



AN BILLE UM CHLÁRÚ SIBHIALTA 2003
CIVIL REGISTRATION BILL 2003

Mar a ritheadh ag Dáil Éireann
As passed by Dáil Éireann

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AN BILLE UM CHLÁRÚ SIBHIALTA 2003
CIVIL REGISTRATION BILL 2003

BILL

entitled

5 AN ACT TO PROVIDE FOR THE REORGANISATION, MOD-
ERNISATION AND NAMING OF THE SYSTEM (TO BE
KNOWN AS THE CIVIL REGISTRATION SERVICE OR,
10 IN THE IRISH LANGUAGE, AN tSEIRBHÍS UM CHLÁRÚ
SIBHIALTA) OF REGISTRATION OF BIRTHS, STILL-
BIRTHS, ADOPTIONS, MARRIAGES AND DEATHS
(INCLUDING CERTAIN BIRTHS AND DEATHS OCCUR-
RING OUTSIDE THE STATE), TO PROVIDE FOR THE
EXTENSION OF THE SYSTEM TO DECREES OF DIV-
ORCE AND DECREES OF NULLITY OF MARRIAGE
15 AND FOR THOSE PURPOSES TO REVISE THE LAW
RELATING TO THE SYSTEM, TO AMEND THE LAW
RELATING TO MARRIAGES AND TO PROVIDE FOR
RELATED MATTERS.

BE IT ENACTED BY THE OIREACHTAS AS FOLLOWS:

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PART 1

PRELIMINARY AND GENERAL

1.—(1) This Act may be cited as the Civil Registration Act 2004. Short title and commencement.

(2) This Act shall come into operation on such day or days as the
Minister may appoint by order or orders either generally or with
25 reference to any particular purpose or provision and different days
may be so appointed for different purposes or different provisions,
including the application of *section 4* to different statutory provisions
specified in the *Second Schedule*.

2.—(1) In this Act, except where the context otherwise requires— Interpretation.

30 “the Act of 1844” means the Marriages (Ireland) Act 1844;

“the Act of 1863” means the Registration of Births and Deaths
(Ireland) Act 1863;

“the Acts” means the Births and Deaths Registration Acts 1863 to
1996;

35 “adoption” means adoption under the Adoption Acts 1952 to 1998
(other than a foreign adoption);

“Ard-Chláraitheoir” shall be construed in accordance with *section 7*;

“authorised officer” shall be construed in accordance with *section 17(10)*;

“authority” shall be construed in accordance with *section 15* and, in relation to a scheme, means the authority that approved the scheme; 5

“birth” does not include stillbirth;

“Civil Registration Service” shall be construed in accordance with *section 8*;

“civil servant” has the meaning assigned to it by the Civil Service Regulation Acts 1956 to 1996; 10

“decree of divorce” and “decree of nullity” have the meanings assigned to them by the Family Law (Divorce) Act 1996;

“event” means a birth, stillbirth, adoption, foreign adoption, marriage, death, decree of divorce or decree of nullity, occurring or granted anywhere in the State or a birth to which *section 26* or *27* applies or a death to which *section 38* or *39* applies and includes a birth, stillbirth, adoption, foreign adoption, marriage or death that could have been, but was not, registered in a register formerly maintained under the repealed enactments; 15

“foreign adoption” has the meaning assigned to it by section 1 of the Adoption Act 1991; 20

“functions” includes powers and duties and references to the performance of functions include, as respects powers and duties, references to the exercise of the powers and the carrying out of the duties;

“health board” includes an Area Health Board within the meaning of the Health (Eastern Regional Health Authority) Act 1999; 25

“Minister” means Minister for Health and Children;

“Oifig an Ard-Chláraitheora” shall be construed in accordance with *section 12*;

“personal public service number” has the meaning assigned to it by the Social Welfare (Consolidation) Act 1993; 30

“prescribed” means prescribed by regulations made by the Minister;

“qualified informant” in relation to a birth or death, shall be construed in accordance with *section 19* or *37*, as may be appropriate;

“registered medical practitioner” means a person who is registered or entitled to be registered in the General Register of Medical Practitioners established under section 26 of the Medical Practitioners Act 1978; 35

“registrar”—

(a) in relation to a marriage or intended marriage or the register of marriages, means a registrar within the meaning of *section 17*, 40

- (b) in relation to a birth or stillbirth, a newborn child found abandoned or a death or the register of births, the register of stillbirths or the register of deaths, a registrar within the meaning of *section 17*,
- 5 (c) in relation to an adoption (including a foreign adoption) or the register of adoptions, means the Adoption Board,
- (d) in relation to a decree of divorce or the register of decrees of divorce, means the Courts Service, and
- 10 (e) in relation to a decree of nullity or the register of decrees of nullity, means the Courts Service,

and references to a registrar include references to a person authorised by the registrar to act on the registrar's behalf and to the successor of the registrar;

“repealed enactments” means the enactments repealed by *section 4*;

15 “the required particulars” means—

- (a) in relation to a birth or a living new-born child found abandoned, the particulars specified in *Part 1* of the *First Schedule*,
- 20 (b) in relation to a stillbirth, the particulars specified in *Part 2* of that Schedule,
- (c) in relation to an adoption, the particulars specified in *Part 3* of that Schedule,
- (d) in relation to a foreign adoption, the particulars specified in *Part 4* of that Schedule, and
- 25 (e) in relation to a death, the particulars specified in *Part 5* of that Schedule;

“scheme”, in relation to an authority, means a scheme approved by it under *section 14*;

30 “signature” includes an electronic signature within the meaning of the Electronic Commerce Act 2000 and cognate words shall be construed accordingly;

“stillborn child” means a child who, at birth, weighs not less than 500 grammes or has a gestational age of not less than 24 weeks and shows no sign of life and “stillbirth” shall be construed accordingly;

35 “Superintendent Registrar” shall be construed in accordance with *section 17*.

(2) For the purposes of this Act there is an impediment to a marriage if—

- 40 (a) the marriage would be void by virtue of the Marriage Act 1835 as amended by the Marriage (Prohibited Degrees of Relationship) Acts 1907 and 1921,
- (b) one of the parties to the marriage is, or both are, already married,

(c) one or both, of the parties to the intended marriage will be under the age of 18 years on the date of solemnisation of the intended marriage and an exemption from the application of section 31(1)(a) of the Family Law Act 1995 in relation to the marriage was not granted under section 33 of that Act, 5

(d) the marriage would be void by virtue of the Marriage of Lunatics Act 1811, or

(e) both parties are of the same sex.

(3) In this Act— 10

(a) a reference to a birth, stillbirth, adoption, foreign adoption, marriage or death includes a reference to such an event that could have been, but was not, registered in a register formerly maintained under the repealed enactments;

(b) a reference to a section, Part or Schedule is a reference to a section, Part or Schedule of or to this Act, unless it is indicated that a reference to some other provision is intended; 15

(c) a reference to a subsection, paragraph or subparagraph is a reference to the subsection, paragraph or subparagraph of the provision in which the reference occurs unless it is indicated that a reference to some other provision is intended; 20

(d) a reference to any enactment or instrument made under statute is a reference to that enactment or instrument as amended, adapted or extended at any time by any enactment or instrument made under statute. 25

Regulations.

3.—(1) The Minister may make regulations—

(a) for any purpose in relation to which regulations are provided for by any of the provisions of this Act, 30

(b) for prescribing any matter or thing referred to in this Act as prescribed or to be prescribed,

(c) generally for the purpose of giving effect to this Act.

(2) If in any respect any difficulty arises during the period of two years from the commencement of this section in bringing this Act into operation, the Minister may, by regulations made by him or her, do anything which appears to be necessary or expedient for bringing this Act into operation. 35

(3) A regulation under this section may contain such consequential, supplementary and ancillary provisions as the Minister considers necessary or expedient. 40

(4) A regulation under this section shall be laid before each House of the Oireachtas as soon as may be after it is made and, if a resolution annulling the regulation is passed by either such House within the next 21 days on which that House has sat after the regulation is laid before it, the regulation shall be annulled accordingly, but without prejudice to the validity of anything previously done thereunder. 45

4.—The enactments specified in the *Second Schedule* are repealed Repeals.
to the extent specified in *column 3* of that Schedule.

5.—(1) In so far as any order, regulation, rule, agreement, appli- Transitional
cation, decision or reference or order of a court made, approval, provisions.
5 consent, notification, notice or direction given or served, requirement
imposed, certificate, form or other instrument issued or given, regis-
ter or index maintained, resolution passed, particulars given, appli-
10 cation made or other thing done under an enactment repealed by
section 4 could have been made, given, imposed, issued, maintained,
passed, served or done under a corresponding provision of this Act,
it shall not be invalidated by the repeals effected by *section 4* but,
except in so far as this Act otherwise provides, shall have effect as if
made, given, imposed, issued, maintained, passed, served or done
under that corresponding provision.

15 (2) Where any document refers to an enactment repealed by this
Act and provision is made by this Act corresponding to that enact-
ment, then, unless the context otherwise requires, that reference shall
be construed as or, as the case may be, as including a reference to
the corresponding provision of this Act.

20 (3) Nothing in this Act affects the validity of a marriage duly sol-
emnised before the commencement of *Part 6*.

6.—(1) The expenses incurred by the Minister in the admin- Expenses of
istration of this Act shall, to such extent as may be sanctioned by Minister and
the Minister for Finance, be paid out of moneys provided by the Minister for
25 Oireachtas. Finance.

(2) The expenses incurred by the Minister for Finance in the
administration of this Act shall be paid out of monies provided by
the Oireachtas.

PART 2

ADMINISTRATION

30 7.—(1) The office of an tArd-Chláraitheoir provided for by
section 4 of the Act of 1863 shall continue in existence after the
commencement of this section notwithstanding the repeals effected
by this Act, but the office shall be known as an tArd-Chláraitheoir
35 an tSeirbhís um Chláru Sibhialta and the person holding the office
shall be known as an tArd-Chláraitheoir and is referred to in this
Act as an tArd-Chláraitheoir.

(2) An tArd-Chláraitheoir shall be a person appointed to that
office by the Minister from among his or her officers.

40 (3) An tArd-Chláraitheoir shall be a civil servant.

(4) A person appointed to be an tArd-Chláraitheoir shall hold
office for a period of 7 years but the Minister may, if he or she thinks
fit, continue the appointment (including an appointment previously
continued under this subsection) for such further period not
45 exceeding 7 years as he or she considers appropriate.

(5) A person appointed to be an tArd-Chláraitheoir shall, subject
to *subsection (4)*, hold office on such terms and conditions as may
be determined by the Minister after consultation with the Minister
for Finance at the time of the appointment.

(6) (a) The Minister may remove an tArd-Chláraitheoir from office at any time if, in the opinion of the Minister, an tArd-Chláraitheoir is incapable by reason of ill-health of performing his or her functions, or has committed stated misbehaviour or his or her removal from office appears to the Minister to be necessary for the effective performance of the functions of the office. 5

(b) If an tArd-Chláraitheoir is removed from office under this subsection, the Minister shall cause to be laid before each House of the Oireachtas a statement of the reasons for the removal. 10

(7) The person who immediately before the commencement of this section held the offices of an tArd-Chláraitheoir shall upon such commencement, be deemed to have been appointed under this section to be an tArd-Chláraitheoir upon terms and conditions equivalent to those upon which he or she held those offices and *sub-sections* (4) and (5) do not apply to that person. 15

(8) The functions of the office of an tArd-Chláraitheoir (being the office provided for by section 52 of the Act of 1844) are transferred to and shall be performed by an tArd-Chláraitheoir. 20

(9) References in any statute or any instrument made under any statute passed or made before the commencement of this section, or in any other document in existence immediately before such commencement, to the office of an tArd-Chláraitheoir provided for by section 52 of the Act of 1844 shall, upon such commencement, be construed as references to an tArd-Chláraitheoir. 25

Functions of Ard-Chláraitheoir.

8.—(1) The principal functions of an tArd-Chláraitheoir are—

(a) to maintain, manage and control the system of registration (which shall be known as the Civil Registration Service) established by the repealed enactments of births, stillbirths, adoptions, deaths and marriages, wherever occurring in the State, and of births to which *section 26* or *27* applies and deaths to which *section 38* or *39* applies, 30

(b) to extend the Civil Registration Service to decrees of divorce, and decrees of nullity, wherever granted in the State, 35

(c) where appropriate, to modify and adapt the Civil Registration Service so as to provide for changing needs and circumstances (including the use of electronic or other information technology) in relation to the Service, 40

(d) for the purposes of the Civil Registration Service, where appropriate, to maintain, adapt, modify and enlarge the registers, indexes and other records established and maintained under the repealed enactments,

(e) to establish and maintain registers and indexes for the purposes of the registration of decrees of divorce and decrees of nullity, 45

(f) to monitor the operation of this Act,

(g) to make recommendations to the Minister on any measures that are estimated to cost in excess of such amount as 50

may be specified by the Minister from time to time and are, in the opinion of an tArd-Chláraitheoir, necessary to achieve and maintain appropriate standards of efficiency in the Civil Registration Service and, subject to the consent of the Minister, to implement those measures or, instead of or in addition to them, such measures as the Minister may specify in relation to those standards,

(h) to publish guidelines to registrars (within the meaning of *section 17*) on the operation of this Act,

(i) to initiate and prosecute proceedings in relation to summary offences under this Act or any of the repealed enactments, and

(j) to perform any other functions conferred on him or her by the Minister under *subsection (3)*.

(2) For the purposes of the foregoing and notwithstanding the repeals effected by *section 4*, the system of registration of births, stillbirths, deaths, marriages, adoptions and foreign adoptions established and maintained under the repealed enactments shall continue in existence after the commencement of that section but may, if and whenever an tArd-Chláraitheoir considers it appropriate to do so, be adapted, modified or enlarged by him or her and, accordingly, the registers, indexes and other records established and maintained under the system shall also continue in existence after such commencement.

(3) The Minister may, by regulations, confer on an tArd-Chláraitheoir such additional functions in relation to the Civil Registration Service as he or she considers appropriate.

(4) An tArd-Chláraitheoir shall be independent in the performance of his or her functions.

(5) An tArd-Chláraitheoir may do all such acts or things as are necessary or expedient for the purpose of the performance of his or her functions.

(6) An tArd-Chláraitheoir may delegate such of his or her functions as he or she considers appropriate to a member of his or her staff.

9.—(1) There shall stand established the office of an tArd-Chláraitheoir Cúnta an tSeirbhís um Chlárú Sibhialta and the person holding the office is referred to in this Act as an tArd-Chláraitheoir Cúnta. Ard-Chláraitheoir Cúnta.

(2) An tArd-Chláraitheoir Cúnta shall be a person appointed to that office by the Minister from among his or her officers.

(3) An tArd-Chláraitheoir Cúnta shall be a civil servant.

(4) Subject to *subsection (5)*, an tArd-Chláraitheoir Cúnta shall have and may perform such functions as may be determined by the Minister from time to time and shall be subject to the general control and supervision of an tArd-Chláraitheoir.

(5) During a period of absence or incapacity of an tArd-Chláraitheoir or when there is a vacancy in that office, an tArd-Chláraitheoir

Cúnta shall have and may perform all the functions of an tArd-Chláraitheoir.

