STATUTORY INSTRUMENTS

1974 No. 2136

REGISTRATION OF BIRTHS, DEATHS, MARRIAGES ETC.

ABROAD

The Registration of Births and Deaths (Consular Officers) Regulations 1974

Made - - - - 16*th December* 1974
Coming into Operation 1*st January* 1975

The Secretary of State, in exercise of the powers conferred upon him by section 29 (1)(*f*) and (*g*) of the British Nationality Act 1948(**a**), and of all other powers enabling him in that behalf, hereby makes the following Regulations:—

Citation and entry into force

1. These Regulations may be cited as the Registration of Births and Deaths (Consular Officers) Regulations 1974, and shall come into operation on 1st January 1975.

Interpretation

2.—(1) In these Regulations, unless the context otherwise requires:

" consular officer of Her Majesty " means a consul-general, consul or vice-consul in the service of Her Majesty's Government in the United Kingdom, or a person for the time being authorised to exercise the functions of any such officer ;

" consular officer " means

(*a*) any consular officer of Her Majesty,

(*b*) any person serving in the diplomatic, consular or other foreign service of any Power which, by arrangement with Her Majesty, has undertaken to represent Her interests in any foreign country in which Her Majesty has for the time being no diplomatic or consular representative, or any person authorised by the Secretary of State to register births and deaths occurring in such a foreign country in any consular register kept for that country, and

(*c*) the person for the time being in charge of any consular registers kept at the Foreign and Commonwealth Office ;

" consular register " means any register kept in accordance with Regulation 5 or any register kept in accordance with any regulations or instructions superseded by these Regulations.

(2) The Interpretation Act 1889(**b**) shall apply for the interpretation of these Regulations as it applies for the interpretation of an Act of Parliament, and as if these Regulations and the Regulations hereby revoked were Acts of Parliament.

(a) 1948 c. 56. (b) 1889 c. 63.

Revocation

3. The Registration of Births and Deaths (Consular Officers) Regulations 1948(**a**) is hereby revoked.

Fees

4. The fees to be charged for services performed in accordance with these Regulations shall be such fees as may from time to time be prescribed under the Consular Salaries and Fees Act 1891(**b**).

Registers

5.—(1) For every foreign country there may be kept:

(*a*) one or more registers of births (to be known as "Register A") in which births in that country which are specified in Regulation 6(1)(i) may be registered;

(*b*) one or more registers of births (to be known as "Register B") in which births in that country which are specified in Regulation 6(1)(ii) may be registered;

(*c*) one or more registers of deaths (to be known as "Register C") in which deaths in that country which are specified in Regulation 6(1)(iii) may be registered;

(*d*) one or more registers of deaths (to be known as "Register D") in which deaths in that country which are specified in Regulation 6(1)(iv) may be registered.

(2) The registers specified in paragraph (1) may be kept in such consulates, embassies or other places, whether inside or outside the foreign country concerned, as the Secretary of State may from time to time determine.

(3) There may be kept at the Foreign and Commonwealth Office a single set of Registers A, B, C and D in which may be registered births and deaths in any foreign country in which Her Majesty has for the time being no diplomatic or consular representative or in which for any other reason the Secretary of State may consider it impracticable to register births and deaths.

Births and deaths which may be registered

6.—(1) The following births and deaths having occurred in a foreign country may be registered in the manner prescribed by these Regulations:

(i) the birth of any person whose father was at the time of the birth a citizen of the United Kingdom and Colonies under any enactment then in force;

(ii) the birth of any person born before 1st January 1949 whose father was at the time of the birth a British subject under any enactment in force before 1st January 1949;

(iii) the death of any person who, at the time of his death, was a citizen of the United Kingdom and Colonies under any enactment then in force;

(iv) the death of any person who, at the time of his death, was either

(*a*) a British subject under any enactment in force before 1st January 1949, or

(a) S.I. 1948/2837 (Rev. XIX, p. 975: 1948 I, p. 3682). (b) 1891 c. 36.

(*b*) a British subject under any enactment which entered into force after 31st December 1948 but not a citizen of the United Kingdom and Colonies or a citizen of any country mentioned in section 1(3) of the British Nationality Act 1948.

(2) For the purpose of these Regulations, a birth or death occurring aboard a registered ship or aircraft, or aboard an unregistered ship or aircraft of the government of any country, shall be deemed to have occurred in the place in which the ship or aircraft was registered or, as the case may be, in that country.

(3) For the purpose of these Regulations, a person found dead in the territorial waters of a foreign country shall be deemed to have died in its territorial waters if it is not established that he died elsewhere.

Entries

7.—(1) Entries in each volume forming part of a consular register shall be made and numbered consecutively.

(2) Each entry shall constitute a record of one birth or death.

