EXPLANATORY MEMORANDUM TO

THE REGISTRATION OF BIRTHS AND DEATHS (ENGLAND AND WALES) (SPECIFIED REQUIREMENTS) REGULATIONS 2026

2026 No. [XXXX]

1. Introduction

1.1 This Explanatory Memorandum has been prepared by the Home Office and is laid before Parliament by Command of His Majesty.

2. Declaration

2.1 Mike Tapp, Minister for Migration and Citizenship at the Home Office confirms that this Explanatory Memorandum meets the required standard.

2.2 Carly Blay, SCS for Passports, Citizenship, and Civil Registration, at the Home Office confirms that this Explanatory Memorandum meets the required standard.

3. Contact

3.1 Linda Edwards at the Home Office can be contacted by email at the following address with any queries regarding the instrument: RGAdvisoryUnit@gro.gov.uk . Alternatively, the department can be contacted by telephone: 0300 104 2007.

Part One: Explanation, and context, of the Instrument

4. Overview of the Instrument

What does the legislation do?

4.1 This instrument will replace the requirement for persons registering a birth, still-birth or death to sign a register with a 'wet' signature. This supports the move from registering births, still-births, and deaths in paper registers, to registration in an electronic register. This instrument will specify the requirements to be met by the person and, if they comply with those requirements at the time of registering a birth, still-birth, or death, they are to be treated as having signed the register, and to have done so in the presence of the registrar where relevant.

Where does the legislation extend to, and apply?

4.2 The extent of this instrument (that is, the jurisdiction(s) which the instrument forms part of the law of) is England and Wales.

4.3 The territorial application of this instrument (that is, where the instrument produces a practical effect) is England and Wales.

5. Policy Context

What is being done and why?

5.1 Currently the Births and Deaths Registration Act 1953 places obligations on various persons to physically sign a 'paper' register. To support the move from 'paper' registers to an electronic register, this instrument will provide a replacement to signing the register with a 'wet' signature. Where a person complies with such specified requirements at the time of registering a birth, still-birth, or death, they are to be treated as having signed the register, and to have done so in the presence of the

registrar. This is a core deliverable to support the Civil Registration Service Transformation programme; the main objective of this programme is to transform and replace the core civil registration systems in England and Wales, resulting in a more modern, efficient and resilient civil registration service for England and Wales.[1]

5.2 A person seeking to register a birth, still-birth, or death, will need to make a statement confirming the information they have provided for the registration is true to the best of their knowledge and belief. To register a birth, they will also be required to produce evidence of their identity to the registrar. Evidence of identity can be produced by the person in paper format or in a government approved electronic format. There is no requirement to produce evidence of identity for the registration of a still-birth or death, as medical evidence will be available to the registrar.

5.3 The removal of the requirement for a person to physically sign the register in the presence of the registrar will provide more flexibility in how births, still-births, and deaths are registered in the future, without the need for persons to attend the register office in person. For example, enabling the person to provide the particulars for a birth, still-birth or death registration online using a portal on Gov.uk or by telephone for deaths and still-births registration, after which the registrar will register the event in the electronic register. The person will always have the option to attend in person at the register office to register a birth, still-birth or death, if preferred.

What was the previous policy, how is this different?

5.4 Currently, when a person comes to the register office to register a birth, still-birth or death, the registrar will print the 'paper' register page containing all the information provided in advance by that person. The person will then sign the entry underneath a statement confirming the information in the entry is true to the best of their knowledge and belief. With the move to an electronic register, there will not be a 'paper' register page for the person to sign, though they will still be able to come to the register office to register a birth, still-birth or death. Therefore, this instrument replaces that requirement, with a requirement to either say the statement orally, or confirm it electronically, depending on how the information is provided to the registrar.

5.5 A person coming to the register office to register a birth is already asked as a matter of course to provide evidence of their identity to the registrar to help ensure the accuracy of the data being registered in the entry. Providing evidence of identity is not currently a statutory requirement; however, it is present in internal registrar guidance and requested in the public guidance issued on gov.uk. This instrument creates a new legal requirement for people to provide evidence of their identity when registering a birth. This SI includes an extensive list of acceptable forms of identification. Other ways of confirming identity can be considered on a case-by-case basis if necessary and consideration will be given to adding to the list of acceptable documentation. Putting this on a statutory footing will add protections against fraudulent activity. There is not anticipated to be a significant change to the public's experience of registering a birth as a result.

[1] https://www.gov.uk/government/publications/home-office-major-projects-appointment-letters-for-senior-responsible-owners/civil-registration-service-transformation-programme-appointment-letter-for-tom-greig-march-2025-accessible

6. Legislative and Legal Context

How has the law changed?