(6) A person appointed to be an tArd-Chláraitheoir Cúnta shall hold office for a period of 7 years but the Minister may, if he or she thinks fit, continue the appointment (including an appointment previously continued under this section) for such further period not exceeding 7 years as he or she considers appropriate. 5

(7) A person appointed to be an tArd-Chláraitheoir Cúnta shall, subject to *subsections (6) and (9)*, hold office on such terms and conditions as may be determined by the Minister after consultation with the Minister for Finance at the time of the appointment. 10

(8) (a) The Minister may remove an tArd-Chláraitheoir Cúnta from office at any time if, in the opinion of the Minister, an tArd-Chláraitheoir Cúnta is incapable by reason of ill-health of performing his or her functions or has committed stated misbehaviour or his or her removal from office appears to the Minister to be necessary for the effective performance of the functions of the office. 15

(b) If an tArd-Chláraitheoir Cúnta is removed from office under this subsection, the Minister shall cause to be laid before each House of the Oireachtas a statement of the reasons for the removal. 20

(9) If, immediately before the commencement of this section, a person stands appointed under section 10 of the Act of 1863 as assistant to an tArd-Chláraitheoir, he or she shall upon, such commencement, stand appointed to the office of an tArd-Chláraitheoir Cúnta and shall hold that office upon terms and conditions equivalent to those upon which he or she held the office of such assistant and *subsections (6) and (7)* shall not apply to him or her. 25

Staff of Ard-Chláraitheoir.

10.—(1) The Minister, after consultation with an tArd-Chláraitheoir and with the consent of the Minister for Finance, may appoint, upon and subject to such terms and conditions as the Minister may determine, after the consultation and with the consent aforesaid, at the time of the appointment, such and so many officers of the Minister to be members of the staff of an tArd-Chláraitheoir as he or she considers necessary, and persons so appointed shall continue to be civil servants. 30 35

(2) Persons who were members of the staff of an tArd-Chláraitheoir who is referred to in section 52 of the Act of 1844 or section 4 of the Act of 1863 immediately before the commencement of this section shall, upon such commencement, become and be members of the staff of an tArd-Chláraitheoir upon terms and conditions equivalent to those that applied to their employment immediately before such commencement and shall continue to be civil servants. 40

Annual report.

11.—(1) An tArd-Chláraitheoir shall, not later than 30 June in each year, beginning with the year 2005, prepare a report in writing (in this section referred to as “the report”) on the operation of this Act in the preceding year and shall furnish a copy of it to the Minister. 45

(2) The report shall, if the Minister so directs, include information in such form and regarding such matters as he or she may specify. 50

(3) The Minister shall cause copies of the report to be laid before each House of the Oireachtas.

(4) An tArd-Chláraitheoir may prepare such other reports (if any) in writing in relation to matters concerning the Civil Registration Service as the Minister may request or an tArd-Chláraitheoir considers appropriate and furnish copies of them to the Minister.

12.—(1) The office entitled Oifig an Ard-Chláraitheora provided under section 4 of the Act of 1863 shall continue in existence notwithstanding the repeals effected by this Act. Oifig an Ard-Chláraitheora.

(2) Registers and indexes maintained by an tArd-Chláraitheoir under this Act shall be kept in Oifig an Ard-Chláraitheora or in such other place as an tArd-Chláraitheoir may direct with the approval of the Minister.

(3) An tArd-Chláraitheoir shall, as soon as may be, arrange for the provision of a seal for Oifig an Ard-Chláraitheora which shall be authenticated by the signature of an tArd-Chláraitheoir or a member of his or her staff duly authorised in that behalf by an tArd-Chláraitheoir.

(4) The seal of Oifig an Ard-Chláraitheora shall be judicially noticed and every instrument purporting to be made by Oifig an Ard-Chláraitheora and to be sealed with its seal (purporting to be authenticated in accordance with *subsection (3)*) shall be received in evidence and be deemed to be such an instrument without further proof unless the contrary is shown.

(5) The functions of the Office entitled Oifig an Ard-Chláraitheora provided under section 52 of the Act of 1844 are transferred to and may be performed by Oifig an Ard-Chláraitheora.

(6) References in any statute or any instrument made under statute passed or made before the commencement of this section or in any document in existence immediately before such commencement to Oifig an Ard-Chláraitheora referred to in *subsection (5)* shall be construed as references to Oifig an Ard-Chláraitheora.

13.—(1) There shall be established, where appropriate, and maintained by an tArd-Chláraitheoir— Registers—

(a) a register of all births occurring in the State or to which *section 26* or *27* applies (which shall be known, and is referred to in this Act, as the register of births),

(b) a register of all stillbirths occurring in the State (which shall be known, and is referred to in this Act, as the register of stillbirths),

(c) a register of all adoptions and foreign adoptions under the Adoption Acts 1952 to 1998 (which shall be known, and is referred to in this Act, as the register of adoptions),

(d) a register of all deaths occurring in the State or to which *section 38* or *39* applies (which shall be known, and is referred to in this Act as the register of deaths),

- (e) a register of all marriages taking place in the State (which shall be known, and is referred to in this Act, as the register of marriages),
- (f) a register of all decrees of divorce (which shall be known, and is referred to in this Act, as the register of decrees of divorce), and 5
- (g) a register of all decrees of nullity of marriage (which shall be known, and is referred to in this Act, as the register of decrees of nullity).

(2) A register formerly maintained under the repealed enactments shall be deemed, for the purposes of *subsection (1)* and the other provisions of this Act, to be part of the appropriate register. 10

(3) A register may be maintained in any legible form or in any other form that is capable of being converted into a legible form and of being used to make a legible copy or reproduction of an entry in the register. 15

(4) Evidence of an entry in a register and of the facts stated therein may be given by the production of a document purporting to be a legible copy of the entry and to be certified to be a true copy by an tArd-Chláraitheoir, a person authorised in that behalf by an tArd-Chláraitheoir, a Superintendent Registrar, an authorised officer or a registrar. 20

(5) Any requirement of law for the production of a certificate of birth shall be satisfied by the production of a copy of the relevant entry in the register of adoptions purporting to be certified in accordance with *subsection (4)*. 25

(6) An tArd-Chláraitheoir may give a direction in writing to a registrar (within the meaning of *section 17*) or other person who holds a marriage register book provided under the repealed enactments to deliver the book or a copy of it to an authority specified in the direction not later than 28 days from the date of the direction. 30

(7) In *subsections (2) to (4)*, “register” means a register maintained under *subsection (1)*.

Schemes.

14.—(1) As soon as may be after the appointment of the first Superintendent Registrar of an authority, he or she shall prepare a scheme in writing (“a scheme”) for the administration of the Civil Registration Service in the functional area of the authority, and shall, after it has been approved by the authority, submit the scheme to the Minister. 35

(2) When a scheme or a scheme under *subsection (3)* is submitted to the Minister, he or she may, after consultation with an tArd-Chláraitheoir, approve of it or refuse to approve of it or request the Superintendent Registrar concerned to make specified amendments, or amendments in relation to specified matters, to the scheme and then re-submit the amended scheme to the Minister for his or her approval. 40 45

(3) (a) A scheme may be amended or revoked by a scheme under this subsection prepared by the Superintendent Registrar of the authority concerned.

(b) A scheme under this subsection shall, after it has been approved by the authority concerned, be submitted to the Minister.

5 (4) A scheme or a scheme under *subsection (3)* shall be subject to the approval of the authority concerned.

(5) A scheme may contain such incidental, supplementary and consequential provisions as appear to the authority to be necessary or expedient for the purposes of the scheme.

10 (6) The Minister may, in consultation with an tArd-Chláraitheoir and the relevant authority, review the operation of a scheme that has been approved by the Minister or a scheme under *subsection (3)* that has been so approved (except in so far as it revokes another scheme) and may, having regard to the results of the review and after the
15 consultation aforesaid, request the Superintendent Registrar concerned to make specified amendments, or amendments in relation to specified matters, to the scheme or to revoke it and prepare another scheme.

(7) Without prejudice to the generality of *subsection (1)*, a scheme shall specify—

20 (a) the number of registrars required by the authority for the purpose of the performance of its functions,

(b) the number of any other officers required by the authority for the purpose aforesaid,

25 (c) the locations of the offices of the authority, all of which shall be located in the functional area of the authority,

(d) the proposed functions of, and distribution of functions between, the registrars and any other officers appointed pursuant to the scheme,

30 (e) particulars of the proposed conditions of employment of the registrars and other officers proposed to be appointed by the authority, and

(f) particulars or provisions in relation to any other matter standing specified for the time being by the Minister.

35 (8) When a scheme or a scheme under *subsection (3)* is approved by the Minister, it shall have effect in accordance with its terms and the functions of the authority concerned shall be performed in accordance with any relevant provisions of the scheme or the scheme under *subsection (3)*.

40 (9) A scheme or a scheme under *subsection (3)* shall come into operation on such day or days as may be specified in it either generally or with reference to any particular purpose or provision and different days may be so specified for different purposes or different provisions.

45 (10) In this section “registrar” means a registrar within the meaning of *section 17*.

15.—(1) Each health board shall be a local registration authority (in this Act referred to as “an authority”) for the purposes of this Act. Local registration authorities.

(2) The functional area of an authority shall be the functional area of the health board concerned.

(3) Under the overall management, control and supervision of an tArd-Chláraitheoir, an authority shall, in accordance with the provisions of its scheme, manage, control and administer, through its Superintendent Registrar, the Civil Registration Service in its functional area and perform in that area the other functions conferred on it by or under this Act. 5

(4) An tArd-Chláraitheoir may give a direction in writing to an authority in relation to its expenditure on and management, control and administration, of the Civil Registration Service in its functional area, and an authority shall comply with a direction given to it under this subsection. 10

(5) An authority shall, in each year beginning with the year 2005, prepare an estimate in writing of its income and expenditure in the next following year and shall submit a copy of it to an tArd-Chláraitheoir. 15

Financial provisions relating to authorities.

16.—(1) The incurring of expenditure by an authority that is not specified in its scheme shall be subject to the prior consent of an tArd-Chláraitheoir and the Minister. 20

(2) Accounts of an authority shall be audited by the Comptroller and Auditor General.

(3) If, in any financial year of an authority, the expenditure of the authority exceeds its income, the Minister may, with the consent of the Minister for Finance, make a grant to the authority of an amount not exceeding the amount of the excess. 25

Staff of authorities.

17.—(1) Subject to the provisions of this section, an authority, after consultation with an tArd-Chláraitheoir, shall appoint—

(a) a chief officer who shall be known as the Superintendent Registrar, 30

(b) such number of registrars of births, stillbirths, deaths and marriages, and

(c) such number of other officers,

as it considers necessary for the purpose of the performance of its functions. 35

(2) The appointment of a person under *subsection (1)* to an office referred to in *paragraph (b)* or *(c)* of that subsection shall be in accordance with any relevant provisions of the scheme of the authority concerned.

(3) The Superintendent Registrar of an authority shall manage, control and administer the Civil Registration Service on behalf of and subject to the control and directions of the authority in its functional area and shall perform such other functions in relation to the Civil Registration Service as may from time to time be specified in writing to him or her by the authority. 40 45

5 (4) A registrar shall have and perform in the functional area of the authority by which he or she was appointed functions corresponding as nearly as may be to those standing conferred immediately before the commencement of this section on a registrar appointed under the repealed enactments and any other functions conferred on him or her by or under this Act (including a scheme made by the authority by which he or she was appointed).

10 (5) A registrar or an authorised officer shall, in the performance of his or her functions, be subject to the supervision of the Superintendent Registrar of the authority by which the registrar or officer was appointed and shall comply with any directions given to him or her under *subsection (6)*.

15 (6) A Superintendent Registrar of an authority may give a direction to a registrar appointed by the authority or to an authorised officer of the authority.

(7) The Minister may, by regulations, confer on registrars such (if any) additional functions as he or she considers appropriate for the purposes of this Act.

20 (8) Subject to *subsection (9)*, a registrar or other officer appointed after the commencement of this section shall hold office upon such terms and conditions as may be determined by the authority concerned at the time of the appointment.

25 (9) An officer of an authority (including its Superintendent Registrar and a registrar) may be removed from office by the authority if, in its opinion, the officer is incapable by reason of ill health of performing his or her functions or has committed stated misbehaviour or his or her removal from office appears to the authority to be necessary for the effective performance of the functions of the office.

30 (10) (a) An authority may appoint officers of the authority to be authorised officers either, as may be specified in the instrument of appointment, for the purposes of this Act or for the purposes of specified provisions of this Act.

35 (b) An authorised officer, when exercising a power under this Act shall, if so requested by a person affected, produce to the person evidence in writing of his or her appointment as an authorised officer.

40 (11) A person holding office as a registrar of births, stillbirths, deaths and marriages immediately before the commencement of this section shall, upon such commencement, be deemed to have been appointed under this section as a registrar upon terms and conditions equivalent to those upon which he or she held the office aforesaid immediately before such commencement.

45 (12) A reference in any statute passed before the commencement of this section or in any instrument made under such a statute to a Superintendent Registrar or a registrar of births, stillbirths, deaths and marriages shall be construed as a reference to a Superintendent Registrar appointed under this section or a registrar, as the case may be, and, accordingly, a function standing vested in Superintendent Registrars or registrars of births, stillbirths, deaths and marriages
50 immediately before such commencement under a provision of such

a statute or instrument that continues in force after such commencement shall, upon such commencement, stand vested in Superintendent Registrars appointed under this section or registrars, as the case may be, and may be performed by, such a Superintendent Registrar or by a registrar, as the case may be. 5

(13) In this section “registrar” means a registrar of births, stillbirths, deaths and marriages appointed under this section.

PART 3

REGISTRATION OF BIRTHS AND STILLBIRTHS

“the register”
(Part 3).

18.—In this Part, “the register” means, as the context requires, the register of births or the register of stillbirths and cognate words shall be construed accordingly. 10

Provision of
particulars, and
registration, of
births.

19.—(1) Subject to the provisions of this Part, when a child is born in the State, it is the duty of—

(a) the parents or the surviving parent of the child, or 15

(b) if the parents are dead or incapable through ill health of complying with this subsection, each other qualified informant, unless he or she reasonably believes that another qualified informant has complied with it in relation to the birth, 20

not later than 3 months from the date of the birth—

- (i) to attend before any registrar,
- (ii) there, to give to the registrar, to the best of his or her knowledge and belief, the required particulars of the birth, and
- (iii) there, to sign the register in the presence of the registrar. 25

(2) Where a person complies with *subsection (1)* in relation to a birth, the other persons referred to in that subsection are discharged from the performance in relation to that birth of the duty imposed by that subsection.

(3) Where, owing to non-compliance with *subsection (1)*, a birth is not registered and, having made reasonable efforts to do so, the authority in whose functional area the birth occurred is unable to contact either parent of the child concerned, the authority may give a qualified informant a notice in writing requiring the informant— 30

(a) to attend before a registrar in the functional area of the authority, at the office of the registrar or at such other (if any) convenient place as may be specified by the authority on or before a day so specified (not being less than 7 days from the date of the notice nor more than 12 months from the date of the birth), 40

(b) there, to give to the registrar, to the best of his or her knowledge and belief, the required particulars of the birth, and

(c) there to sign the register in the presence of the registrar,

and, unless the birth is registered before the date of the attendance aforesaid, the informant shall comply with the requirement. 45

(4) Where *paragraphs (i) to (iii) of subsection (1)* or, as the case may be, *paragraphs (a) to (c) of subsection (3)* have been complied with in relation to a birth, the registrar concerned shall register the birth in such manner as an tArd-Chláraitheoir may direct.

5 (5) Where, in relation to the birth of a child—

(a) the parents of the child are dead or incapable through ill health of complying with *subsection (1)*, or

10 (b) neither the parents nor another qualified informant can be found after all reasonable efforts to do so have been made,

an tArd-Chláraitheoir may cause the birth to be registered on production to him or her of such evidence as he or she considers adequate for the purpose which, in the case referred to in *paragraph (b)*, shall include, if the place where the birth occurred is known, 15 evidence that the Superintendent Registrar of the authority in whose functional area the birth occurred made all reasonable efforts to find the parents or a qualified informant.

