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AN BILLE UM CHLÁRÚ MARBH-BHREITHEANNA, 1994 STILLBIRTHS REGISTRATION BILL, 1994

EXPLANATORY AND FINANCIAL MEMORANDUM

General

The Bill provides for registration of stillbirths. In the case of stillbirths occurring on or after the commencement of the Act, the parents of the stillborn child will have an option to notify the local registrar of the stillbirth. If they do not exercise that option, the relevant hospital or, where no hospital is involved, the relevant medical practitioner, must notify the local registrar of the stillbirth. Stillbirths which occurred before the commencement of the Act may also be registered, but only at the request of either parent. Stillbirth certificates will be available to bereaved parents, but entries in the stillbirths registers will not be publicly accessible.

Detailed Provisions

Section 1 (Stillbirths)

This section specifies the stillbirths to which the Bill applies.

Section 2 (Definitions)

This section defines some of the terms used in the Bill.

Section 3 (Functions of an tArd-Chláraitheoir and Registrars)

This section brings stillbirths registration within the organisational structure in place of registration of births and deaths, under the Births and Deaths Registration Acts, 1863 to 1987. It extends the functions of an tArd-Chláraitheoir (the Registrar-General), superintendent-registrars and registrars in relation to stillbirths registration and enables an tArd-Chláraitheoir to give directions to, and require the performance of duties by superintendent-registrars and registrars in relation to stillbirths registration.

Section 4 (Register to be kept)

This provides for the establishment and maintenance of stillbirths registers.

Section 5 (Application of section 7 of Births and Deaths Registration Act (Ireland), 1880)

Section 7 of the Births and Deaths Registration Act (Ireland), 1880, as amended by section 49 of the Status of Children Act, 1987, sets out the procedural formalities for recording of the father's name in the register in cases where the parents of the child are not married to each other.

Section 6 (Notification and Registration of stillbirths occurring after commencement date)

This section details the process by which stillbirths occurring on or after the commencement of the Act (*Subsection (10)*) are to be notified and registered. Parents of a stillborn child will have an option

to notify the local registrar of the stillbirth within 42 days of the event (*Subsection (1)*). Notification must be accompanied by a medical certificate (*Subsections (2) and (5)*). The registrar must inform the relevant hospital or medical practitioner, where no hospital is involved, that registration has taken place (*Subsection (3)*). If the parents do not choose to notify the registrar, then it becomes the duty of the hospital or medical practitioner, as the case may be, to inform the registrar, using a duplicate medical certificate, if necessary (*Subsections (4) and (6)*).

Subsection (7) requires that if a medical practitioner is not fully satisfied that a birth is stillbirth, the medical practitioner must refer the matter to the coroner.

Subsection (8) provides that where a coroner finds that a body is that of a stillborn child, the coroner must notify the local registrar of the stillbirth.

Subsection (9) applies to stillbirths a facility whereby an tArd Chláraitheoir can allow registration in certain cases without the attendance of the person whose duty it is to inform the registrar of the event.

Section 7 (Notification and registration of stillbirths occurring before commencement date)

This provides for the registration of stillbirths which occurred before the commencement of the Act, at the request of either parent and on production of supporting evidence satisfactory to an tArd-Chláraitheoir.

Section 8 (Entries in stillbirths registers)

This section deals with entries in the stillbirths registers. *Subsection (1)* provides for transmission of register entries from local level to an tArd-Chláraitheoir, as directed by the latter. *Subsection (2)* provides that where such an entry is forwarded, no copy is retained at local level; this differs from the position in relation to live births registers. *Subsection (3)* provides for confidentiality of information on stillbirths registers. *Subsection (4)* provides that stillbirth certificates will be available to parents of stillborn children, subject to verification of identity where the request for a certificate is not being made at the time of registration. Stillbirth certificates may be provided to other persons, only at the discretion of an tArd-Chláraitheoir.

Section 9 (Alterations of Entries)

This section provides for correcting and adding to entries in stillbirths registers.

Section 10 (Offences and Penalties)

Section (1) applies to offences relating to stillbirths registration the penalties for corresponding offences relating to births registration. The offences include failing to notify a registrar in the case of a person whose duty it is to do so, giving false information and breaches of duty by registrars. *Subsection (2)* makes falsehood or misrepresentation, with a view to obtaining a stillbirth certificate an offence within the scope of section 30 of the Births and Deaths Registration Act (Ireland), 1880 a section which deals with false statements generally.

