
STATUTORY INSTRUMENTS

2021 No. 1231

**REGISTRATION OF BIRTHS, DEATHS &
MARRIAGES, ETC., ENGLAND AND WALES**

**The Births and Deaths Registration (Electronic
Communications and Electronic Storage) Order 2021**

<i>Made</i>	- - - -	<i>2nd November 2021</i>
<i>Laid before Parliament</i>		<i>4th November 2021</i>
<i>Coming into force</i>	- -	<i>1st December 2021</i>

The Secretary of State, in exercise of the powers conferred by sections 8, 9(5) and 9(6) of the Electronic Communications Act 2000⁽¹⁾, makes the following Order.

In accordance with section 8(3) of the Electronic Communication Act 2000, the Secretary of State 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 than in other cases.

Citation, commencement and extent

1.—(1) This Order may be cited as the Births and Deaths Registration (Electronic Communications and Electronic Storage) Order 2021.

(2) This Order comes into force on 1st December 2021.

(3) Any amendment made by this Order has the same extent as the provision amended.

Amendment of the Births and Deaths Registration Act 1926

2.—(1) The Births and Deaths Registration Act 1926⁽²⁾ is amended as follows.

(2) In section 1 (prohibition of disposal except on registrar’s certificate or coroner’s order)⁽³⁾, after subsection (1), insert—

“(1A) For the purposes of subsection (1), a certificate, an order of the coroner or a written declaration may be delivered as a copy in an approved electronic form.

(1) 2000 c. 7. See section 9(1) for the definition of “appropriate Minister”.

(2) 1926 c. 48.

(3) Section 1 was amended by the Criminal Justice Act 1967 (c. 80), section 92(1) and Schedule 3, Part 1, and modified by the Births and Deaths Registration Act 1953 (c. 20), Schedule 1, paragraph 2.

- (1B) A declaration under subsection (1) may be made in an approved electronic form.”.
- (3) In section 3 (notification of disposal to registrar)(4), after subsection (1), insert—
- “(3) A notification under subsection (1) may be made and delivered in an approved electronic form.”.
- (4) In section 5 (burial of still-born children)(5), after “delivered to him”, insert “(either physically or as a copy in an approved electronic form)”.
- (5) In section 9 (regulations)(6)—
- in the heading, after “Regulations”, insert “and approval of electronic forms etc.”;
 - the existing text becomes subsection (1);
 - after that subsection, insert—
- “(2) The Registrar General may approve forms of electronic communication or electronic storage (including an electronic signature) for the purposes of a provision of this Act.”.
- (6) In section 12 (definitions)(7), after the definition of “Registrar”, insert—
- ““approved electronic form” means any form of electronic communication or electronic storage (including an electronic signature) approved by the Registrar General pursuant to section 9(2) of this Act;”.
- (7) After the definition of “disposal”, insert—
- ““electronic communication” has the meaning given in section 15(1) of the Electronic Communications Act 2000;
- “electronic signature” has the meaning given in section 7(2) of the Electronic Communications Act 2000;”.

Amendment of the Births and Deaths Registration Act 1953

- 3.—(1) The Births and Deaths Registration Act 1953(8) is amended as follows.
- (2) In section 11 (special provision as to registration of still-birth), in subsection (2)(9), omit “under his hand”.
- (3) In section 13 (registration of name of child or of alteration of name), after subsection (1A)(10), insert—
- “(1B) Where a certificate delivered under subsection (1) is in an approved electronic form, the registrar or superintendent registrar may (subject to the terms of any approval given by the Registrar General under section 39(2)) discharge the duty set out in subsection (1A)(a) by incorporating into the certificate (or a copy of it), or associating to the certificate (or a copy of it), an electronic signature and a statement that the entry mentioned in subsection (1) has been made.”.
- (4) In section 24 (certificates as to registration of death)—

(4) Section 3 was amended by the Births and Deaths Registration Act 1953 (c. 20), section 43(2) and Schedule 2.

(5) Section 5 was amended by the Coroners and Justice Act 2009 (c. 25), section 177(1) and Schedule 21, Part 1, paragraphs 2 and 4, and amended by the Births and Deaths Registration Act 1953 (c. 20), Schedule 1, paragraph 3.

(6) Section 9 was amended by the Public Health Act 1936 (c. 49), section 346 and Schedule 3, Part 5, and amended by the Public Health (London) Act 1936 (c. 49), section 308 and Schedule 7; and amended by S.I. 2008/678.

(7) Section 12 was amended by the Still-Birth (Definition) Act 1992 (c. 29), section 1(1) and by S.I. 2008/678.

(8) 1953 c. 20.

(9) Subsection (2) was amended by the Population (Statistics) Act 1960 (c. 32), section 2.

(10) Subsection (1A) was inserted by S.I. 2006/2809.