

Statutory Document No. 2020/0203



*Emergency Powers Act 1936*

# EMERGENCY POWERS (CORONAVIRUS) (BIRTHS AND DEATHS MODIFICATIONS) REGULATIONS 2020

*Laid before Tynwald:*

*Coming into Operation: in accordance with regulation 2*

The Governor in Council, by Order<sup>1</sup>, makes the following Regulations under section 4 of the Emergency Powers Act 1936.

## PART 1

### INTRODUCTORY

#### 1 Title

These Regulations are the Emergency Powers (Coronavirus) (Births and Deaths Modifications) Regulations 2020.

#### 2 Commencement

These Regulations come into operation immediately after they are made<sup>2</sup>.

#### 3 Interpretation

In these Regulations —

“**the Act**” means the Civil Registration Act 1984;

“**the 2011 Regulations**” means the Registration of Births and Deaths Regulations 2011<sup>3</sup>.

<sup>1</sup> Section 4(1) specifies that “Where a proclamation of emergency has been made, and so long as such proclamation is in force, it shall be lawful for the Governor in Council, by Order, to make regulations...”.

<sup>2</sup> By virtue of section 4(2) of the Emergency Powers Act 1936, these Regulations made by Order of the Governor in Council must be laid before Tynwald within 7 days of being made and only continue in force beyond 7 days of being so laid if Tynwald passes a resolution to that effect.

<sup>3</sup> SD 0626/11

“**Coronavirus**” means severe acute respiratory syndrome coronavirus 2 (SARS-CoV-2);

“**the Coronavirus Proclamation period**” means the period for which the Proclamation of Emergency dated 16 March 2020<sup>4</sup> is in operation.

## PART 2

### GENERAL

#### 4 Purpose

These Regulations contain temporary modification of legislation relating to the registration of births and deaths, and related provision.

#### 5 Expressions used

Expressions used in these Regulations and in the Act have the same meaning as in that Act.

## PART 3

### INFORMATION CONCERNING BIRTHS AND DEATHS

#### 6 Information concerning deaths

- (1) During the Coronavirus Proclamation period, a funeral director is qualified for the purposes of section 19 or 20 of the Act to give information concerning the death of a person if the funeral director—
  - (a) is responsible for the arrangement of the deceased’s funeral, and
  - (b) is authorised by a relative of the deceased to give information concerning the death.
- (2) Section 40 of the Act (penalties for failure to give information) does not apply to a funeral director who provides information in reliance on paragraph (1).

#### 7 Giving information other than in person and dispensing with signing the register

- (1) During the Coronavirus Proclamation period, a qualified informant who is required under the Act to give information about a birth or death to the registrar may give the information to the registrar—
  - (a) by telephone; or

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<sup>4</sup> SD 2020/0162

- (b) by any other methods specified in guidance issued by the Registrar General,
- if the informant is unable to attend before the registrar in person.
- (2) The duty of a qualified informant to sign the register in the presence of the registrar does not apply where information is provided in reliance on paragraph (1).
- (3) An entry in a register of deaths or a register of births for which, by virtue of paragraph (2), no signature is required is to be treated as an entry signed by a qualified informant for the purposes of the Act.
- (4) A person is to be treated as unable to give information for the purposes of paragraph (1) if it would be unreasonable for the person to do so (whether because of illness, the need to care for others, the risk of infection, staff shortages at the registrar's office or any other reason).

## **8 Death certificates**

- (1) During the Coronavirus Proclamation period, a registered medical practitioner ("X") who is not the practitioner who attended the deceased person ("D") during D's last illness may sign a certificate under section 24(1) of the Act (certificates of cause of death) if—
  - (a) the practitioner who attended D is unable to sign the certificate or it is impractical for that practitioner to sign the certificate; and
  - (b) X is able to state to the best of X's knowledge and belief the cause of death.
- (2) During the Coronavirus Proclamation period, a registered medical practitioner ("P") may sign a certificate under section 24(1) of the Act, even in the case of a person who has not been attended during that person's last illness by a registered medical practitioner, if P is able to state to the best of P's knowledge and belief the cause of death.
- (3) Where a registered medical practitioner proposes to sign a certificate under section 24(1) of the Act in reliance on paragraph (1) or (2), Forms 10 and 11 in Schedule 1 to the 2011 Regulations have effect as if in each case—
  - (a) the line beginning with "Last seen" were omitted; and
  - (b) the words "I was in medical attendance during the above named deceased's last illness, and that" were omitted.
- (4) Where a registered medical practitioner signs a certificate under section 24(1) of the Act in reliance on paragraph (1) or (2)—
  - (a) the practitioner is subject to the other duties applicable to a person who has signed such a certificate, and

- (b) in a paragraph (1) case, the practitioner who attended the deceased is not subject to any duties in relation to such a certificate.
- (5) Where a registered medical practitioner signs a certificate under section 24(1) of the Act in reliance on paragraph (2), regulation 39 of the 2011 Regulations (reference to coroner) has effect as if paragraph (1)(a) were omitted.

