EXPLANATORY MEMORANDUM TO

The Baby Loss Certificate Regulations (Northern Ireland) 2026

1. Introduction

1.1. This Explanatory Memorandum has been prepared by the Department of Finance to accompany the Statutory Rule (details above) which is laid before the Northern Ireland Assembly.

1.2. The Statutory Rule is made under section 11 of the Deaths, Still-Births and Baby Loss Act (Northern Ireland) 2026 and is subject to the draft affirmative resolution procedure.

2. Purpose

2.1. The regulations are secondary legislation as a result of the Deaths, Still-Births and Baby Loss Act (Northern Ireland) 2026. The Act includes provisions for the Department to make regulations for the introduction of a Baby Loss Certificate Scheme. The purpose of the new regulations is to provide the means to enable the provision of a Baby Loss Certificate to those who have lost a baby prior to the end of the 24th week of pregnancy.

3. Background

3.1. The General Register Office (GRO) provides registration services in Northern Ireland, providing official recognition for births, deaths, marriages and civil partnerships among other important life events.

3.2. However, losses that occur before the end of 24 weeks of pregnancy are not recognised under current legislation. Losses after 24 weeks are considered still-births, and, after this loss is recorded, a certificate of still-birth is produced. If an infant dies following a live birth, the birth and loss are both recognised and birth and death certificates are created thereafter.

3.3. There is no formal mechanism in law and no certificate scheme to recognise the loss of a baby before the end of the 24th week of pregnancy.

3.4. The aim of the Baby Loss Certificate Scheme is to close this gap in the registration service. Its objective is to provide the same formal recognition as these other losses through a certificate that recognises the loss of a baby prior to the end of 24 weeks of pregnancy.

3.5. The Act was passed by the Northern Ireland Assembly on 2 December 2025 and received Royal Assent on 25 February 2026.

4. Consultation

4.1. No consultation has been carried out in relation to the Regulations but a consultation was carried out on proposals for a Baby Loss Certificate Scheme.

4.2. The draft content and parameters for a Baby Loss Certificate Scheme were published for consultation over a 12 week period from 17 June 2025 to 12 September 2025. During this time, individuals and organisations across

Northern Ireland had the opportunity to consider and give their views on the proposed scheme.

4.3. Overall, the quantitative responses to the consultation on the draft parameters for the Baby Loss Certificate Scheme showed strong support for aspects of the scheme already under consideration and gave useful information about preferences for the design elements of the operation of the scheme and certificates themselves. There was considerable alignment between the key findings of the consultation exercise and the Department's original proposal.

4.4. The learnings that have been drawn out have informed the scheme and make it more aligned to the needs of anyone who has been affected by a loss of this kind - whether in terms of the content and tone of the certificates themselves or with regard to the scheme eligibility criteria.

5. Equality Impact

5.1. The Department has screened the policy for equality impacts and a full Equality Impact Assessment (EQIA) is not required as no adverse impacts have been identified.

6. Regulatory Impact

6.1. A Regulatory Impact Assessment is not considered necessary. There will be no impact on businesses, charities, social enterprises or voluntary bodies.

7. Financial Implications

7.1. The majority of service changes can be met without placing any additional burden on the public purse or the general public.

8. Section 24 of the Northern Ireland Act 1998

8.1. These provisions are compliant with section 24 of the Northern Ireland Act 1998

9. EU Implications

9.1. Not applicable.

10. Parity or Replicatory Measure

10.1. The Baby Loss Certificate Regulations apply only to Northern Ireland. There is no parity in registration processes or operational dates in relation to Northern Ireland, England and Wales and Scotland.

11. Additional Information

11.1. Not applicable.