(3) Each entry in the registers of births shall contain the following: date and place of birth ; name and sex of child ; name and surname of father ; name, surname, maiden surname and, if different from maiden surname, surname at time of marriage, of mother ; occupation and claim to citizenship of the United Kingdom and Colonies or, in the case of a person born before 1st January 1949, British nationality, of father ; signature or name, qualification and address of informant ; date of registration ; and signature and official description of consular officer.

(4) Each entry in the registers of deaths shall contain the following: date and place of death ; name, surname, sex, age, occupation and claim to citizenship of the United Kingdom and Colonies or, in the case of a British subject other than a citizen of the United Kingdom and Colonies, to British nationality, of the deceased ; usual residence at the time of death and last residence in the United Kingdom if this was later than 1st January 1948 ; in the case of a married woman her husband's name ; signature or name, qualification and address of informant ; date of registration ; and signature and official description of consular officer.

(5) Where more than one living child is born at a birth a separate entry in the register of births shall be made in consecutive spaces in respect of each such child and the time of the birth to which the entry relates shall be recorded in hours and minutes following the date of birth.

(6) Where doubt exists as to the date of an event or the age of a person, the approximate date or age may be entered preceded by the word " about ".

(7) Where an entry in a register records the birth of a child of a father born in Scotland or Northern Ireland, or the death of a person who or, if that person was born out of the United Kingdom, whose father or, in the case of a married woman, whose husband was so born, a consular officer shall mark the entry with the letter " S " or " N.I.", as appropriate, in the margin of the register.

Registration at request of informant

8. Subject to the provisions of Regulations 9(1), 9(3), 10 and 13, where a birth or a death which may be registered under Regulation 6 is reported to the consular officer for the time being in official charge of the appropriate

consular register, either orally or in writing, by an informant having personal knowledge of the event reported and, in the case of a death, of the identity of the deceased, and registration is requested, the birth or death may be registered in the appropriate consular register.

Registration of birth by permission of the Secretary of State

9.—(1) Where the Secretary of State has permitted the registration of a birth under section 5(1)(*b*) of the British Nationality Act 1948, the consular officer shall insert in the entry, after the date of registration, a note in the following terms:—

"With permission of the Secretary of State given under section 5(1)(*b*) of the British Nationality Act 1948"

and a reference to the authorising despatch.

(2) Where the Secretary of State has directed under section 5(2) of the British Nationality Act 1948 that a birth registered without his permission shall be deemed to have been registered with his permission, the consular officer shall insert in the margin of the entry a note in the following terms:—

"Deemed registered with permission of the Secretary of State given under section 5(2) of the British Nationality Act 1948"

and a reference to the authorising despatch, and shall add thereto his signature and official description.

(3) Where the Secretary of State has permitted the registration of a birth under section 1(2)(*b*) of the British Nationality and Status of Aliens Act 1943(**a**), as applied by section 17 of the British Nationality Act 1948, the consular officer shall insert in the entry, after the date of registration, a note in the following terms:—

"With permission of the Secretary of State given under section 17 of the British Nationality Act 1948"

and a reference to the authorising despatch.

(4) Where the Secretary of State has directed under section 1(2)(*b*) of the British Nationality and Status of Aliens Act 1943, as applied by section 17 of the British Nationality Act 1948, that a birth registered without his permission shall be deemed to have been registered with his permission, the consular officer shall insert in the margin of the entry a note in the following terms:—

"Deemed registered with permission of the Secretary of State given under section 17 of the British Nationality Act 1948"

and a reference to the authorising despatch, and shall add thereto his signature and official description.

Local death certificates

10.—(1) In a country where certificates of death are issued by local officials, a consular officer shall, before registering a death, require such a certificate of death to be produced to him, unless he is satisfied that it is not reasonably practicable to procure such a certificate, and shall insert in the entry a record of the production of the certificate.

(a) 1943 c. 14.

(2) If a local death certificate cannot be procured, the consular officer may, before registering the death, require that there be produced to him a medical practitioner's certificate of the death or such other documentary evidence as may be sufficient to satisfy the officer as to the occurrence of the death and the identity of the deceased person. A record of the production of any such evidence shall be inserted by the officer in the entry.

(3) If a local death certificate cannot be procured, the consular officer shall state the reason in a note in the margin of the entry. In a country where certificates of death are not issued by local officials, the officer shall insert a note to that effect in every entry in the register.

Correction of errors or omissions

11.—(1) If a consular officer discovers any error or omission before completing an entry in a register by his signature, he shall either:

(*a*) correct it by ruling through the incorrect particulars and inserting above them the correct particulars, or by inserting the particulars omitted, and by adding his initials in the margin ; or

(*b*) draw a line diagonally through the uncompleted entry, write against it in the margin the words " For correct entry see No. . . ." and make the correct entry in the next unused number in the register.