(6) In this section “qualified informant”, in relation to the birth of a child, means—

20 (a) the parents or the surviving parent of the child,

(b) a guardian of the child,

(c) a person present at the birth,

25 (d) if the birth occurred in a building used as a dwelling or a part of a building so used, any person who was in the building or part at the time of the birth,

30 (e) if the birth occurred in a hospital or other institution or in a building or a part of a building occupied by any other organisation or enterprise the chief officer of the institution, organisation or enterprise (by whatever name called) or a person authorised by the chief officer to perform his or her functions,

(f) a person having charge of the child, or

(g) a man who duly makes a request under *paragraph (c) or (d) of section 22(2)*.

35 **20.**—(1) A registrar shall not register a birth at a time more than 12 months from the date of the birth without the consent in writing of the Superintendent Registrar of the authority by which he or she was appointed. Births occurring more than 12 months before registration.

40 (2) The fact of the giving of a consent referred to in *subsection (1)* to a registrar shall be noted in the register.

21.—(1) Where a living new-born child is found abandoned, it is the duty of— Duty to notify registrar of abandoned new-born children.

(a) the person who finds the child, and

(b) any person in whose charge the child is placed,

not later than 3 months from the date of the finding, to give to a registrar, to the best of his or her knowledge and belief, in such form and manner as may be directed by an tArd-Chláraitheoir, the required particulars of the birth and, thereupon, the registrar shall register the birth in such manner as may be so directed. 5

(2) Where a person complies with *subsection (1)* in relation to a child, the other person referred to in that subsection is discharged from the performance in relation to that child of the duty imposed by that subsection.

(3) Where the date of the birth of a child whose birth is required to be registered under this Act is not known and a registered medical practitioner certifies in writing that, in his or her opinion, the birth took place on or about a date specified in the certificate, the registrar concerned may enter that date in the register as the date of the birth of the child. 10
15

Registration of
father where
parents not married.

22.—(1) The father of a child who was not married to the mother of the child at the date of his or her birth or at any time during the period of 10 months before such birth shall not be required to give information under this Act about the birth.

(2) Subject to *subsection (3)*, any registrar shall enter in the register the name of a person (“the person”) as the father of a child to whom *subsection (1)* applies— 20

(a) if the mother of the child (“the mother”) and the person jointly so request the registrar in writing and give to him or her a declaration in writing of the person that he is the father of the child, or 25

(b) if the mother so requests the registrar in writing and gives to him or her—

(i) a declaration in writing of the mother, in a form for the time being standing approved by an tArd-Chláraitheoir, that the person is the father of the child, and 30

(ii) a statutory declaration of the person, in a form for the time being standing approved by an tArd-Chláraitheoir, that he is the father of the child, 35

or

(c) if the person so requests the registrar in writing and gives to him or her—

(i) a declaration in writing of the person, in a form standing approved for the time being by an tArd-Chláraitheoir, that he is the father of the child, and 40

(ii) a statutory declaration of the mother, in a form standing approved for the time being by an tArd-Chláraitheoir, that the person is the father of the child, 45

or

(d) if the mother or the person so requests the registrar in writing and produces to him or her a document purporting to be a copy of an order made by a court in proceedings

referred to in section 45 of the Status of Children Act 1987 and to be certified by or on behalf of the court to be a true copy of the order, finding that the person is the father of the child.

5 (3) Where, in a case in which the mother of a child to whom *subsection (1)* applies (“the mother”) was married at the date of the birth of the child or at some time during the period of 10 months ending immediately before such birth, a person would, but for this subsection, fall to be registered under *subsection (2)* pursuant to a
10 request under *paragraph (a), (b) or (c)* of that subsection, as the father of the child, the person shall not be so registered unless there is produced to a registrar—

15 (a) a statutory declaration of the person or each person to whom the mother was married at some time during the period aforesaid, in a form standing approved for the time being by an tArd-Chláraitheoir, that he is not the father of the child, or

20 (b) a statutory declaration of the mother, in a form standing approved for the time being by an tArd-Chláraitheoir, that she has been living apart from the person who is or any person who formerly was her husband during the period of 10 months ending immediately before the birth of the child by virtue of a decree of divorce, a decree of divorce *a mensa et thoro*, a decree of nullity or a deed of
25 separation.

(4) Where one of the persons to whom in any particular case *subsection (2)(d)* applies makes a request to a registrar under that provision, the registrar shall notify the other person of the request.

30 (5) When a birth is being registered under this section, the register shall be signed by—

(a) the mother of the child concerned if she has made, or joined in the making of, the request concerned under *subsection (2)*, and

35 (b) the person who declares that he is the father of the child, if he has made, or joined in the making of, the request concerned under *subsection (2)*.

(6) This section applies, with any necessary modifications, to stillbirths as it applies to births.

40 **23.—(1)** Where the birth of a child whose parents were not married to each other at the date of the birth or at any time during the period of 10 months ending immediately before that date has been registered under this Act or the repealed enactments but no person has been registered as the child’s father, then, subject to *subsection (2)*, any registrar shall re-register the birth in such manner as an
45 tArd-Chláraitheoir may direct and shall enter in the register the name of a person (“the person”) as the father of the child—

Re-registration of birth to include name of father.

50 (a) if the mother of the child and the person jointly so request the registrar in writing and give to him or her a declaration in writing, in a form for the time being standing approved by an tArd-Chláraitheoir, of the person, that he is the father of the child, or

- (b) if the mother so requests the registrar in writing and gives to him or her—
 - (i) a declaration in writing of the mother, in a form for the time being standing approved by an tArd-Chláraitheoir, that the person is the father of the child, and 5
 - (ii) a statutory declaration of the person, in a form for the time being standing approved by an tArd-Chláraitheoir, that he is the father of the child, 10

or 10

- (c) if the person so requests the registrar in writing and gives to him or her—
 - (i) a declaration in writing of the person, in a form for the time being standing approved by an tArd-Chláraitheoir, that he is the father of the child, and 15
 - (ii) a statutory declaration of the mother, in a form for the time being standing approved by an tArd-Chláraitheoir, that the person is the father of the child, 15

or

- (d) if the mother or the person so requests the registrar in writing and gives to the registrar a document purporting to be a copy of an order made by a court in proceedings referred to in section 45 of the Status of Children Act 1987, and to be certified by or on behalf of the court to be a true copy of the order, finding that the person is the father of the child. 20 25

(2) A birth shall not be re-registered under this section without the consent of a Superintendent Registrar of the authority by which the registrar is employed.

(3) Where, in a case in which the mother of a child to whom *subsection (1)* applies was married at the date of the birth of the child or at some time during the period of 10 months before such date and, but for this subsection, the birth would fall to be re-registered under that subsection pursuant to a request under *paragraph (a), (b) or (c)* thereof, and a person would fall to be registered under that subsection as the father of the child, the birth shall not be so re-registered and the person shall not be so registered unless there is produced to the registrar concerned— 30 35

- (a) a statutory declaration of the person to whom the mother was married at that date and of the person or each person to whom she was married at some time during the period aforesaid, in a form standing approved for the time being by an tArd-Chláraitheoir, that he is not the father of the child, or 40
- (b) a statutory declaration of the mother, in a form standing approved for the time being by an tArd-Chláraitheoir, that she has been living apart from the person who is, or the person or each person who was formerly, her husband during a period ending immediately before the date of the birth of the child of more than 10 months by virtue 45 50

of a decree of divorce, a decree of divorce *a mensa et thoro*, a decree of nullity or a deed of separation.

(4) Where a birth is re-registered under this section, the surname of the child entered in the register shall be—

5 (a) that which was previously registered, or

(b) a surname determined in accordance with *Part 1* or, as may be appropriate, *Part 2* of the *First Schedule*.

(5) A birth which has been re-registered under this section may not be further re-registered save under *section 24*.

10 (6) When a birth is being re-registered under this section, the register shall be signed by—

(a) the mother of the child concerned, if she has made, or joined in the making of, the request concerned under *subsection (1)*, and

15 (b) the person who declares that he is the father of the child, if he has made, or joined in the making of, the request concerned under *subsection (1)*.

(7) When a birth is re-registered under this section, the then existing entry relating to the birth shall be retained in the register.

20 (8) This section applies, with any necessary modifications, to stillbirths as it applies to births.

24.—(1) Any registrar shall, on application in writing to him or her in that behalf, on production to him or her of such evidence as appears to him or her to be satisfactory and on payment to that registrar of the prescribed fee, re-register the birth of a legitimated person (within the meaning of the Legitimacy Act 1931) whose birth is already registered under this Act or the repealed enactments.

Re-registration of births of legitimated persons.

25

(2) A registrar shall not re-register the birth of a person referred to in *subsection (1)* if information sufficient for the purpose of the re-registration is not furnished to him or her by both of the parents, or, if one of the parents is dead, by the surviving parent, of the person unless a declaration of the legitimacy of the person has been made under the Legitimacy Declaration Act (Ireland) 1868.

30

(3) A registrar shall not re-register a birth under this section without the consent of the Superintendent Registrar of the authority by which the registrar is employed.

35

(4) It is the duty of the parents of a legitimated person or, if one of the parents is dead and the re-registration of the birth concerned can be effected on information furnished by the surviving parent, within 3 months of the date of the marriage of the parents, to furnish to the registrar concerned the necessary information with a view to obtaining the re-registration of the birth of that person.

40

(5) Where the parents of a person whom the registrar concerned believes to have been legitimated under the Legitimacy Declaration Act (Ireland) 1868 fail or either of them fails to comply with *subsection (4)*, the registrar may, by notice in writing served on them, or either of them, require them or, if the notice is served on one only of them, that parent to give to him or her such information concerning the matter as he or she may consider necessary for the purpose of the re-registration of the birth of the person verified in such manner as he or she may direct and for that purpose to attend before the registrar at the office of the registrar or at any other place appointed by the registrar within such time, not being less than 14 days after the receipt of the notice, as may be specified in the notice and a person on whom a notice under this subsection is served shall comply with the requirement it contains.

(6) The failure of the parents of a legitimated person, or of either of them, to furnish information in accordance with this section in respect of the person shall not affect his or her legitimisation.

(7) Where a birth is re-registered under this section, the surname of the child entered in the register shall be—

(a) that which was previously registered, or

(b) a surname determined in accordance with *Part 1* of the *First Schedule*.

(8) A birth which has been re-registered under this section may not be further re-registered but the then existing entry relating to the birth shall be retained in the register.

Registration, or alteration, of forename of child.

25.—(1) Any registrar shall, on application to him or her in writing, in a form standing approved by an tArd-Chláraitheoir or a form to the like effect, by the parents, the surviving parent or the guardian of a child whose birth has been registered, on production to that registrar of such evidence as appears to him or her to be satisfactory and on payment to that registrar of the prescribed fee—

(a) if the forename of the child has been registered, change or alter the forename in the entry in the register or add a forename or forenames to the entry, or

(b) if the forename of the child has not been registered, register the forename of the child.

(2) Where a forename is changed, altered or registered or one or more forenames are added under *subsection (1)*, the then existing entry concerned shall be retained in the register, the change, alteration, registration or addition shall be deemed for all purposes to be and always to have been part of the original entry and the forename or forenames in the register may not be further changed, altered or added to.

Registration of births outside State of children of Irish citizens domiciled in State.

26.—(1) An tArd-Chláraitheoir may, on production to him or her of such evidence as appears to him or her to be satisfactory, cause the birth outside the State (other than a birth to which *section 27* applies) of the child of an Irish citizen domiciled in the State to be registered in the register if—

(a) there was not at the time of the birth a system of registration of births in the place where the birth occurred or such a system that applied to such a child, or

5 (b) it is not possible to obtain copies of or extracts from civil records of the birth.

(2) *Subsection (1)* applies to the stillbirth of a child as it applies to the birth of a child and, accordingly, references in that subsection to birth and births shall be construed as including references to stillbirth and stillbirths, respectively.

10 **27.**—(1) Regulations shall require such persons as may be specified to keep specified records of—

Recording and registration of certain other births occurring outside State.

(a) the birth of a child, whether before or after the commencement of this section, on board an Irish aircraft or an Irish ship,

15 (b) the birth of a child of an Irish citizen on board a foreign ship or a foreign aircraft travelling to or from a port, or an airport, as the case may be, in the State, and

20 (c) the birth of a child of a member of the Garda Síochána or the Permanent Defence Force outside the State while the member is serving outside the State as such member.

(2) Regulations shall provide for the transmission of copies of records referred to in *subsection (1)*, certified by specified persons to be true copies, to an tArd-Chláraitheoir, and for the making of specified returns in relation to such records to specified persons.

25 (3) An tArd-Chláraitheoir shall cause to be entered in the register the required particulars relating to births referred to in *subsection (1)*.

30 (4) Regulations shall provide for the correction of errors in records kept under *subsection (1)* and for the transmission of copies, certified by specified persons to be true copies, of records corrected under this subsection to an tArd-Chláraitheoir.

35 (5) On receipt of a corrected record under *subsection (4)*, an tArd-Chláraitheoir shall cause a correct entry that takes account of the corrected record to be entered in the register and the then existing entry relating to the birth concerned shall be retained in the register.

(6) *Subsections (1) to (5)* apply to the stillbirth of a child as they apply to the birth of a child and, accordingly, references in those subsections to birth or births shall be construed as including references to stillbirth or stillbirths, respectively.

40 (7) In this section—

“foreign aircraft” means an aircraft which is not an Irish aircraft;

“foreign ship” means a ship which is not an Irish ship;

“Irish aircraft” means an aircraft registered in the State;

45 “Irish ship” has the meaning assigned to it by the Mercantile Marine Act 1955.

28.—(1) Subject to the provisions of this Part, when a child is stillborn—

(a) the parents or, if one of the parents is dead, the surviving parent of the child, or

(b) if both of the parents are dead, a relative of either parent, 5

may, not later than 12 months from the date of the stillbirth—

(i) attend before any registrar,

(ii) give to the registrar, to the best of his or her knowledge and belief, the required particulars of the stillbirth and, if it has been obtained, the certificate referred to in *subsection (3)*, 10

(iii) after the registrar has entered the required particulars in relation to the stillbirth in the register, sign the register in the presence of the registrar.

(2) Where a person referred to in *subsection (1)* has taken the steps specified in *paragraphs (i) to (iii)* of that subsection in relation to a stillbirth, the registrar concerned shall register the stillbirth in the register in such manner as an tArd-Chláraitheoir may direct. 15

(3) Where a registered medical practitioner has attended the stillbirth of a child, or examined a stillborn child, he or she shall, if so requested by a person referred to in *subsection (1)*, give to him or her a certificate signed by the practitioner stating— 20

(a) that he or she attended the stillbirth or, as the case may be, examined the child,

(b) the estimated weight and gestational age of the child, and 25

(c) if the stillbirth occurred in a hospital or other institution or the mother of the child was treated in a hospital or other institution, the name and address of the institution.

(4) Where a stillbirth is not registered during the period of 12 months from the date of the stillbirth, the authority in whose functional area the stillbirth occurred may— 30

(a) in case the stillbirth took place, or the mother of the child was treated, in a hospital or other institution, request the institution, and

(b) in case the stillbirth did not take place in a hospital or other institution, but a registered medical practitioner attended the stillbirth or treated the child or a midwife attended the stillbirth, request the practitioner or midwife, 35

to give to any registrar of the authority the required particulars of the stillbirth, and the institution or person, as the case may be, shall 40 comply with the request.

