STATUTORY INSTRUMENTS

2006 No. 2809

REGISTRATION OF BIRTHS, DEATHS, MARRIAGES, ETC, ENGLAND AND WALES

The Registration of Births and Deaths (Electronic Communications and Electronic Storage) Order 2006

Made - - - -	*20th October 2006*
Laid before Parliament	*23rd October 2006*
Coming into force - -	*13th November 2006*

The Chancellor of the Exchequer makes the following Order in exercise of the powers conferred by sections 8 and 9 of the Electronic Communications Act 2000(**a**).

The Chancellor of the Exchequer considers that the authorisation of the use of electronic communications by this Order for any purpose is such that the extent (if any) to which records of things done for that purpose will be available will be no less satisfactory in cases where use is made of electronic communications or electronic storage than in other cases.

Citation, commencement and interpretation

1.—(1) This order may be cited as the Registration of Births and Deaths (Electronic Communications and Electronic Storage) Order 2006 and shall come into force on 13th November 2006.

(2) In this Order "the 1953 Act" means the Births and Deaths Registration Act 1953(**b**).

Modification of section 13 of the 1953 Act

2.—(1) Amend section 13 of the 1953 Act (registration of name of child or of alteration of name) as follows.

(2) In subsection (1), omit "and, after starting" to the end of the subsection.

(3) After subsection (1), insert—

"(1A) The registrar or superintendent registrar having custody of the register in question shall also—

(a) state upon the certificate mentioned in subsection (1) of this section the fact that the entry so mentioned has been made;

(**a**) 2000 c.7.

(**b**) 1953 c.20; s.13(1) was amended by the Registration of Births, Deaths and Marriage (Fees) Order 1968 (S.I. 1968/1242), article 4(1) and Schedule 2; s.13(2) was amended by the Registration of Births, Deaths and Marriages (Fees) Order 2002 (S.I. 2002/3076) article 2 and the Schedule; s.13(3) was amended by the Merchant Shipping Act 1970, s.100(3) and Schedule 5, ie s.30(1A) was inserted by the Children Act 1975, s.106(1), Schedule 3, paragraph 13; s.30(2) was amended by S.I. 1968/1242 article 4(1) amd Schedule 2 and further amended by S.I. 2002/3076, article 2 and the Schedule.

(b) forthwith send the certificate to the Registrar General; and

(c) either—

(i) send with the certificate a certified copy of the entry of the birth with the name added under this section, or

(ii) provide the Registrar General, within seven days beginning with the day on which the entry under this section is made, with the information contained in that entry in an electronic form approved by the Registrar General.".

Modification of section 26 of the 1953 Act

3.—(1) Amend section 26 of the 1953 Act (quarterly returns to be made by registrar to superintendent registrar) as follows.

(2) In subsection (1)(b), for the words "deliver to the superintendent" to the end of the subsection, substitute—

"either—

(i) deliver to the superintendent registrar in the prescribed form a certificate to that effect under his hand, or

(ii) provide the superintendent registrar with a certificate to that effect in an approved electronic form.

(1A) The duty imposed by subsection (1)(a) of this section does not apply, as regards any particular three-month period, to any registrar who provides the relevant information to the superintendent registrar in an approved electronic form within the time allowed.

(2) For these purposes—

(a) the relevant information is the information contained in each entry mentioned in subsection (1)(a) of this section made during the three-month period in question; and

(b) the time allowed, in relation to each such entry, is the period of seven days beginning with the day on which the entry is made.".

(3) In subsection (2), for "the foregoing subsection" substitute "subsection (1) of this section".

(4) After subsection (2), insert—

"(3) Where the superintendent registrar is provided with any certificate or information in electronic form under subsection (1)(b)(ii) or (1A) of this section he shall if satisfied of its authencity apply an electronic signature to it.

(4) In this section—

"approved" means approved by the Registrar General;

"electronic signature" has the meaning given by section 7(2) of the Electronic Communications Act 2000; and

"three-month period" means any such period of three months as is mentioned in subsection (1) of this section.".

Modification of section 27 of the 1953 Act

4.—(1) Amend section 27 of the 1953 Act (quarterly returns by superintendent registrar to Registrar General) as follows.

(2) The existing provisions are made subsection (1).

(3) In the new subsection (1), for "send to the Registrar General" to "duly delivered to him" substitute—

"either—

(a) send to the Registrar General all certified copies of entries in registers of live-births, still-births or deaths which he has received during the three months immediately preceding the days so appointed respectively, or

(b) provide the Registrar General with the information contained in those entries in an electronic form approved by the Registrar General;

and if the necessary copies have not been duly delivered to him, or the necessary information has not been duly provided to him".

(4) After the new subsection (1), insert—

"(2) If the Registrar General receives any copies under subsection (1)(a) of this section, he may store the information contained in those copies in the electronic form approved by him for the purposes of subsection (1)(b) of this section.".

Modification of section 28 of the 1953 Act

5. In section 28(4) of the 1953 Act (custody of registers, etc), for "sent" substitute ", or information in electronic form, sent or provided".

Modification of section 30 of the 1953 Act

6. After section 30(3) of the 1953 Act (searches of indexes kept by Registrar General), insert—

"(4) A reference in this section to a certified copy of an entry sent to the Registrar General includes a reference to information contained in such an entry provided to him in an electronic form approved by him: and a reference to an entry in any such certified copy shall be construed accordingly.".

Signed by Authority of the Chancellor of the Exchequer

John Healey

20th October 2006 — Financial Secretary to the Treasury

EXPLANATORY NOTE

(This note is not part of the Order)

Under the Births and Deaths Registration Act 1953, copies of entries in the registers of births and deaths (which are created and stored locally) make their way to the Registrar General for England and Wales in paper form. The Registrar General is required to index the copies and make the indexes, and through them the individual entries, available to the public.

This Order amends the 1953 Act to allow for the electronic communication and storage of those copies. The amendments enable local registrars (using a system approved by the Registrar General) to transmit those copies to the Registrar General electronically and allow the Registrar General to use the copies in the same way as paper copies.

This Order does not impose a charge on business.

£3.00

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