] Subs (2) amended by Family Law Act 1991 Sch 5.
[48] Subs (2) amended by Treasury Act 1985 Sch 2.
[49] Subs (3) amended by GC155/91 and by Interpretation Act 1976 s 16A.
[50] Definition of "district" repealed by Marriage and Civil Registration (Amendment) Act 2011 Sch 5.
[51] Para (b) amended by Legitimacy Act 1985 Sch 3.
[52] Subpara (ii) substituted by Legitimacy Act 1985 Sch 3.
[53] Para (d) amended by Adoption Act 1984 Sch 5.
[54] Definition of "non-marital child" repealed by Family Law Act 1991 Sch 6.
[55] Definition of "person effecting the disposal" inserted by Burials Act 1986 Sch 5.

[56] Definition of "public institution" amended by Marriage and Civil Registration (Amendment) Act 2011 Sch 5.
[57] Definition of "registrar" substituted by Marriage and Civil Registration (Amendment) Act 2011 Sch 2.
[58] Definition of "relative" amended by Civil Partnership Act 2011 Sch 14.
[59] Definition of "still-born child" amended by Statute Law Revision Act 1992 Sch 1.
[60] Subs (3) repealed by Statute Law Revision Act 1992 Sch 2.
[61] ADO (whole Act) 1/1/1985 (GC271/84).
[62] Sch 1 repealed by Marriage and Civil Registration (Amendment) Act 2011 Sch 5.
[63] Sch 3 repealed by Education Act 2001 Sch 11.
[64] Sch 4 repealed by Statute Law Revision Act 1992 Sch 2.