(5) Where the required particulars in relation to a stillbirth are given to a registrar pursuant to *subsection (1)* or (4) and if one has been obtained, the certificate referred to in *subsection (3)*, is given to the registrar pursuant to *subsection (1)*, the registrar shall register 45 the birth in such manner as an tArd-Chláraitheoir may direct.

(6) Where a certificate referred to in *subsection (3)* is given to a person referred to in that subsection, a duplicate of the certificate may be used for the purpose of the registration of the stillbirth concerned.

5 (7) If, in the course of his duties, a coroner ascertains that a body is that of a stillborn child, he or she shall notify a registrar in the functional area of the authority in which the body is located of the stillbirth and shall give to the registrar, in as far as he or she can ascertain them, the required particulars in relation to the stillbirth,
10 and the registrar shall register the stillbirth in such manner as an tArd-Chláraitheoir may direct.

15 **29.**—Where, in the case of a stillbirth that occurred before 31 December 1994, a parent of the stillborn child or a relative of either parent of the child who has knowledge of the stillbirth gives to any registrar the required particulars in relation to the stillbirth and evidence establishing to the satisfaction of the Superintendent Registrar of the authority concerned the occurrence of the stillbirth—

Registration of stillbirths that occurred before 31 December 1994.

- (a) the registrar shall enter the particulars in the register,
- 20 (b) the parent or relative shall then sign the register in the presence of the registrar, and
- (c) the registrar shall register the stillbirth in such manner as an tArd-Chláraitheoir may direct.

25 **30.**—(1) It shall be the duty of the chief officer (by whatever name called) of a hospital or other institution in which a child is born or stillborn, or a person authorised by the chief officer to perform his or her functions, to give to the authority in whose functional area the hospital is situated, as soon as is practicable after the birth or stillbirth and in such manner as an tArd-Chláraitheoir may direct, the required particulars relating to the birth or, as the case may be,
30 the stillbirth.

Duty to notify Ard-Chláraitheoir of births and stillbirths.

(2) Where a child is born or stillborn other than in a hospital or other institution—

- 35 (a) in case a registered medical practitioner is present at the birth or stillbirth or examines the child, it shall be the duty of the practitioner, and
- (b) in case a registered medical practitioner is not present, but a midwife is, it shall be the duty of the midwife,

40 to notify the authority in whose functional area the birth or stillbirth occurs of the birth or stillbirth as soon as is practicable after the birth or stillbirth and to do so in the manner directed by an tArd-Chláraitheoir.

PART 4

REGISTRATION OF ADOPTIONS

31.—In this Part—

Definitions (*Part 4*).

45 “Act of 1952” means the Adoption Act 1952;

“Act of 1991” means the Adoption Act 1991;

“adopted”, “adopter” and “place” have the meanings assigned to them by section 1 of the Act of 1991;

“adoption order” means an order under section 9 of the Act of 1952;

“the Board” means An Bord Uchtála;

“the Court” means the High Court; 5

“the register” means the register of adoptions, and cognate words shall be construed accordingly.

Registration of adoptions.

32.—(1) An officer of the Board authorised by it in that behalf shall enter in the register the required particulars relating to an adoption pursuant to an adoption order whether made before or after the commencement of this section but not registered in the Adopted Children Register maintained under section 22 of the Act of 1952 and shall register the adoption in such manner as an tArd-Chláraitheoir may direct. 10

(2) If the date of an adopted child’s birth is not known, the Board shall determine the probable date of the birth and that date shall be entered in the register as the child’s date of birth and, if the Board subsequently ascertains the actual date of the child’s birth, the determination shall be cancelled and the actual date shall be entered in the register and the adoption order relating to the child shall be correspondingly amended. 15 20

(3) The country of birth of an adopted child shall be entered in the register if the Board, being satisfied of the identity thereof, so directs.

(4) If an adoption order is amended, the entry in the register relating to it shall be correspondingly amended. 25

(5) If an adoption order is set aside, the entry in the register shall be cancelled.

Registration of foreign adoptions.

33.—(1) (a) If, on application to the Board in that behalf in relation to an adoption effected outside the State, being an application made by the person who was the subject of the adoption or a person by whom the person was adopted pursuant to the adoption or any other person having an interest in the matter, the Board is satisfied that— 30 35

(i) the adoption is a foreign adoption to which section 2, 3 or 4 of the Act of 1991 applies, or

(ii) the adoption is a foreign adoption to which section 4A or 5 of that Act applies, 40

then, unless (in a case to which subparagraph (II) of subsection (1)(iii) of the said section 5 applies) the Board is satisfied that the relevant circumstances have so changed since the date of the declaration under that subparagraph that it would not be proper to do so, having regard to section 13 of the Act of 1952 and section 10 of the Act of 1991, an officer of the Board authorised in that behalf by the Board 45

shall enter the required particulars relating to the adoption in the register and shall register the adoption in such manner as an tArd-Chláraitheoir may direct.

5 (b) If the Court so directs under *section 34*, an entry shall be made in the register concerning a specified foreign adoption.

10 (2) A person making an application under this section shall furnish the Board with such information as it may reasonably require and the information shall be in such form (if any) as may be specified by the Board.

15 (3) An error in an entry in the register may be corrected by an officer of the Board authorised in that behalf by the Board and, if the Court so directs, a specified correction shall be made in the register.

20 (4) A document purporting to be a copy, and to be certified by an tArd-Chláraitheoir or the Board or an officer of the Board authorised in that behalf by the Board to be a true copy, of an entry in the register made pursuant to this section shall be evidence of the fact that the adoption to which it relates is a foreign adoption and is deemed by the Act of 1991 to have been effected by a valid adoption order made on the date specified in the document.

25 (5) A document purporting to be a copy and to be certified by an tArd-Chláraitheoir or the Board or an officer of the Board authorised in that behalf by the Board to be a true copy of an entry in the register made pursuant to this section shall, on application by a person to an tArd-Chláraitheoir or the Board in that behalf and on payment to an tArd-Chláraitheoir or the Board of the prescribed fee, be furnished to the person by an tArd-Chláraitheoir or by an officer of the Board authorised in that behalf by the Board.

30 (6) Section 20 of the Act of 1952 shall apply to an application under *subsection (1)* as it applies to an application for an adoption order with the modification that the Board shall refer any question in relation to public policy arising on such an application to the High Court for determination and with any other necessary modifications.

35 **34.—**(1) If, on application to the Court in that behalf by a person who may make an application to the Board under *section 33*, the Court is satisfied that an entry should be made in the register with respect to a foreign adoption or that such an entry should be cancelled or that a correction should be made in such an entry, the Court may, by order, as appropriate, direct the Board—

Directions of High Court in relation to entries in register in respect of foreign adoptions.

- 40 (a) to procure the making of a specified entry in the register,
- (b) subject to *subsection (2)*, to procure the cancellation of the entry concerned in the register, or
- 45 (c) to procure the making of a specified correction in the register,

and the Board shall comply with the direction.

50 (2) The Court shall not give a direction under *subsection (1)(b)* by reason of the fact that an adoption has been set aside, revoked, terminated, annulled or otherwise rendered void under and in

accordance with the law of the place where it was effected unless the Court is satisfied that it would be in the best interests of the person who was the subject of the adoption to do so.

(3) Where the Court gives a direction under *subsection (1)(b)*, it may make such orders in respect of the person who was the subject of the adoption as appear to the Court to be necessary in the circumstances and in the best interests of the person, including orders relating to the guardianship, custody, maintenance and citizenship of the person, and any such order shall, notwithstanding anything in any other Act, apply and be carried out to the extent necessary to give effect to the order. 5 10

(4) If the Court refuses to give a direction under *paragraph (a)* of *subsection (1)* or gives a direction under *paragraph (b)* of that subsection, the adoption concerned shall be deemed not to have been effected by a valid adoption order. 15

(5) (a) The Court may direct that notice of an application under *subsection (1)* shall be given by the person making the application to such other persons (including the Attorney General, the Board and an tArd-Chláraitheoir) as it may determine and may, of its own motion or on application to it in that behalf by the person concerned or a party to the proceedings in relation to the application under *subsection (1)*, add any person as a party to those proceedings. 20

(b) The Attorney General, of his or her own motion or if so required by the Court, may, without being added as a party to proceedings in relation to an application under *subsection (1)*, make submissions to the Court in relation to the application. 25

(6) Proceedings under this section shall, if the Court so determines, be heard otherwise than in public. 30

Privacy of adoption records.

35.—(1) No person other than an tArd-Chláraitheoir or a person authorised in that behalf by an tArd-Chláraitheoir shall be entitled to search the register or an index relating to the register which makes traceable an entry in the register of births and no information from the register or such an index shall be given to any person except by order of a court or the Board. 35

(2) A court shall not make an order under *subsection (1)* or an order for the discovery, inspection, production or copying of any book, document or record of the Board (or of any extract therefrom), or otherwise in relation to the giving or obtaining of information relating to those books, documents or records, unless it is satisfied that it is in the best interests of any child concerned to do so. 40

PART 5

45

REGISTRATION OF DEATHS

“the register”
(Part 5).

36.—In this Part, “the register” means the register of deaths, and cognate words shall be construed accordingly.

37.—(1) When a death occurs in the State, it is the duty of—

Provision of
particulars, and
registration, of
deaths.

(a) a relative of the deceased who has knowledge of the required particulars in relation to the death, and

5 (b) if there is no such relative who can be found or every such relative is incapable through ill health of complying with this subsection, each other qualified informant, unless he or she reasonably believes that another qualified informant has complied with it in relation to the death,

10 within 3 months from the date of the death to give to any registrar the required particulars of the death in the form standing specified for the time being by an tArd-Chláraitheoir.

15 (2) Subject to *section 40*, where, after the expiration of 3 months from the date of the death of a person in the State, the death has not been registered because of non-compliance with *subsection (1)*, the authority in whose functional area the death occurred may serve a notice on any qualified informant requiring him or her—

20 (a) to attend before a registrar in that functional area or in the functional area of the authority in which the informant ordinarily resides at the office of the registrar or at any other convenient place specified in the notice within such time (not being less than 10 days from the date of the notice) as may be specified in the notice,

25 (b) there, to give to the registrar, to the best of his or her knowledge and belief, in a form standing specified by an tArd-Chláraitheoir, the required particulars relating to the death and, if so requested by the registrar, the relevant certificate under *section 42*, and

(c) there, to sign the register relating to the death in the presence of the registrar,

30 and, unless the death is duly registered before the expiration of the time specified in the notice, the informant shall comply with the requirement and, thereupon, the registrar shall register the death in such manner as an tArd-Chláraitheoir may direct.

35 (3) Where a person complies with *subsection (1)* in relation to a death, the other persons referred to in that subsection are discharged in relation to that death from the duty imposed by that subsection.

40 (4) This section applies also to a death that occurred before the commencement of this section and as respects which section 9 of the Births and Deaths Registration Act (Ireland) 1880 was not complied with.

(5) In this section “qualified informant”, in relation to a death, means—

(a) a relative of the deceased who has knowledge of the required particulars concerned,

45 (b) a person present at the death,

(c) any other person who has knowledge of the required particulars,

- (d) if the death occurred in a building used as a dwelling or a part of a building so used, any person who was in the building or part at the time of the death,
- (e) if the death occurred in a hospital or other institution or in a building or a part of a building occupied by any other organisation or enterprise, the chief officer of the institution, organisation or enterprise (by whatever name called) or a person authorised by the chief officer to perform his or her functions, 5
- (f) a person who found the body of the person concerned, 10
- (g) a person who took charge of that body,
- (h) the person who procured the disposal of that body, or
- (i) any other person who has knowledge of the death.

Registration of deaths occurring outside State of Irish citizens domiciled in State.

38.—An tArd-Chláráitheoir may, on production to him or her of such evidence as appears to him or her to be satisfactory, cause the death outside the State (other than a death to which *section 39* applies) of an Irish citizen domiciled in the State to be registered in the register if— 15

- (a) there was not at the time of the death a system of registration of deaths in the place where the death occurred or such a system that applied to such a death, or 20
- (b) it is not possible to obtain copies of or extracts from civil records of the death.

Recording and registration of certain other deaths occurring outside State.

39.—(1) Regulations shall require such persons as may be specified to keep specified records of— 25

- (a) the death of a person on board an Irish aircraft or an Irish ship,
- (b) the death of an Irish citizen on board a foreign ship or a foreign aircraft travelling to or from a port, or an airport, as the case may be, in the State, and 30
- (c) the death of a member of the Garda Síochána or the Permanent Defence Force or of the spouse or specified members of the family of such a member outside the State while the member is serving outside the State as such member. 35

(2) Regulations shall provide for the transmission of copies of records referred to in *subsection (1)*, certified by specified persons to be true copies, to an tArd-Chláráitheoir.

(3) An tArd-Chláráitheoir shall cause to be entered in the register the required particulars relating to deaths to which records referred to in *subsection (1)* relate. 40

(4) Regulations shall provide for the correction of errors in records kept under *subsection (1)* and for the transmission of copies, certified by specified persons to be true copies, of records corrected under this subsection to an tArd-Chláráitheoir. 45

(5) On receipt of a corrected record under *subsection (4)*, an tArd-Chláraitheoir shall cause a correct entry that takes account of the corrected record to be entered in the register and the then existing entry relating to the death concerned shall be retained in the register.

5 (6) In this section—

“foreign aircraft” means an aircraft which is not an Irish aircraft;

“foreign ship” means a ship which is not an Irish ship;

“Irish aircraft” means an aircraft registered in the State;

10 “Irish ship” has the meaning assigned to it by the Mercantile Marine Act 1955.

40.—(1) A registrar shall not register a death at a time more than 12 months from the date of the death or the finding of the body concerned without the consent in writing of the Superintendent Registrar of the authority by which the registrar is employed. Registration after more than 12 months from death.

15 (2) The fact of the giving of a consent under *subsection (1)* shall be noted in the register.

41.—(1) Where, in pursuance of the Coroners Act 1962, a coroner— Furnishing of particulars of death by a coroner to registrar.

(a) holds an inquest,

20 (b) adjourns an inquest at which evidence of identification and medical evidence as to the cause of death has been given, or

(c) decides, as a result of a post-mortem examination, not to hold an inquest,

25 he or she shall give the appropriate registrar a certificate containing the required particulars of the death concerned and that registrar shall register the death in such manner as an tArd-Chláraitheoir may direct.

30 (2) Where a coroner inquires into the circumstances of a death without holding an inquest or causing a post-mortem examination to be made, he or she shall give the appropriate registrar a certificate containing the required particulars of the death and that registrar shall register the death in such manner as an tArd-Chláraitheoir may direct.

35 (3) Where there is an error in a certificate furnished under *subsection (1)* or *(2)* the coroner concerned may give a certificate correcting the error to the registrar concerned, and the registrar shall correct the error in the register.

40 (4) In this section “appropriate registrar” means a registrar in the functional area of the authority in which the body concerned is lying or was found.

42.—(1) On the death following an illness of a person who was attended during that illness by a registered medical practitioner, the practitioner shall sign and give to a qualified informant (within the Certificate of cause of death.

meaning of *section 37*) a certificate stating to the best of his or her knowledge and belief the cause of the death, and the informant shall give the certificate to any registrar together with the form specified in *section 37(1)* containing the required particulars in relation to the death. 5

(2) Where a registrar is given a certificate under *subsection (1)*, the registrar shall enter in the register, together with the required particulars—

(a) the cause of the death concerned stated in the certificate, and 10

(b) the name and address of the registered medical practitioner concerned.

Place of death.