## **9 Signing and delivery of documents by alternative methods**

- (1) During the Coronavirus Proclamation period, any relevant document may be —
  - (a) (subject to regulation 7(1)), signed electronically, and
  - (b) delivered by —
    - (i) any electronic means, or
    - (ii) any other means specified in guidance issued by the Registrar General.
- (2) “Relevant document” means a document relating to a birth or death that is required by or under the Act.

## **PART 4**

### **FURTHER MODIFICATIONS OF THE 2011 REGULATIONS**

## **10 Further modifications of the 2011 Regulations**

- (1) During the Coronavirus Proclamation period the 2011 Regulations have effect with the following modifications.
- (2) Regulation 10 (entry of particulars of registration within 3 months of date of birth) has effect as if—
  - (a) in paragraph (1) “in the presence of the informant” were omitted, and
  - (b) in paragraph (12) “in the presence of the informant,” were omitted.
- (3) Regulation 12 (registration between 3 and 12 months from date of birth) has effect as if—
  - (a) in paragraph (2)(a) “in the presence of the informant,” were omitted, and
  - (b) in paragraph (3) “in the presence of the informant” were omitted.
- (4) Regulation 13(2) (registration after 12 months from date of birth) has effect as if “in his presence” were omitted.
- (5) Regulation 16 (re-registration of birth) has effect as if —

- (a) paragraph (2)(b) read —
    - (b) in accordance with the authority of the Registrar General call upon the mother and the father to verify the particulars entered; ■, and
  - (b) in paragraph (3)(a) “in her or his presence” were omitted.
- (6) Regulation 19 (re-registration where parents attend) is to be treated as suspended.
- (7) Regulation 32(1) (registration where no reference to the coroner) has effect as if—
  - (a) in sub-paragraph (c) “personally” were omitted, and
  - (b) in the words after sub-paragraph (c) “in the presence of the informant” were omitted.
- (8) Regulation 33(1) (registration on coroner’s notification where no inquest is held) has effect as if “in the presence of a qualified informant” were omitted.
- (9) Regulation 40(1) (registration within 12 months from date of death where no report to coroner) has effect as if—
  - (a) in sub-paragraph (c) “personally” were omitted, and
  - (b) in the words after sub-paragraph (c) “in the presence of the informant” were omitted.
- (10) Regulation 41(1) (registration of death where no inquest held) has effect as if “in the presence of a qualified informant” were omitted.
- (11) Regulation 45(3) (registration after 12 months) has effect as if—
  - (a) the words “shall arrange for that informant to attend at his office and” were omitted, and
  - (b) “in his presence” were omitted.
- (12) Regulation 54 (correction of minor clerical errors after completion) has effect as if—
  - (a) in paragraph (1) “in the presence of an informant” were omitted,
  - (b) in paragraph (2) “in the presence of ...” were omitted, and
  - (c) in paragraph (3) “in the presence of ...” were omitted.

## PART 5

### AFTER THE END OF THE CORONAVIRUS PROCLAMATION PERIOD: TRANSITIONAL PROVISION

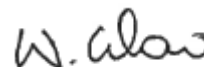
#### 11 Transitional: matters commenced

Anything relating to the registration of a birth or death that, immediately before the end of the Coronavirus Proclamation period, is in the process of being done in reliance on any provision of these Regulations may continue to be done after the end of that period in reliance on that provision.

#### 12 Transitional: documents

- (1) This regulation applies where, during the Coronavirus Proclamation period, a person delivers a relevant document in reliance on regulation 9.
- (2) The person must give, deliver or send the document in accordance with the applicable legislation as soon as reasonably practicable after the end of the Coronavirus Proclamation period.
- (3) The Registrar General may give a direction dispensing with the duty under paragraph (2).
- (4) A direction under paragraph (3) may be expressed as having effect generally, in relation to persons within a description specified in the direction, or in relation to a particular case.
- (5) A direction under paragraph (3) may vary or revoke previous directions given under that paragraph.
- (6) A registrar may, in relation to a relevant document that is required to be given, delivered or sent to the registrar, give a direction in a particular case dispensing with the duty under paragraph (2).
- (7) In this regulation, “relevant document” has the same meaning as in regulation 9.

MADE



08/04/2020 09:55

**W GREENHOW**  
*Chief Secretary*

*EXPLANATORY NOTE*

*(This note is not part of the Regulations)*

These Regulations are made by the Governor in Council under section 4 of the Emergency Powers Act 1936 and following a proclamation of a state of emergency under section 3 of that Act.

These Regulations are made for the purpose of securing the essentials of life to the community of the Island and for the protection of the economy of the Island.

These Regulations make temporary modifications to the legislation relating to births and deaths. In the main, the modifications to the primary legislation allow for death certification to be made by a practitioner other than the one who attended the deceased, allow for information to be given to the Registrar other than appearing before the Registrar in person and allow for the delivery of documents electronically. Consequential amendments are also made to the Registration of Births and Deaths Regulations 2011.