



An Bille um Chlárú Sibhialta, 2019
Civil Registration Bill 2019

Meabhrán Mínitheach agus Airgeadais
Explanatory and Financial Memorandum



AN BILLE UM CHLÁRÚ SIBHIALTA, 2019
CIVIL REGISTRATION BILL 2019

EXPLANATORY AND FINANCIAL MEMORANDUM

Introduction

The principal purpose of this Bill is to expedite technical amendments to the Civil Registration Act 2004 that will facilitate commencement of existing legislation that provides for registration of births of donor-conceived children. This will allow both partners in a same-sex female relationship to have their details registered in the register of births. The Bill also makes other amendments to civil registration legislation, including: provisions to make it less onerous on a woman to rebut automatic paternity of her estranged husband in registering a birth; providing a role for family members in registering a death in cases involving a coroner; provisions to allow sharing of historical records with a body under the aegis of the Minister for Culture, Heritage and the Gaeltacht; and, provisions that allow the Central Statistics Office to comply with EU Regulations concerning data collected in death registrations.

Main Provisions

Section 1 — Definitions

Section 1 outlines the definitions of certain terms used throughout the Bill.

Section 2 — Amendment of section 2 of the Act of 2004

Section 2 corrects an error in the definition of the ‘Act of 2015’ in section 2 of the Act of 2004, inserted by section 92 of the Children and Family Relationships Act 2015, which conflicts with an identical reference to the ‘Act of 2015’ in the Gender Recognition Act 2015. This will facilitate commencement of legislation that provides for registration and re-registration of births of donor-conceived children.

Section 3 — Amendment of section 19A of the Act of 2004

Section 3 makes technical amendments to section 19A of the Act of 2004, consequential to amendments in section 2 of this Bill. This will facilitate commencement of legislation that provides for registration of births of donor-conceived children.

Section 4 — Amendment of section 22 of the Act of 2004

Section 4 brings civil registration legislation into line with current legislation governing presumption of paternity and makes it less onerous on a mother to rebut automatic presumption of paternity of her husband in the birth registration process.

Section 5 — Amendment of section 23B of the Act of 2004

Section 5 makes technical amendments to section 23B of the Act of 2004, consequential to amendments in section 2 of this Bill. This will facilitate commencement of legislation that provides for re-registration of births of donor-conceived children.

Section 6 — Amendment of section 41 of the Act of 2004

Section 6 provides for the inclusion of a family member as a qualified informant in the registration of a death where a coroner is involved. This will allow the family of the deceased to have a greater role in the registration process which, in some cases, may result in registration of a more complete set of particulars.

Section 7 — Amendment of section 44C of the Act of 2004

Section 7 provides for the inclusion of the forename and birth surname of a parent where a person born following donor-assisted human reproduction dies abroad and it is sought to have the death recorded on the record of deaths abroad.

Section 8 — Amendment of section 61 of the Act of 2004

Section 8 provides that records of births, deaths and marriages may be shared by the General Register Office with a body under the aegis of the Minister for Culture, Heritage and the Gaeltacht.

Section 9 — Amendment of section 67 of the Act of 2004

Section 9 provides for the application of fees payable to the Minister for Culture, Heritage and the Gaeltacht in respect of any performance by that Minister of functions carried out under the provisions amended by section 8 of this Bill.

Section 10 — Amendment of First Schedule to the Act of 2004

Section 10 provides for the inclusion of details of “Parent” in the required particulars to register a birth or stillbirth. This will facilitate both partners in a same-sex female relationship to have their particulars registered in the register of births. Registration of particulars of “Mother” and “Father” will continue to be available. However, any parent may choose to register a birth as “Parent”, if they so wish.

Section 10 also provides that the country of birth and the country of citizenship of a deceased person are to be added to the particulars of a death to be entered in the register of deaths. This provision, as well as providing a richer source of data in the records of deaths held by the General Register Office, also responds to the State’s obligations under European Commission Implementing Regulation (EU) No 205/2014 governing provision of statistical data.

Section 11 — Amendment of section 6 of the Act of 2014

Section 11 provides for a technical change to ensure that certain amendments in section 6(1) of the Civil Registration (Amendment) Act 2014 may apply to the registration of births where the birth occurs before the date of commencement of the section and is registered after that date.

Section 12 — Short title, construction, collective citation and commencement

Section 12 provides for the short title, construction, collective citation and commencement of the Act.

Financial Implications

It is not expected that there will be any significant costs to the exchequer as the majority of amendments are technical in nature.

*An Roinn Gnóthaí Fostaíochta agus Coimirce Sóisialaí,
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