43.—(1) Where the body of a dead person is found on land and the place in which the death occurred is not known, the death shall be registered by a registrar in the functional area of the authority in which the body is found. 15

(2) Where the body of a dead person is found in a river, lake or waterway or in the sea or any other area of water, the death shall be registered by a registrar in the functional area of the authority where the body is brought ashore from the area of water in question. 20

Power of coroner to authorise disposal of bodies.

44.—(1) A coroner may—

(a) when he or she has held an inquest on a body, but, subject to *paragraph (b)*, in no other circumstances, if he or she thinks fit, by order authorise—

(i) a relative of the deceased person, or any other person, who proposes to cause the body to be disposed of, or 25

(ii) the undertaker, or any other person, who is in charge of the funeral of the deceased person,

to dispose of the body before the registration of the death, and 30

(b) authorise the disposal of a body, whether it is lying for the time being in or outside his or her district, irrespective of whether he or she has decided that it is, or will become, necessary to hold an inquest on it. 35

(2) In *subsection (1)*, “disposal”, in relation to a body, means disposal by burial, cremation or any other means and cognate words shall be construed accordingly.

PART 6

AMENDMENT OF LAW RELATING TO MARRIAGES 40

Definitions (*Part 6*).

45.—In this Part—

“body” means an authority or a religious body;

“marriage registration form” means a form prescribed under *section 48*;

“the register” means the register of marriages and cognate words shall be construed accordingly;

5 “the Register” means the register maintained under *section 53* and cognate words shall be construed accordingly;

“registered solemniser” means a person standing registered in the Register;

10 “religious body” means an organised group of people members of which meet regularly for common religious worship.

46.—(1) A marriage solemnised in the State, after the commencement of this section, between persons of any age shall not be valid in law unless the persons concerned— Notification of marriages.

15 (a) (i) notify any registrar in writing in a form for the time being standing approved by an tArd-Chláraitheoir of their intention to marry not less than 3 months prior to the date on which the marriage is to be solemnised, or

20 (ii) are granted an exemption from the application of *subparagraph (i)* under *section 47* and give a copy of the court order granting the exemption to any registrar before the date aforesaid,

and

25 (b) attend at the office of that registrar, or at any other convenient place specified by that registrar, at any time during normal business hours not less than 5 days (or such lesser number of days as may be determined by that registrar) before the date aforesaid and make and sign a declaration in his or her presence that there is no impediment to the said marriage.

30 (2) Except in such circumstances as may be prescribed, a notification referred to in *subsection (1)(a)(i)* shall be delivered by both of the parties to the intended marriage, in person, to the registrar.

35 (3) The notification aforesaid shall be accompanied by the prescribed fee and such (if any) other documents and information as may be specified by an tArd-Chláraitheoir.

(4) The requirements specified in *subsections (1)* and *(2)* are declared to be substantive requirements for marriage.

40 (5) When, in relation to an intended marriage, a registrar receives a notification under, or a copy of a court order referred to in, *subsection (1)(a)* and any other documents or information specified in *subsection (3)*, he or she shall notify in writing of the receipt each of the parties to the intended marriage and the person who is intended to solemnise the marriage.

45 (6) A notification under *subsection (5)* shall not be construed as indicating the approval of the registrar concerned of the proposed marriage concerned.

(7) The registrar concerned may require each party to an intended marriage to provide him or her with such evidence relating to that party's forename, surname, address, marital status, age and nationality as may be specified by an tArd-Chláraitheoir.

(8) An tArd-Chláraitheoir may, if so authorised by the Minister, publish, in such form and manner as the Minister may direct, notice of notifications of intended marriages under *subsection (1)*, but a notice under this subsection shall not contain the personal public service number of a party to the intended marriage concerned. 5

(9) Where, in relation to a marriage solemnised after the commencement of this section, the appropriate notification under section 32(1)(a)(i) of the Family Law Act 1995 was duly given in compliance with that provision on a date before such commencement, the notification shall be deemed to be a notification under *subsection (1)(a)(i)* duly given in compliance with that provision on that date and the parties to the marriage shall be deemed, for the purposes of this Act, to have complied with *subsections (1)(a)(i), (2) and (3)*. 10 15

(10) Where, in relation to a marriage solemnised after the commencement of this section, the parties concerned attended on a date before such commencement at the office of a registrar, or at another convenient place specified by a registrar, and there made and signed a declaration in his or her presence that there is no impediment to the said marriage, the declaration shall be deemed to be a declaration under *subsection (1)(b)* duly made and signed in compliance with that provision on that date and the parties to the marriage shall be deemed, for those purposes, to have complied with *subsection (1)(b)*. 20 25

Exemption of certain marriages from *section 46(1)(a)(i)*.

47.—(1) The Circuit Family Court or the High Court may, on application to it in that behalf by both of the parties to an intended marriage, by order exempt the marriage from the application of *section 46(1)(a)(i)*. 30

(2) The following provisions shall apply in relation to an application under *subsection (1)*—

- (a) it may be made informally,
- (b) it may be heard and determined otherwise than in public,
- (c) a court fee shall not be charged in respect of it, and 35
- (d) it shall not be granted unless the applicants show that its grant is justified by serious reasons and is in their interests.

(3) Where, in relation to a marriage solemnised after the commencement of this section, an order was made under section 33 of the Family Law Act 1995 on a date before such commencement exempting the marriage from the application of section 32(1)(a) of that Act, the order shall be deemed, for the purposes of this Act, to be an order made on that date under *subsection (1)* exempting the marriage from the application of *paragraph (a)(i) of section 46(1)* and to have been given to a registrar, and the parties to the marriage shall be deemed, for those purposes, to have complied with *subparagraph (ii) of that paragraph*. 40 45

(4) The jurisdiction conferred on the Circuit Family Court by this section shall be exercised by a judge of the circuit in which either of the parties to the intended marriage concerned ordinarily resides or 50

carries on any profession, business or occupation or where the place at which the marriage concerned is intended to be solemnised is situate.

48.—(1) Where, in relation to an intended marriage—

Marriage
registration form.

5 (a) a registrar to whom the notification concerned under, or a copy of the court order concerned referred to in, *section 46* was given is satisfied that *section 46* has been complied with, or

(b) a registrar is satisfied that—

10 (i) by virtue of *subsection (9)* of *section 46*, *subsections (1)(a)(i)*, (2) and (3) of that section are deemed to have been complied with, or

(ii) by virtue of *section 47(3)*, *section 46(1)(a)(ii)*, is deemed to have been complied with,

15 and *section 46* has been, or is deemed to have been, complied with in all other respects, or

(c) a registrar is satisfied that, by virtue of *subsection (10)* of *section 46*, *subsection (1)(b)* of that section is deemed to have been complied with, and *section 46* has been, or is deemed to have been, complied with in all other respects,

he or she shall complete a marriage registration form in relation to the intended marriage.

25 (2) In the case of an intended marriage, the registrar aforesaid shall, before the solemnisation of the marriage, give a marriage registration form completed in accordance with *subsection (1)* to one of the parties to the marriage.

(3) A marriage shall not be solemnised unless one of the parties to the marriage has given the relevant marriage registration form to the person solemnising the marriage, for examination by him or her.

30 (4) Where a marriage has not been solemnised within the period of 6 months from the date specified in the relevant marriage registration form, but is intended to be solemnised, the parties thereto shall—

(a) submit to a registrar, as may be appropriate—

35 (i) if a notification in relation to the marriage was previously submitted to a registrar pursuant to *section 46(1)(a)(i)*, another such notification or, if a notification in relation to the marriage was previously submitted to a registrar pursuant to *section 32(1)(a)(i)* of the Family Law Act 1995, a notification in relation to the marriage pursuant to *section 46(1)(a)(i)*, or

40 (ii) another copy of the relevant order under *section 47* or, if an order in relation to the marriage was previously made under *section 33* of the Family Law Act 1995, a copy of the order,

45

and

(b) shall comply with *paragraph (b) of section 46(1)*,

and, upon compliance by the parties with *paragraphs (a) and (b)*, the registrar shall give to one of them another marriage registration form completed by him or her in accordance with *subsection (1)*.

(5) A form, which shall be known as, and is referred to in this Part, as a marriage registration form, may be prescribed for the purposes of this Part. 5

Registration of marriages.

49.—(1) Immediately after the solemnisation of a marriage, the marriage registration form relating to the marriage shall be signed by— 10

- (a) each of the parties to the marriage,
- (b) two witnesses to the solemnisation of the marriage, and
- (c) the person who solemnised the marriage.

(2) Either of the parties to a marriage shall give to a registrar, within one month from the date of the marriage, the marriage registration form duly completed in accordance with *subsection (1)*. 15

(3) A registrar shall, as soon as practicable after he or she receives a marriage registration form under *subsection (2)*, enter the particulars in relation to the marriage concerned specified in the form in the register and register the marriage in such manner as an tArd-Chláraitheoir may direct. 20

(4) Subject to *subsection (5)*, a registrar shall not register a marriage if he or she has not received the relevant marriage registration form.

(5) Where an tArd-Chláraitheoir is satisfied that the marriage registration form relating to a duly solemnised marriage has been lost, destroyed or damaged, he or she may direct the appropriate registrar— 25

- (a) to complete another marriage registration form and arrange, insofar as it is practicable to do so, for its signature by the persons referred to in *subsection (1)*, and 30
- (b) when it has been so signed, to enter the particulars in relation to the marriage specified in the form in the register and to register the marriage in such manner as he or she may direct. 35

(6) The Minister may provide by regulations for the correction of errors in entries in the register and for the causing of corrected entries to be entered in the register and for the retention of the original entries in the register.

(7) Where an tArd-Chláraitheoir is satisfied that an entry in the register relates to a marriage— 40

- (a) (i) that was not exempted under section 33 of the Family Law Act 1995 from the application of section 32(1)(a) of that Act, and
- (ii) in relation to which the said section 32(1)(a) was contravened, 45

(b) (i) that was not exempted under *section 47* from the application of *section 46(1)(a)(i)*, and

(ii) in relation to which *section 46(1)(a)(i)* was contravened,

or

5 (c) in relation to which *section 46(1)(b)* was not complied with,

he or she—

(d) shall direct a registrar to cancel the entry and the direction shall be complied with, and

(e) shall notify the parties concerned of the direction.

10 (8) Where, in relation to a marriage solemnised in accordance with the rites and ceremonies of the Roman Catholic Church after the commencement of this section, a certificate under section 11 of the Registration of Marriages (Ireland) Act 1863 was procured by a party to the marriage before such commencement, the certificate
15 shall be deemed, for the purposes of this section, to be a marriage registration form duly completed in accordance with *subsection (1)* and that section shall be deemed, for those purposes, to have been complied with.

(9) Where, in relation to a marriage to which section 11 of the
20 Registration of Marriages (Ireland) Act 1863 applies and which was solemnised before the commencement of this section—

(a) the said section 11 was not complied with, and

(b) a certificate referred to in that section is given to a registrar by one of the parties to the marriage after such commencement,
25

the said section 11 shall be deemed to have been complied with in relation to the marriage and the registrar may register the marriage in the register in such manner as an tArd-Chláraitheoir may direct.

(10) Where, in relation to a marriage to which section 22 of the
30 Matrimonial Causes and Marriage Law (Ireland) Amendment Act 1871 applies and which was solemnised before the commencement of this section—

(a) the said section 22 was not complied with, and

(b) a certificate referred to in that section is given to a registrar by one of the parties to the marriage after such commencement,
35

the said section 22 shall be deemed to have been complied with in relation to the marriage and the registrar may register the marriage in the register in such manner as an tArd-Chláraitheoir may direct.

40 **50.**—(1) Where, upon the expiration of 56 days from the date specified in the relevant marriage registration form on which a marriage is intended to be solemnised, the registrar by whom the form was issued has not received the completed marriage registration form, he or she may serve on either of the parties to the marriage a
45 notice, in a form standing approved by an tArd-Chláraitheoir, requiring that party to give, or cause to be given, to him or her, not later

Non-receipt of marriage registration form by registrar.

than 14 days from the date of the notice, the first-mentioned form duly completed.

(2) If a person fails to comply with a requirement made on him or her under *subsection (1)*, the registrar concerned may serve on him or her a notice, in a form standing approved by an tArd-Chláraitheoir, requiring the person to attend on a date (not being less than 14 days from the date of the notice) specified in the notice at the office of the registrar or at any other convenient place specified in the notice and to give to him or her at that time or not later than 14 days from that date the relevant completed marriage registration form.

Solemnisation of marriages.

51.—(1) A marriage may be solemnised by, and only by, a registered solemniser.

(2) A registered solemniser shall not solemnise a marriage unless—

- (a) both parties to the marriage are present,
- (b) two persons professing to be 18 years or over are present as witnesses,
- (c) the place where the solemnisation takes place is open to the public, and
- (d) he or she is satisfied that the parties to the marriage understand the nature of the marriage ceremony and the declarations specified in *subsection (4)*.

(3) A registered solemniser shall not solemnise a marriage except in accordance with a form of ceremony which—

- (a) has been approved by an tArd-Chláraitheoir,
- (b) includes and is in no way inconsistent with the declarations specified in *subsection (4)*, and
- (c) in the case of a registered solemniser who is not a registrar, is recognised by the religious body of which he or she is a member.

(4) The declarations referred to in *subsection (3)* are—

- (a) a declaration by the parties to the marriage in the presence of—
 - (i) each other,
 - (ii) the registered solemniser who is solemnising the marriage, and
 - (iii) the two witnesses to the solemnisation,

to the effect that he or she does not know of any impediment to the marriage, and

- (b) a declaration by the parties to the marriage in the presence of—
 - (i) each other,

(ii) the registered solemniser who is solemnising the marriage, and

(iii) the two witnesses to the solemnisation,

to the effect that they accept each other as husband and wife.

5 (5) The requirements specified in *subsections (1) to (3)* are declared to be substantive requirements for marriage.

10 (6) (a) If a person, being one of the parties to a marriage, the registered solemniser concerned or one of the witnesses to the solemnisation, does not have a sufficient knowledge of the language of the ceremony to understand the ceremony and that language, the parties to the marriage shall arrange for the translation during the ceremony of the words of the ceremony into a language known to the person by an interpreter (not being a party or a witness to the marriage) present at the ceremony.

15 (b) An interpreter who is present at a marriage ceremony pursuant to *paragraph (a)* shall—

20 (i) before the ceremony, sign, in the presence of the registered solemniser, a statement to the effect that the interpreter understands, and is able to converse in, any language in respect of which he or she is to act as interpreter at the ceremony, and give the statement to the registered solemniser, and

25 (ii) immediately after the ceremony, give the registered solemniser a certificate written in the language used by the registered solemniser at the ceremony and signed by the interpreter in the presence of the registered solemniser to the effect that the interpreter has faithfully acted as interpreter at the ceremony.

30 (7) The parties to a marriage solemnised in accordance with this Act shall be taken to be married to each other when both of them have made a declaration in the presence of each other, the registered solemniser and the two witnesses that they accept each other as husband and wife.

35 (8) This section shall have effect notwithstanding any statutory provision that conflicts with it.

(9) In this section a reference to a registered solemniser, in relation to a marriage which a person is temporarily authorised under *section 57* to solemnise, includes a reference to that person.

40 **52.—(1)** Notwithstanding any statutory provision that conflicts with this subsection, a marriage may be solemnised only at a place and time chosen by the parties to the marriage with the agreement of the registered solemniser concerned and (if the registered solemniser is a registrar and the place chosen is not the office of a registrar) the approval of the place by the authority by which the registrar is employed, and the question whether to give or withhold such an approval shall be determined by that authority by reference to such matters as may be specified by the Minister.

Places and times for the solemnisation of marriages.