(2) If any omission, discrepancy between facts recorded, or other error is discovered in an entry which has been completed by the signature of the consular officer, the same or any other consular officer may, provided he is satisfied as to the correctness of any amendment proposed to be made, correct the entry in accordance with the following directions:

(*a*) If the error appears to him to be accidental or of a clerical nature the officer may correct it by ruling through any incorrect particulars and by inserting and underlining the correct particulars or the particulars omitted. He shall then insert in the margin of the entry a note to the following effect:

" Column . . . corrected on . . . (date) by me . . . (signature and official description of officer) ".

(*b*) If the officer is not satisfied that the error is one which he might treat as falling within (*a*) he shall require the original informant or some other person cognisant of the facts to furnish such documentary or other evidence as may be necessary to establish the facts. Any corrections which the officer thinks it proper to make shall be made by underlining (but not altering) any erroneous particulars and inserting in the margin of the entry a note to the following effect:—

" In entry No. . . . column . . .: for '(the erroneous particulars)' read '(correct particulars)' " or " : insert the words '. . .' " or as the case may require,

followed by the date, his signature and official description.

(3) Before correcting an entry in accordance with paragraph (2), the consular officer shall, unless the correction is made in the presence of the original informant, take such action as may be reasonable to ensure that notice in writing of the precise correction to be made is given to the original informant or, in the case of a registration of birth, to the person whose birth entry is being corrected or, if that person is a minor, his parents or guardian or, in the case of a registration of death, to the relatives or personal representatives of the deceased.

(4) If a consular officer discovers that an entry has been made in a register which is not the appropriate register, he shall re-register the birth or death in the appropriate register and insert in the margin of the original entry a note to the following effect:—

"Re-registered at No. . . . in Register (A, B, C or D as the case may be) on . . . (date)".

(5) Before re-registering a birth or death in accordance with paragraph (4), the consular officer shall take such action as may be reasonable to ensure that notice in writing of the intended re-registration is given to the original informant or, in the case of a re-registration of birth, to the person whose birth is being re-registered or, if that person is a minor, his parents or guardian or, in the case of a re-registration of death, to the relatives or personal representatives of the deceased.

Change of name

12.—(1) If a consular officer is requested to add or substitute in the entry of its birth one or more names by which a child has been known since its earliest years or which have been given to the child in baptism, the officer may re-register the birth and insert in the margin of the original entry a note to the following effect:—

"Re-registered at No. . . . on . . . (date)".

(2) Before re-registering a birth under paragraph (1), the consular officer shall require the original informant or a parent or guardian of the person whose birth was registered or some other person cognisant of the facts to make a statement of the facts in writing. The officer may also require the production of such documentary evidence as may be sufficient to satisfy him of the accuracy of the statement.

Procedure in doubtful cases

13. If such documentary evidence as may have been furnished to the consular officer in accordance with these Regulations does not satisfy the consular officer of the accuracy of the statements made to him, or if the officer is not fully satisfied that the national status of the person whose birth or death he is requested to register is such that the registration could properly be effected under these Regulations, the officer should refer the matter, with a full report of the circumstances, to the Secretary of State.

Power to waive conditions

14.—(1) Where the Secretary of State is satisfied that a birth or death is one which should be registered or re-registered in a consular register or that an amendment or correction of an entry is one that should be made and that these Regulations cannot reasonably be complied with, he may authorise the registration, re-registration, amendment or correction subject to such conditions as he considers appropriate.

(2) In particular, and without prejudice to the generality of paragraph (1), the Secretary of State may impose the requirement of a statutory declaration.

Adoptions

15. Where an adoption order has been made under the law of any part of the United Kingdom or of the Channel Islands or the Isle of Man in respect of a child whose birth has been registered in a consular register of

births, the consular officer, upon being informed by the Registrar General that an entry has been made in the Adopted Children Register, shall mark the entry in the consular register with the word "Adopted" in the margin and add thereto his signature and official description.

Certified copies

16.—(1) A certified copy of an entry in a consular register, other than an entry which has been invalidated, shall be provided on request and on payment of the prescribed fee.

(2) The consular officer for the time being in charge of a consular register shall, before 1st February each year, send certified copies of all entries made therein during the previous year to the Registrar General for England and Wales.

(3) If no entry has been made during the previous year the consular officer shall send the Registrar General a certificate to that effect.

(4) Where any deletion, insertion, underlining or marginal inscription is made in an entry after a certified copy thereof has been sent to the Registrar General, the consular officer shall immediately send the Registrar General a further certified copy of that entry.

(5) Every certified copy shall be a copy of the whole entry and shall show any deletion, insertion, underlining or marginal inscription. The copy may be certified by any consular officer. The copy shall be certified by a consular officer, under his hand, official description and official seal (if any) to be a true copy of the entry.

James Callaghan,

Her Majesty's Principal Secretary of State for Foreign and Commonwealth Affairs.

16th December 1974.

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

These Regulations, which supersede existing Regulations, make provision for the registration in consular registers of the births and deaths of certain persons in foreign countries.

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