6.1 The Births and Deaths Registration Act 1953 places duties on certain people to sign the registers of births, still-births and deaths when providing information about the event. This requires the person to attend the local register office and physically sign the register.

6.2 The Data (Use and Access) Act 2025 inserted a new section 38B into the Births and Deaths Registration Act 1953 which enables the Minister to make regulations to provide that if a person complies with specified requirements at the time of registering a birth, still-birth or death, they are to be treated as having signed the register, and to have done so in the presence of the registrar.

6.3 The Minister has exercised this power in the form of this instrument and has specified the requirements that a person needs to meet in order to be taken to have signed the register without providing a wet ink signature. These requirements replace the requirement for a 'wet ink' signature.

Why was this approach taken to change the law?

6.4 This is the only possible approach to make the necessary changes. It is also the first exercise of the power under section 38B of the Births and Deaths Registration Act 1953.

7. Consultation

Summary of consultation outcome and methodology

7.1 There was no public consultation on the requirements set out in this instrument as there are no significant impacts to the policy.

7.2 The General Register Office engages quarterly with the National Panel for Registration, a representative body for the local registration service across England and Wales, Regional Registration Groups and a sub-group of the National Panel, the User Group. Continuous engagement with these groups has contributed to the development of policy. Since 2009, all birth and death registrations have been captured electronically in parallel with the paper registers. The implementation of the provisions in the Data (Use and Access) Act will remove this duplication of processes by removing the requirement for paper registers and introduce an electronic register for the registration of births and deaths which is welcomed by the registration service.

8. Applicable Guidance

8.1 The Home Office guidance to staff, and to the local registration service, will be updated to reflect these changes from when they take effect. It is our practice to only publish internal guidance updates when this instrument takes effect to mitigate the high risk of users referring to the wrong version. The guidance published on Gov.uk for members of the public already covers how to register births, still-births and deaths and does not require updating.[2]

[2] https://www.gov.uk/register-birth

Part Two: Impact and the Better Regulation Framework

9. Impact Assessment

9.1 A full Impact Assessment has not been prepared for this instrument because there are no new duties or charges placed upon business, charities or voluntary bodies. An Impact Assessment was completed during the passage of the Data (Use and Access) Act 2025 which included the power to make these regulations.[3] This instrument will introduce efficiencies and result in savings to public expenditure as well as the support of government digital initiatives. Allowing the electronic register to be the only birth, still-birth and death register removes the duplication of processes for registrars and simplifies the process. It also introduces savings for the Home Office by removing the cost of providing registers, associated resources, postage costs and loose leaf, watermarked, registration paper.

Impact on businesses, charities and voluntary bodies

9.2 There is no, or no significant, impact on business, charities or voluntary bodies because this instrument only sets out the requirements to be met by the person as a replacement to signing a paper register when registering a birth, still-birth or death with the move to an electronic register.

9.3 The legislation does not impact small or micro businesses.

9.4 There is no, or no significant, impact on the public sector because the requirements only apply to those registering a birth, still-birth or death. The move to an electronic register and providing a replacement to a 'wet' signature will introduce efficiencies for local authorities and the Home Office and result in savings to public expenditure as well as the support of government digital initiatives. Set up costs for the Home Office to update systems are estimated at £0.6m with savings estimated to the registration service and the Home Office of £27.3m over ten years. Moving to an electronic register will allow us to offer alternative methods for registering births, still-births or deaths in the future, including the person being able to provide the information online, although the provision for them to register in person at the register office will remain.

10. Monitoring and review

What is the approach to monitoring and reviewing this legislation?

10.1 The approach to monitoring this legislation is through ongoing stakeholder engagement with the National Panel for Registration and a sub–User Group consisting of registration officers.

10.2 The instrument does not include a statutory review clause.

11. Matters of special interest to Parliament

11.1 None.

12. European Convention on Human Rights

12.1 The Minister for Migration and Citizenship at the Home Office has made the following statement regarding Human Rights:

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[3] https://assets.publishing.service.gov.uk/media/690dd03447ad122f854627a8/data_use_and_access_act_enactment_impact_assessment.pdf

"In my view the provisions of the Registration of Births and Deaths (England and Wales) (Specified Requirements) Regulations 2026 are compatible with the Convention rights".

13. The Relevant European Union Acts

13.1 This instrument is not made under the European Union (Withdrawal) Act 2018, the European Union (Future Relationship) Act 2020 or the Retained EU Law (Revocation and Reform) Act 2023 ("relevant European Union Acts").