- (2) (a) Where a registrar who is a registered solemniser solemnises a marriage at a place other than the office of a registrar, a fee of such amount as the authority by whom the registrar is employed may determine shall be paid by the parties to the marriage to the registrar. 5
- (b) Where travel or subsistence expenses are incurred by a registrar who is a registered solemniser in connection with the solemnisation of a marriage by him or her at a place other than his or her office, an amount in respect of the expenses, calculated by reference to a scale drawn up by the authority by which he or she is employed, shall be paid to the registrar by the parties to the marriage. 10
- (c) An amount payable under *paragraph (a)* or *(b)* may be recovered by the registrar concerned from the parties to the marriage concerned as a simple contract debt in any court of competent jurisdiction. 15

(3) In this section a reference to a registered solemniser, in relation to a marriage which a person is temporarily authorised under *section 57* to solemnise, includes a reference to that person.

Register of
Solemnisers.

53.—(1) An tArd-Chláraitheoir shall establish and maintain a register (which shall be known as the Register of Solemnisers and is referred to in this Part as “the Register”) of persons empowered, by virtue of their registration in the Register, to solemnise marriages. 20

(2) The Register shall be open to inspection by members of the public at all reasonable times. 25

(3) An tArd-Chláraitheoir shall, subject to *subsection (4)*, register a person in respect of whom an application is made under *section 54*.

(4) An tArd-Chláraitheoir shall refuse to register a person if he or she considers that—

- (a) the body concerned (not being an authority) is not a religious body, 30
- (b) the form of marriage ceremony used by the body concerned does not include both of the declarations specified in *section 51(4)* or is inconsistent with either of them,
- (c) the form of marriage ceremony used by the body concerned has not been approved by an tArd-Chláraitheoir, or 35
- (d) the person is not a fit and proper person to solemnise a marriage.

(5) It shall be the duty of the body on the application of whom a person is registered in the Register to notify an tArd-Chláraitheoir as soon as practicable of— 40

- (a) the death, resignation or retirement of the person from the office by virtue of which he or she became so registered, or
- (b) any change in the information provided in the application, 45

and an tArd-Chláraitheoir shall make such amendments of the Register as he or she considers necessary.

(6) An entry in the Register shall be in such form and contain such particulars as an tArd-Chláraitheoir may determine.

5 (7) The Minister may provide by regulations for the correction of errors in entries in the Register by causing corrected entries to be entered in the Register and the original entries to be maintained in the Register.

54.—(1) A body may apply to an tArd-Chláraitheoir—

Application by bodies for registration of persons.

10 (a) in case the body is an authority, for the registration of a registrar named in the application who is employed by the authority and is aged 18 years or more, and

15 (b) in case the body is a religious body, for the registration of a member named in the application who is aged 18 years or more.

(2) An application under *subsection (1)* shall be in such form and contain particulars in relation to such matters as an tArd-Chláraitheoir may determine.

20 (3) Where one or more members of a religious body stand registered in the Register, the body shall not make a further application under *subsection (1)* unless it is satisfied that there is a need for a larger number of its members to be so registered.

55.—(1) An tArd-Chláraitheoir may cancel the registration of a person on the ground that—

Cancellation of registration.

25 (a) the person or the body concerned has requested him or her to cancel it,

(b) the marriage ceremony used by the body no longer includes both of the declarations specified in *section 51(4)* or is inconsistent with one or both of them,

30 (c) the person—

(i) has, while registered, been convicted of an offence under this Act,

(ii) for the purpose of profit or gain has carried on a business of solemnising marriages,

35 (iii) is not a fit and proper person to solemnise marriages, or

(iv) for any other reason, should not continue to be registered.

40 (2) Where an tArd-Chláraitheoir intends to cancel the registration of a person on a ground mentioned in *subsection (1)(c)*, he or she shall, give notice in writing of his or her intention to the person and the body concerned and shall specify the ground in the notice and the notice shall, if practicable, be of at least 21 days.

(3) After a person receives a notice under *subsection (2)*, he or she shall not solemnise a marriage unless—

- (a) an tArd-Chláraitheoir notifies the person that he or she has decided not to cancel the registration, or
- (b) the Minister notifies the person that an appeal under *section 56(2)* in respect of his or her registration has been successful, 5

and, where an tArd-Chláraitheoir gives a notification pursuant to *paragraph (a)*, he or she shall also notify the body concerned of his or her decision. 10

Appeals against refusals or cancellations of registration.

56.—(1) If an tArd-Chláraitheoir refuses to register a person named in an application by a body under *section 54(1)*—

- (a) an tArd-Chláraitheoir shall notify the person and the body, by notice in writing, of the refusal and of his or her reasons for the refusal, and 15
- (b) the person or the body or both of them may appeal against the cancellation to the Minister, by notice in writing delivered to the Minister not later than 28 days from the day on which the notice under *paragraph (a)* is received by the person or the body, as may be appropriate. 20

(2) If an tArd-Chláraitheoir cancels the registration of a person under *section 55*—

- (a) he or she shall notify the person and the body concerned, by notice in writing, of the cancellation and of his or her reasons for the cancellation, and 25
- (b) the person or the body or both of them may appeal against the cancellation to the Minister, by notice in writing delivered to the Minister not later than 28 days from the day on which the notice under *paragraph (a)* is received by the person or the body, as may be appropriate. 30

(3) On an appeal under this section, the Minister shall receive and consider such submissions as the parties to the appeal may make to him or her, either orally or in writing, as the Minister may determine.

(4) On an appeal under this section, the Minister shall—

- (a) notify the person and the body concerned of his or her decision, 35
- (b) give an tArd-Chláraitheoir such directions (if any) as he or she considers appropriate.

(5) (a) If the Minister dismisses an appeal under this section solely on the ground that the body concerned (not being an authority) is not or has ceased to be a religious body, the body may appeal against the dismissal to the Circuit Court. 40

(b) If the Minister dismisses an appeal under this section on any other ground, a party to the appeal may appeal against the dismissal on a point of law to the Circuit Court. 45

(c) The jurisdiction conferred on the Circuit Court by this subsection shall be exercised—

5 (i) in case the appeal is by an authority or a religious body, by a judge of the circuit in which the authority or the religious body has its principal place of business or its principal office,

10 (ii) in case the appeal is by a person (other than an authority or a religious body), by a judge of the circuit in which the person ordinarily resides or carries on any profession, business or occupation,

15 (iii) in case the appeal is by a person (other than an authority or a religious body) and an authority or a religious body, by a judge of the circuit in which the authority or the body has its principal place of business or its principal office.

57.—(1) An tArd-Chláraitheoir may, on application in writing to him or her by a religious body, grant to a member of the body named in the application who is aged 18 years or more a temporary authorisation to solemnise—

Temporary authorisation to solemnise marriage.

20 (a) one or more marriages specified in the authorisation, or

(b) marriages during a specified period so specified.

(2) An application under *subsection (1)* shall be in such form and contain such particulars as an tArd-Chláraitheoir may determine.

25 (3) An authorisation under this section may be made subject to such conditions as are specified therein.

58.—(1) A person may at any time before the solemnisation of a marriage lodge an objection in writing with any registrar and the objection shall state the reasons for the objection.

Objections.

30 (2) Where the registrar who receives an objection under *subsection (1)* is not employed by the authority by which is employed the registrar to whom was given the notification in relation to the marriage referred to in *section 46*, or a copy of the court order in relation to the marriage referred to in that section—

35 (a) the first-mentioned registrar shall refer the objection to the Superintendent Registrar of the authority by which the second-mentioned registrar is employed, and

40 (b) the Superintendent Registrar shall direct a registrar employed by the last-mentioned authority to perform the function conferred by this section on the first-mentioned registrar,

(c) the registrar who receives the direction shall comply with it, and

45 (d) references in *subsections (3) and (4) and (6) to (8)* to the registrar who receives an objection shall be construed as references to the registrar who receives the direction aforesaid, and this section shall apply and have effect accordingly.

(3) If the registrar who receives an objection under *subsection (1)* is satisfied that the objection relates to a minor error or misdescription in the relevant notification under *section 46* which would not constitute an impediment to the marriage, the registrar shall—

- (a) notify the parties to the intended marriage of the objection, 5
- (b) make such enquiries as he or she thinks fit,
- (c) if the marriage registration form has been given to one of those parties, request its return to the registrar and correct it and the notification and make any necessary corrections to any other records relating to the marriage, and 10
- (d) give the corrected marriage registration form to one of the parties to the marriage.

(4) If the registrar who receives an objection under *subsection (1)* believes that more than a minor error or misdescription exists in the relevant notification under *section 46* and that the possibility of the existence of an impediment to the intended marriage concerned needs to be investigated, he or she shall refer the objection to an tArd-Chláraitheoir for consideration and, pending the decision of an tArd-Chláraitheoir, he or she shall— 15

- (a) notify the parties to the intended marriage that— 20
 - (i) an objection has been lodged and of the grounds on which it is based,
 - (ii) the objection is being investigated,
 - (iii) the solemnisation of the marriage will not proceed until the investigation is completed, 25
- (b) if the relevant marriage registration form has not been issued, suspend its issue,
- (c) if the marriage registration form has been issued, request the party to the marriage to whom it was given to return it to the registrar, 30
- (d) notify the solemniser of the marriage that an objection is being investigated, and
- (e) direct him or her not to solemnise the marriage until the investigation is completed, and the solemniser shall comply with the direction. 35

(5) Where an objection is referred to an tArd-Chláraitheoir pursuant to *subsection (4)*, he or she shall make a decision on the objection as soon as practicable.

(6) In a case referred to in *subsection (4)*, if an tArd-Chláraitheoir decides that no impediment to the intended marriage concerned exists, he or she shall advise the registrar concerned to that effect and the registrar shall— 40

- (a) notify the parties to the marriage that no impediment to the marriage exists,
- (b) issue or re-issue the marriage registration form to one of those parties, 45

(c) notify the person who lodged the objection that no impediment to the marriage exists.

5 (7) In a case referred to in *subsection (4)*, if an tArd-Chláraitheoir decides that there is an impediment to the intended marriage, he or she shall advise the registrar concerned to that effect and of the reasons for the decision and the registrar shall—

(a) notify the parties to the marriage—

(i) that the solemnisation of the marriage will not proceed, and

10 (ii) of the decision of an tArd-Chláraitheoir and of the reasons therefor,

and

(b) take all reasonable steps to ensure that the solemnisation does not proceed.

15 (8) If, notwithstanding the steps taken by the registrar concerned pursuant to *subsection (7)(b)*, the marriage concerned is solemnised, the marriage shall not be registered.

20 (9) (a) A party to a proposed marriage may appeal to the Circuit Family Court against the decision of an tArd-Chláraitheoir in relation to the marriage under *subsection (7)*.

25 (b) The jurisdiction conferred on the Circuit Family Court by *paragraph (a)* may be exercised by a judge of the circuit in which either of the parties to the intended marriage concerned ordinarily resides or carries on any profession, business or occupation or where the place at which the marriage concerned had been intended to be solemnised is situated.

30 (10) A person who has lodged an objection under *subsection (1)* may withdraw the objection, but an tArd-Chláraitheoir may, if he or she considers it appropriate to do so, investigate, or complete his or her investigation of, the objection and issue any directions to the registrar concerned in relation to the matter that he or she considers necessary.

35 (11) An objection on the ground that the marriage would be void by virtue of the Marriage of Lunatics Act 1811 shall be accompanied by a certificate of a registered medical practitioner supporting the objection.

PART 7

REGISTRATION OF DECREES OF DIVORCE AND DECREES OF NULLITY

40 **59.—(1)** When a court grants a decree of divorce, an officer of the Courts Service authorised in that behalf by the Courts Service, shall, as soon as may be, enter or cause to be entered in the register of decrees of divorce the particulars in relation to the matter specified in *Part 6* of the *First Schedule*. Registration of decrees of divorce and decrees of nullity.

45 (2) When a court grants a decree of nullity, an officer of the Courts Service, authorised in that behalf by the Courts Service, shall, as soon as may be, enter or cause to be entered in the register of decrees of nullity the particulars in relation to the matter specified in *Part 7* of the *First Schedule*.

(3) An officer of the Courts Service, authorised in that behalf by the Courts Service, may amend or cancel or cause to be amended or cancelled an entry in a register referred to in *subsection (1)* or *(2)*.

(4) The Courts Service shall notify an tArd-Chláráitheoir of an amendment or cancellation under *subsection (3)*. 5

(5) This section shall have effect notwithstanding any statutory provision that conflicts with it.

PART 8

GENERAL

Appeals.

60.—(1) Where— 10

(a) a registrar fails or refuses to register in the appropriate register specified in *section 13* a birth, stillbirth, death or marriage or to enter in such a register one or more of the particulars required by this Act to be so entered, and furnished to him or her by a person pursuant to this Act, 15
or

(b) an tArd-Chláráitheoir or an authorised officer fails or refuses to comply with a request of a person under *section 63*,

the registrar, an tArd-Chláráitheoir or the authorised officer, as the case may be, shall notify the qualified informant (within the meaning of *Part 3* or *5*, as may be appropriate) concerned, the parties to the marriage or the person in writing of the reasons for the failure or refusal. 20

(2) If a person (“the appellant”) affected by a failure or refusal by a person under *subsection (1)* is dissatisfied with it, he or she may appeal against it by lodging a notice of appeal in writing in a form standing approved by an tArd-Chláráitheoir or in a form to the like effect with the authority concerned, not later than 28 days from the date of his or her receipt of the notification under *subsection (1)*, and 25
the appeal shall be referred by the authority to such officer of the authority (not being the person in relation to whom the appeal is brought) as the authority may determine (“the appeals officer”), and the appeals officer shall determine the appeal. 30

(3) If an appellant is dissatisfied with the decision of an appeals officer under *subsection (2)*, he or she may appeal against it by lodging a notice of appeal in writing in the form standing approved by an tArd-Chláráitheoir or a form to the like effect with an tArd-Chláráitheoir not more than 28 days after his or her receipt of the decision and an tArd-Chláráitheoir shall determine the appeal and, 35
subject to *subsections (6) to (8)*, the decision shall be final. 40

(4) The Minister may by regulations make provision in relation to notices of appeal under this section and the procedure to be followed on appeals under this section.

(5) In relation to an appeal under this section, the appeals officer 45
concerned or an tArd-Chláráitheoir, as the case may be—

(a) shall notify the parties concerned in writing of his or her decision in relation to the appeal and of the reasons therefor, and

5 (b) may give such directions in relation to the registration or correction concerned to the registrar or authorised officer concerned as he or she considers appropriate, and any such direction shall be complied with by the person to whom it is given.

10 (6) An appeals officer (“the officer”) may revise a decision of another appeals officer under this section if it appears to the officer that the decision was erroneous having regard to evidence first given to the officer, or a fact first made known to the officer, since the date of the decision.

(7) An tArd-Chláraitheoir may revise a decision (including a revised decision under this subsection) of an tArd-Chláraitheoir or an appeals officer if it appears to him or her that the decision was erroneous by reason of a mistake of law or fact.

15 (8) A person who is dissatisfied with a decision (including a revised decision) of an tArd-Chláraitheoir may appeal against it to the High Court.

20 (9) A revision under *subsection (6)* by an appeals officer shall be deemed, for the purpose of *subsections (2) to (5) and (7)* of this section, to be a decision under *subsection (2)*, and those subsections shall apply and have effect accordingly, with any necessary modifications, in relation to the revision.

(10) A decision or a revision under this section—

25 (a) shall be in writing and be signed by the person by whom it is made, and

(b) shall, subject to any appeal under this section, have effect in accordance with its terms.