Section 11 (Fees)

This section applies to stillbirths the fees for a birth certificate — currently £5.50.

Section 12 (Forms)

This section deals with the provision of forms for the purposes of the Act.

Section 13 (Short title, collective citation, construction and commencement)

This section provides for citations and the coming into operation of the Bill.

Schedule

The Schedule outlines the details to be recorded in stillbirths registers.

Exchequer Costs and Staffing Implications

Some additional administrative costs will arise from stationery and from training of registrars to operate the scheme. Any costs arising will be partly offset by fees charged for certificates. There are no significant staffing implications.

*An Roinn Comhionannais agus Athchóirithe Dlí,
Eanáir, 1994.*

ARRANGEMENT OF SECTIONS

Section

1. Stillbirths.
2. Definitions.
3. Functions of an (Ard-Chláraitheoir and registrars.
4. Register to be kept.
5. Application of section 7 of Births and Deaths Registration Act (Ireland), 1880.
6. Notification and registration of stillbirths occurring after commencement date.
7. Notification and registration of stillbirths occurring before commencement date.
8. Entries in stillbirths registers.
9. Alterations of entries.
10. Offences and penalties.
11. Fees.
12. Forms.
13. Short title, collective citation, construction and commencement.

SCHEDULE

INFORMATION TO BE RECORDED IN THE REGISTER

Section 13 (Short title, collection, common construction and commencement) (1) This Bill may be cited as the Stillbirths (Registration) Act, 1988. (2) The provisions of this Bill shall be construed as one with the provisions of the Births and Deaths Registration Act, 1983. (3) This Bill shall come into operation on such day as may be appointed by the Minister in that behalf empowered.

Section 14 (Stillbirth certificate) (1) A stillbirth certificate shall be issued to the parent of a stillborn child in accordance with the provisions of this section. (2) The certificate shall be issued to the parent on request and on payment of the fee prescribed in the regulations made under section 15.

Section 15 (Fee for stillbirth certificate) (1) There shall be a fee for the issue of a stillbirth certificate, the amount of which shall be determined by the Minister in that behalf empowered. (2) The fee shall be payable to the registrar.

Section 16 (Stillbirth register) (1) A stillbirth register shall be kept by the registrar in which shall be entered the particulars of every stillbirth registered. (2) The particulars to be entered in the register shall be such as may be prescribed in the regulations made under section 15.

Section 17 (Notification of stillbirth) (1) A person who has information that a stillbirth has occurred shall notify the registrar of that fact as soon as practicable. (2) The notification shall be in writing and shall contain such particulars as may be prescribed in the regulations made under section 15.

Section 18 (Production of evidence) (1) The registrar may, at any time, require the production of any evidence in support of any entry in the stillbirth register. (2) The evidence may be in any form and may be given by any person.

Section 19 (Entries in stillbirth register) (1) The registrar shall enter in the stillbirth register the particulars of every stillbirth registered. (2) The particulars to be entered shall be such as may be prescribed in the regulations made under section 15.

Section 20 (Alterations of Entries) (1) The registrar may, at any time, alter any entry in the stillbirth register if he is satisfied that the entry is incorrect. (2) The alteration shall be made in the original entry and shall be recorded in the register. (3) The registrar may, at any time, delete any entry in the stillbirth register if he is satisfied that the entry is incorrect.

Section 21 (Offences and Penalties) (1) A person who fails to notify the registrar of a stillbirth as required by section 17 shall be liable to a fine of not more than £100. (2) A person who gives false information to the registrar shall be liable to a fine of not more than £100.

Section 22 (Fees) (1) There shall be a fee for the issue of a stillbirth certificate, the amount of which shall be determined by the Minister in that behalf empowered. (2) The fee shall be payable to the registrar. (3) There shall be a fee for the issue of a stillbirth register, the amount of which shall be determined by the Minister in that behalf empowered. (4) The fee shall be payable to the registrar.

Section 23 (Forms) (1) The registrar shall use such forms as may be prescribed in the regulations made under section 15. (2) The forms shall be in such form and contain such particulars as may be prescribed in the regulations made under section 15.

Section 24 (Miscellaneous) (1) The registrar may, at any time, require the production of any evidence in support of any entry in the stillbirth register. (2) The evidence may be in any form and may be given by any person.