30 (11) A document purporting to be a decision or a revision of an tArd-Chláraitheoir or an appeals officer shall be deemed to be such a decision or revision and to have been signed by the person purporting to have signed it unless the contrary is shown and shall be *prima facie* evidence of the decision or revision and it shall not be necessary to prove that that person was an tArd-Chláraitheoir or, as the case may be, an appeals officer.

35 **61.**—(1) Subject to *subsections (3) and (4)*, a person, following an application in writing, in a form standing approved by an tArd-Chláraitheoir or a form to the like effect, in that behalf to an tArd-Chláraitheoir, a Superintendent Registrar, a registrar or an authorised officer and— Searches.

40 (a) on payment to him or her of the prescribed fee, may, subject to such conditions (if any) as may stand determined by an tArd-Chláraitheoir, search an index to a register maintained under *section 13*,

45 (b) on payment to him or her of the prescribed fee, be given by him or her—

(i) a copy, certified by him or her to be a true copy, or

(ii) a copy,

of an entry specified by the person in such a register.

(2) Subject to *subsections (3) and (4)*, an tArd-Chláráitheoir, a Superintendent Registrar, a registrar or an authorised officer shall, on application by a person to him or her in that behalf in writing and—

(a) on payment to him or her of the prescribed fee, search such of the registers maintained under *section 13*, and the indexes thereto, as are specified in the application, or 5

(b) on payment to him or her of the prescribed fee, give the person—

(i) a copy, certified by him or her to be a true copy, or 10

(ii) a copy,

of an entry specified by the person in any such register.

(3) This section does not apply to the register of stillbirths or an index to that register or an index kept under *section 22(5)* of the Adoption Act 1952. 15

(4) A copy of an entry referred to in *subsection (1)(b)* or *(2)(b)* shall omit any reference to or particulars of a personal public service number and “true copy” in those provisions shall be construed accordingly.

Search of register of stillbirths.

62.—(1) No person other than an tArd-Chláráitheoir or a member of his or her staff authorised by him or her in that behalf may search the register of stillbirths. 20

(2) A person (“the applicant”) shall, on application in writing in that behalf to an tArd-Chláráitheoir, be given by him or her, or a member of his or her staff authorised by him or her in that behalf, a copy of an entry specified by the applicant in the register of stillbirths certified by the person giving it to be a true copy— 25

(a) if—

(i) the applicant is the father or mother of the child concerned and furnishes the required particulars relating to the stillbirth to a registrar and makes the application at the same time, 30

(ii) the applicant shows to the satisfaction of an tArd-Chláráitheoir or a member of his or her staff authorised in that behalf by an tArd-Chláráitheoir that he or she is the father or mother of the child, or 35

(iii) in his or her discretion, an tArd-Chláráitheoir, so determines,

and

(b) the applicant pays the prescribed fee to an tArd-Chláráitheoir. 40

Correction of errors at request of persons having an interest.

63.—(1) An alteration shall not be made in a register maintained under *paragraph (a), (b) or (d)* of *section 13(1)* otherwise than in accordance with the provisions of this Act.

(2) On the application in that behalf of a person having an interest in the matter to a Superintendent Registrar in writing, he or she may— 45

(a) correct in the manner specified by an tArd-Chláraitheoir a clerical error in any register maintained under *section 13*, or

5 (b) correct an error of fact in a register specified in the said *paragraph (a)* or *(d)* if the person gives to the Superintendent Registrar such evidence as he or she considers to be adequate and a statutory declaration, in a form standing approved by an tArd-Chláraitheoir, of the facts concerned made by—

10 (i) a person required by this Act to give to the registrar the required particulars in relation to the birth, or death, concerned, or

15 (ii) if such a person as aforesaid cannot be found, two credible persons having knowledge of the facts concerned.

(3) Where an error of fact (other than one relating to the cause of death) occurs in the record signed by a coroner of the verdict returned at an inquest held by him or her and the coroner or his or her successor is satisfied by evidence on oath given orally or by statutory declaration of the existence of the error—

(a) he or she may give a certificate to a Superintendent Registrar stating the nature of the error and the relevant facts, and

25 (b) the officer shall, in such form as an tArd-Chláraitheoir may direct, correct the appropriate entry in the register of deaths and the original entry shall be retained in the register.

30 (4) On the application in that behalf by a person having an interest in the matter to an tArd-Chláraitheoir in writing a correction or addition to an entry in the register of stillbirths may, if an tArd-Chláraitheoir so directs, be made by but only by a person authorised in that behalf by him or her.

35 **64.—(1)** Where a registrar is satisfied that an entry made by him or her or another registrar in the register of births or the register of deaths contains an error of fact, he or she shall notify the Superintendent Registrar of the authority by which the registrar is employed of the error. Corrections or cancellations of entries at request of tArd-Chláraitheoir or a registrar.

40 (2) When a Superintendent Registrar of any authority receives a notification under *subsection (1)*, the Superintendent Registrar or a registrar of that authority, if so directed by the Superintendent Registrar, shall by notice in writing given to a qualified informant (within the meaning of *Part 3* or *5*, as the case may be) in relation to the birth or death concerned (“the person”) require him or her—

45 (a) to attend at the office of a registrar specified by the Superintendent Registrar or at the office of the registrar aforesaid, or at any other convenient place specified in the notice, within such time (not being less than 7 days from

the date of the giving of the notice) as may be so specified, and

- (b) to give to the registrar a statutory declaration specifying the error and, to the best of his or her knowledge and belief, the relevant facts, 5

and the person shall also give to the registrar such other information as the Superintendent Registrar or the registrar may reasonably require.

(3) When a person complies with *subsection (2)*, the Superintendent Registrar, or the registrar, concerned may— 10

- (a) correct the error concerned in the register of births or the register of deaths, as the case may be, or

- (b) request a direction from an tArd-Chláraitheoir in relation to the matter.

(4) Where, pursuant to *subsection (2)*, the Superintendent Registrar concerned is satisfied that, in relation to the error concerned, neither a person referred to in *subsection (2)* nor two other credible persons having knowledge of the facts concerned can be found, he or she may request an tArd-Chláraitheoir to give a direction under *subsection (5)* in relation to the matter. 15 20

(5) When an tArd-Chláraitheoir receives a request under *subsection (3)* or *(4)*, he or she may, if he or she considers it appropriate to do so, direct the Superintendent Registrar, or the registrar, concerned to make, in such manner as he or she may specify, a correction of the error in the entry concerned in the register, and the direction shall be complied with and the original entry shall be retained in the register. 25

(6) Where an tArd-Chláraitheoir is satisfied that two or more entries have been made in a register maintained under *section 13* in respect of the same event, he or she may direct a Superintendent Registrar, a registrar or an officer of an tArd-Chláraitheoir to cancel such of the entries as he or she may specify, and the direction shall be complied with and the cancelled entry or entries shall be retained in the register. 30

(7) Where an tArd-Chláraitheoir is satisfied that an entry in the register of marriages relates to— 35

- (a) a marriage, one or both of the parties to which was or were under the age of 18 years at the time of the solemnisation of the marriage,

- (b) a marriage, as respects which one or more of the requirements specified in *subsections (1) and (2) of section 46* and *subsections (1) to (3) of section 51* were not complied with, or 40

- (c) a marriage to which there was an impediment,

an tArd-Chláraitheoir shall— 45

- (i) direct a registrar to cancel the entry and the direction shall be complied with and the cancelled entry shall be retained in the register, and

- (ii) notify the parties to the marriage, and the registered solemniser (within the meaning of *Part 6*), or the person temporarily authorised under *section 57*, who solemnised the marriage of the direction.

5 **65.—**(1) An tArd-Chláraitheoir may conduct or cause to be conducted such enquiries as he or she considers necessary to ascertain— Enquiries by Ard-Chláraitheoir.

10 (a) whether a birth, stillbirth, death or marriage required to be registered under this Act or the repealed enactments in the register maintained under *paragraph (a), (b), (d) or (e)*, as may be appropriate, of *section 13(1)* has occurred and if it has—

- (i) whether it has been so registered, and
 - (ii) if it has been, whether the particulars in relation to it in the entry in the register concerned are correct and complete.
- 15

(2) An tArd-Chláraitheoir may, by notice in writing served on a person whom he has reason to believe may be able to provide him or her with information relevant to an inquiry under *subsection (1)*, require the person to provide the information to him or her within such time (not being less than 28 days) from the date of the giving of the notice and in such manner as may be specified in the notice.

20

(3) If an tArd-Chláraitheoir is satisfied that an event referred to in *subsection (1)* has occurred and that it has not been registered in the appropriate register referred to in that subsection or, if so registered, that the particulars in the entry in the register concerned in relation to it are incorrect or incomplete, he or she may register the event, or cause it to be registered, in the appropriate register or, as the case may be, correct or complete, or cause to be corrected or completed, the entry aforesaid.

25

30 **66.—**(1) Notwithstanding anything contained in the Data Protection Acts 1988 to 2003 or any other enactment, an tArd-Chláraitheoir may, after consultation with the Minister and the Minister for Social and Family Affairs, give such information as may be prescribed in relation to births, marriages, decrees of divorce, or decrees of nullity, registered under this Act or under any of the repealed enactments to— Power of Ard-Chláraitheoir to give information to others.

35

(a) the Minister for Defence for the purpose of—

- (i) the administration of schemes under the Defence Forces (Pensions) Acts 1932 to 1975, or

40 (ii) the administration of the Army Pensions Acts 1923 to 1980,

(b) the Minister for the Environment, Heritage and Local Government for the purpose of registration in a register under the Electoral Act 1992,

45 (c) the Minister for Foreign Affairs for the purpose of—

- (i) determining entitlements to passports, or

- (ii) verifying the identity of persons applying for or holding passports,
 - (d) the Minister for Justice, Equality and Law Reform for the purpose of determining the immigration or citizenship status of persons, 5
 - (e) the Minister for Social and Family Affairs for the purpose of—
 - (i) determining entitlement to, or control of, benefit under the Social Welfare (Consolidation) Act 1993, or 10
 - (ii) section 223 of that Act,
 - (f) the Minister for Transport for the purpose of the grant of driving licences and provisional licences under Part III of the Road Traffic Act 1961,
 - (g) the Minister for the purpose of the enforcement of regulations under section 31 of the Health Act 1947 and the Minister or a health board, hospital or other body or agency participating in any cancer screening programme (including any programme of breast or cervical cancer screening) authorised by the Minister, for the purpose of compiling and maintaining a record of the names, addresses and relevant dates of persons who, for public health reasons, may be invited to participate in any such programme, 15 20
 - (h) the Revenue Commissioners for the purpose of the administration of the Taxes Consolidation Act 1997, the Stamp Duties Consolidation Act 1999 and the Capital Acquisitions Tax Consolidation Act 2003, 25
 - (i) a health board for the purpose of determining entitlement to a service provided for, by or under section 45, 58, 59 or 61 of the Health Act 1970, and 30
 - (j) a housing authority (within the meaning of the Housing Act 1966) for the purpose of—
 - (i) the determination of entitlement to houses or grants under the Housing Acts 1966 to 2002, 35
 - (ii) the determination of a rent or other payment under section 58 of the Housing Act 1966, or
 - (iii) the preparation of a housing strategy under the Planning and Development Act 2000,
- (2) In this section “information” means personal data (within the meaning of the Data Protection Acts 1988 and 2003) and information extracted from such data. 40

Fees.

67.—(1) There shall be payable to an tArd-Chláraitheoir or the Superintendent Registrar, registrar, within the meaning of *section 17*, or authorised officer, concerned fees of such amounts (if any) as may be prescribed in respect of— 45

(a) any performance of such functions of an tArd-Chláraitheoir, a Superintendent Registrar, a registrar, within the meaning of *section 17*, or an authorised officer as may be prescribed, and

5 (b) such other matters as may be prescribed,

and the references aforesaid to registrar, within the meaning of *section 17*, include references to such a registrar acting as a registered solemniser (within the meaning of *Part 6*).

10 (2) A person referred to in *subsection (1)* may refuse to perform a function (other than a prescribed function) in respect of which a fee is payable under this Act if the fee is not paid to him or her.

15 (3) A fee under this Act that is due and unpaid may be recovered from the person by whom it is payable by the person to whom it is payable as a simple contract debt in any court of competent jurisdiction.

(4) Amounts received under this Act in respect of fees shall be disposed of in accordance with the directions of the Minister given with the consent of the Minister for Finance.

20 **68.—**(1) An entry in the register of births, the register of stillbirths or the register of deaths shall not be evidence of the birth, stillbirth or death unless— Evidence of births, stillbirths and deaths.

(a) the entry purports to be signed by the person who gave the required particulars in relation to the birth, stillbirth or death, as the case may be, to the registrar concerned,

25 (b) that person was a person who, at the time of the making of the entry, was required by this Act or the repealed enactments to give particulars in relation to the event concerned to a registrar, and

30 (c) the entry was made in accordance with the relevant provisions of this Act or the repealed enactments.

(2) *Paragraphs (a) and (b) of subsection (1)* do not apply to—

(a) an entry in the register of births made pursuant to section 3 of the Births, Deaths and Marriages Registration Act 1972, or

35 (b) an entry in the register of deaths made pursuant to that section or *section 41*.

40 (3) Where a birth, stillbirth or death is registered more than 12 months from the date of its occurrence, the relevant entry in the register of births, the register of stillbirths or the register of deaths, as the case may be, shall not be evidence of the occurrence unless it purports to have been made with the authority of an tArd-Chláraitheoir or an authorised officer of the relevant authority.

45 **69.—**(1) A registrar appointed under *section 17* or an officer of the Courts Service or the Adoption Board who, otherwise than in accordance with this Act— Offences.

- (a) deletes or alters, or permits or procures the deletion or alteration of, information contained in a register or an index to a register, or
- (b) keeps, or permits or procures the keeping of, any information (other than information contained in or relating to a register or an index to a register) on a computer on which a register or an index to a register is kept,

is guilty of an offence.

(2) In relation to a computer on which a register or an index to a register is kept, a person (including a person entitled to access information kept on the computer but excluding an tArd-Chláráitheoir, a Superintendent Registrar or a registrar) who, without the consent of an tArd-Chláráitheoir, a Superintendent Registrar or a registrar—

- (a) deletes or alters, or permits or procures the deletion or alteration of, information kept on the computer, or
- (b) keeps, or permits or procures the keeping of, information (other than information contained in or relating to a register or an index to a register) on the computer whether the keeping is done directly or by adjusting or damaging the computer or its programming or another computer or its programming,

is guilty of an offence.

(3) A person who gives to a registrar particulars or information which he or she knows to be false or misleading is guilty of an offence.

(4) A registrar who, without reasonable cause, fails or refuses to register a birth, stillbirth, marriage or death or to include in the relevant entry in the appropriate register any of the particulars required by this Act to be entered in the register in relation to the occurrence and given to him or her by a person required so to do by this Act or the repealed enactments, is guilty of an offence.

(5) A person who is required by this Act to give to a registrar the required particulars relating to a birth, a new born child found abandoned, a stillbirth or a death and who, without reasonable cause, fails or refuses to answer a question put to him or her by a registrar in relation to those particulars is guilty of an offence.

(6) A person who is required by this Act to sign a register in the presence of a registrar and who, without reasonable cause, fails or refuses to do so is guilty of an offence.

(7) A person who is required by this Act (other than *section 41*) to give a certificate to a registrar and who, without reasonable cause, fails or refuses to do so is guilty of an offence.

(8) A person who, without reasonable cause, fails or refuses to comply with a direction given to him or her under *section 13(6)* or a requirement in a notice given to or served on him or her under *section 19(3), 24(5), 37(2), 50(2), 64(2) or 65(2)* is guilty of an offence.

(9) A registrar who, without reasonable cause, fails or refuses to give a marriage registration form to one of the parties to an intended marriage in respect of which he or she has received, pursuant to *section 46*, a notification under *subsection (1)(a)(i)* of that section or

a copy of an order under *section 47* granting an exemption from the application of the said *subsection (1)(a)(i)* is guilty of an offence.

(10) A person who—

- (a) contravenes *subsection (2) or (3) of section 51*,
- 5 (b) not being a registered solemniser (within the meaning of *Part 6*), or the holder of a temporary authorisation under *section 57*, conducts a marriage ceremony in such a way as to lead the parties to the marriage to believe that he or she is solemnising a valid marriage,
- 10 (c) being a registered solemniser (within the meaning aforesaid) or such a holder as aforesaid, solemnises a marriage without a marriage registration form having been given to him or her before the solemnisation for examination by him or her,
- 15 (d) contravenes *paragraph (a) or (b) of section 55(3)*,
- (e) solemnises a marriage other than at a place chosen in accordance with *section 52*,
- (f) solemnises or is a party to a marriage in relation to which, to his or her knowledge, *subsection (1) or (2) of section*
20 *46* is not complied with,
- (g) being the holder of a temporary authorisation under *section 57*, solemnises a marriage not specified in the authorisation or solemnises a marriage during a period not so specified,
- 25 (h) lodges an objection under *section 58* that he or she knows to be without foundation,
- (i) makes and signs a declaration under *section 46(1)(b)* or makes a declaration specified in *section 51(4)(a)* which he or she knows to be false or misleading, or
- 30 (j) not being a registrar, deletes or alters information in relation to the parties to a marriage on a marriage registration form,

shall be guilty of an offence.

(11) A person who, without reasonable cause, contravenes *section*
35 *19(1), 21(1), 24(4), 37(1) or 73(4)* is guilty of an offence.

(12) A person who contravenes a provision of regulations under this Act that is stated in the regulations to be a penal provision is guilty of an offence.

(13) In this section “register” means a register maintained under
40 *section 13*.

70.—(1) A person guilty of an offence under *subsection (1), (2) or* Penalties.
(3) of section 69 shall be liable—

(a) on summary conviction, to a fine not exceeding €2,000 or imprisonment for a term not exceeding 6 months or both, or

(b) on conviction on indictment, to a fine not exceeding €10,000 or imprisonment for a term not exceeding 5 years or both. 5

(2) A person guilty of an offence under *subsection (4), (5), (6), (7), (8), (9), (10), (11) or (12) of section 69* shall be liable on summary conviction to a fine not exceeding €2,000 or imprisonment for a term not exceeding 6 months or both.

Prosecution of offences.

71.—(1) Proceedings for a summary offence under this Act or a regulation thereunder may be brought and prosecuted by an tArd-Chláráitheoir or the authority in whose functional area the offence was committed. 10

(2) Notwithstanding section 10(4) of the Petty Sessions (Ireland) Act 1851, proceedings for a summary offence under this Act or a regulation thereunder may be commenced against a person at any time within 12 months from the date on which evidence that, in the opinion of an tArd-Chláráitheoir or the authority concerned is sufficient to justify the bringing of the proceedings comes to his, her or its notice. 15 20

(3) In proceedings for a summary offence under this Act, a document purporting to be signed by an tArd-Chláráitheoir or a person authorised in that behalf by him, her or the authority concerned and to state the date on which evidence referred to in *subsection (2)* came to his, her or its attention is *prima facie* evidence of that date and it shall be deemed to have been signed by an tArd-Chláráitheoir or the person authorised as aforesaid and, in case it purports to have been signed by a person so authorised, to have been signed in accordance with the authorisation unless the contrary is shown. 25

(4) Where an offence under this Act is committed by a body corporate and is proved to have been so committed with the consent or connivance or to be attributable to any neglect on the part of a person, being a director, manager, secretary or other officer of the body corporate, or a person who was purporting to act in any such capacity, that person as well as the body corporate shall be guilty of the offence and be liable to be proceeded against and punished accordingly. 30 35

Service etc., of documents.

72.—Where a notice, certificate or other document is authorised or required by or under this Act to be given or furnished to or served on a person or an application in writing is authorised by this Act to be made to a person, the giving, furnishing, serving or making may be effected in any of the following ways— 40

(a) where it is addressed to him or her by name, by delivering it to the person,

(b) by leaving it at the address at which the person ordinarily resides or, in a case in which an address for service has been furnished, at that address, or 45

(c) by sending it by ordinary prepaid post addressed to him or her at the address at which he or she ordinarily resides or, in a case in which an address for service has been furnished, at that address. 50

73.—(1) In this section, vital statistics means statistics in relation to— Vital statistics.

- (a) births,
- (b) stillbirths,
- 5 (c) deaths,
- (d) marriages,
- (e) decrees of divorce,
- (f) decrees of nullity,
- (g) adoptions, or
- 10 (h) any other prescribed matters.

(2) The Minister may collect, compile, abstract and publish vital statistics.

(3) The Minister may by regulations provide for giving effect to this section and the regulations may, in particular, include—

- 15 (a) in the case of any birth, stillbirth, death, marriage, decree of divorce, decree of nullity or adoption, provisions requiring that specified information relating to the birth, stillbirth, death, marriage, decree of divorce, decree of nullity or adoption shall be furnished to the registrar concerned within a specified period,
- 20 (b) in the case of any other matter the subject of vital statistics, provision that specified information relating to the matter be furnished to a specified person within a specified period,
- 25 (c) provision for the recording of information received pursuant to the regulations and its transmission to the Minister or any other specified person.

(4) A person engaged in receiving information furnished pursuant to regulations under this section or in the collection, compilation, 30 abstraction or publication of vital statistics shall not disclose any such information in a form that identifies, or enables the identification of, a person to whom it relates unless the disclosure is to another person so engaged or is necessary for the purposes of a prosecution under this Act.

35 (5) Information referred to in *subsection (4)* may be disclosed to persons engaged in medical or social research or to medical officers of health boards if the Minister consents in writing to the disclosure and the disclosure complies with such conditions (if any) as are attached to the consent; and the Minister is hereby authorised to 40 attach such conditions as he or she considers appropriate to a consent under this subsection.

(6) In lieu of acting by his or her own officers for the purposes of this section and the regulations thereunder, the Minister may arrange with any other Minister of the Government—

(a) for the collection, compilation, abstraction and publication by officers of that Minister of the Government of any vital statistics, or

(b) for the performance by those officers of any other functions provided for by this section or the regulations thereunder. 5

(7) This section is without prejudice to any other obligation imposed by or under this or any other Act to give information in relation to a birth, stillbirth, death, marriage, decree of divorce, decree of nullity or adoption or any other matter. 10

PARTICULARS TO BE ENTERED IN REGISTERS

PART 1

PARTICULARS TO BE ENTERED IN REGISTER OF BIRTHS

- 5 Date and place of birth.
 Time of birth.
 Sex of child.
 Forename(s) and surname* of child.
 Personal public service number of child.
- 10 Forename(s), surname, birth surname, address and occupation of mother.
 Former surname(s) (if any) of mother.
 Date of birth of mother.
 Marital status of mother.
- 15 Personal public service number of mother.
 Birth surname of mother's mother.
 Forename(s), surname, birth surname, address and occupation of father.
 Former surname(s) (if any) of father.
- 20 Date of birth of father.
 Marital status of father.
 Personal public service number of father.
 Birth surname of father's mother.
- 25 Forename(s), surname, qualification, address and signature of informant.
 Date of registration.
 Signature of registrar.
- * *The surname of the child to be entered shall, subject to any linguistic modifications be—*
- 30 (a) *that of the parents of the child as stated in the register of births or of either of them, as may be determined by the person who, pursuant to section 19, gives the required particulars of the birth concerned to the registrar, or*
- 35 (b) *such other name as may be requested by both of the parents or by one of them if the other parent is dead or, after reasonable efforts to do so have been made, cannot be contacted (if an tArd-Chláraitheoir or an officer of an tArd-Chláraitheoir duly authorised by him or her in that behalf or a Superintendent Registrar is satisfied that the circumstances warrant it and he or she agrees to the request).*
- 40

PARTICULARS TO BE ENTERED IN REGISTER OF STILLBIRTHS

Date and place of birth.	
Time of birth.	
Sex of child.	5
Weight of child.	
Gestational age of child.	
Forename(s) and surname* of child.	
Personal public service number of child.	
Forename(s), surname, birth surname, address and occupation of mother.	10
Former surname(s) (if any) of mother.	
Date of birth of mother.	
Marital status of mother.	
Personal public service number of mother.	15
Birth surname of mother's mother.	
Forename(s), surname, birth surname, address and occupation of father.	
Former surname(s) (if any) of father.	
Date of birth of father.	20
Marital status of father.	
Personal public service number of father.	
Birth surname of father's mother.	
Forename(s), surname, qualification, address and signature of informant.	25
Date of registration.	
Signature of registrar.	

* *The surname of the child to be entered shall, subject to any linguistic modifications be—*

(a) *that of the parents of the child as stated in the register of stillbirths or of either of them, as may be determined by the person who, pursuant to section 28, gives the required particulars of the stillbirth concerned to the registrar, or*

(b) *such other name as may be requested by both of the parents or by one of them if the other parent is dead or, after reasonable efforts to do so have been made, cannot be contacted (if an tArd-Chláráitheoir or an officer of an tArd-Chláráitheoir duly authorised by him or her in that behalf or a Superintendent Registrar is satisfied that the circumstances warrant it and he or she agrees to the request).*

PARTICULARS OF ADOPTIONS WITHIN THE STATE TO BE ENTERED IN REGISTER OF ADOPTIONS

- Personal public service number of child.
- 5 Date and country of birth of child.
Sex of child.
Forename(s) and surname of child.
Forename(s), surname(s), birth surname(s), address, occupation(s) and signature(s) of adopter or adopters.
- 10 Former surname(s) of adopter or adopters.
Personal public service number(s) of adopter or adopters.
Date of adoption order.
Date of registration.
Signature of registrar.

15

PART 4

Section 33.

PARTICULARS OF FOREIGN ADOPTIONS TO BE ENTERED IN REGISTER OF ADOPTIONS

- Personal public service number of child.
Date and country of birth of child.
- 20 Sex of child.
Date of foreign adoption and country where effected.
Forename(s) and surname of child.
Forename(s), surname(s), birth surname(s), address, occupation(s) and signature(s) of adopter or adopters.
- 25 Former surname(s) of adopter or adopters.
Personal public service number(s) of adopter or adopters.
Date on which adoption order deemed to have been made.
Date of registration.
Signature of registrar.

30

PART 5

Section 37.

PARTICULARS OF DEATHS TO BE ENTERED IN REGISTER OF DEATHS

- Date and place of death.
Place of birth of deceased.
Sex of deceased.
- 35 Forename(s), surname, birth surname and address of deceased.
Personal public service number of deceased.
Marital status of deceased.
Date of birth or age last birthday of deceased.

Profession or occupation of deceased.	
If deceased was married, the profession or occupation of spouse.	
If deceased was less than 18 years of age on date of death, occupation(s) of his or her parent(s) or guardian(s).	
Certificated cause of death, duration of illness and date of certificate under <i>section 42</i> .	5
Forename, surname, place of business, daytime telephone number and qualification of registered medical practitioner who signed certificate under <i>section 42</i> .	
Forename(s), surname, qualification, address and signature of informant.	10
If an inquest in relation to the death or a post-mortem examination of the body of deceased was held, the forename, surname and place of business of coroner concerned.	
Date of registration.	15
Signature of registrar.	

Section 59.

PART 6

PARTICULARS OF DECREES OF DIVORCE TO BE ENTERED IN REGISTER OF DECREES OF DIVORCE

Court by which the decree was granted.	20
Year and record number of the proceedings.	
Forenames, surnames and birth surnames of the parties to the proceedings.	
Personal public service numbers of the parties to the proceedings.	
Date and place of marriage.	25
Date of the decree.	
Date of registration.	
Forename(s) and surname of officer of Courts Service specified in <i>section 59(1)</i> .	

Section 59.

PART 7

30

PARTICULARS OF DECREES OF NULLITY OF MARRIAGE TO BE ENTERED IN REGISTER OF DECREES OF NULLITY

Court by which the decree was granted.	
Year and record number of the proceedings.	
Forenames, surnames and birth surnames of the parties to the proceedings.	35
Personal public service numbers of the parties to the proceedings.	
Date and place of marriage.	
Declaration of court.	
Date of the decree.	40
Date of registration.	
Forename(s) and surname of officer of Courts Service specified in <i>section 59(2)</i> .	

ENACTMENTS REPEALED

	Session and Chapter or Number and Year	Short Title	Extent of Repeal
	(1)	(2)	(3)
5	7 & 8 Vict., c. 81	Marriages (Ireland) Act 1844	The whole Act.
10	9 & 10 Vict., c. 72	Marriages (Ireland) Act 1846	The whole Act.
	23 & 24 Vict., c. 18	Marriage (Society of Friends) Act 1860	The whole Act.
15	26 Vict., c. 11	Registration of Births and Deaths (Ireland) Act 1863	The whole Act.
	26 Vict., c. 27	Marriage Law (Ireland) Amendment Act 1863	The whole Act.
	26 & 27 Vict., c. 90	Registration of Marriages (Ireland) Act 1863	The whole Act other than sections 7, 8, 12, 21 and 25.
20	33 & 34 Vict., c. 110	Matrimonial Causes and Marriage Law (Ireland) Amendment Act 1870	Sections 32 to 40 and 42.
25	34 & 35 Vict., c. 49	Matrimonial Causes and Marriage Law (Ireland) Amendment Act 1871	Sections 21 to 29.
	35 & 36 Vict., c. 10	Marriage (Society of Friends) Act 1872	The whole Act.
	36 & 37 Vict., c. 16	Marriage Law (Ireland) Amendment Act 1873	The whole Act.
30	57 & 58 Vict., c. 60	Merchant Shipping Act 1894	Section 254.
	43 & 44 Vict., c. 13	Births and Deaths Registration Act (Ireland) 1880	The whole Act.
35	No. 13 of 1931	Legitimacy Act 1931	Section 1(4) and the Schedule.
	No. 34 of 1936	Registration of Births and Deaths Act 1936	The whole Act.
	No. 35 of 1936	Registration of Marriages Act 1936	The whole Act.
40	No. 47 of 1936	Marriages Act 1936	The whole Act.
	No. 8 of 1952	Vital Statistics and Births, Deaths and Marriages Registration Act 1952	The whole Act.
	No. 25 of 1952	Adoption Act 1952	Section 22.
45	No. 44 of 1960	Defence (Amendment) (No. 2) Act 1960	Section 6.
	No. 9 of 1962	Coroners Act 1962	Sections 50 and 51.

Session and Chapter or Number and Year	Short Title	Extent of Repeal	
No. 25 of 1972	Births, Deaths and Marriages Registration Act 1972	The whole Act.	5
No. 30 of 1972	Marriages Act 1972	The whole Act.	
No. 26 of 1987	Status of Children Act 1987	Section 48.	
No. 1 of 1989	Garda Síochána Act 1989	Section 4.	
No. 14 of 1991	Adoption Act 1991	Sections 6 and 7.	10
No. 1 of 1994	Stillbirths Registration Act 1994	The whole Act.	
No. 26 of 1995	Family Law Act 1995	Section 32; In section 33(1), the words “or section 32(1)(a) or both of those provisions”.	15
No. 36 of 1996	Registration of Births Act 1996	The whole Act other than subsections (4) and (4A) of section 1.	