



Number 13 of 2019

Civil Registration Act 2019



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CIVIL REGISTRATION ACT 2019

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ACTS REFERRED TO

Children and Family Relationships Act 2015 (No. 9)

Civil Registration (Amendment) Act 2014 (No. 34)

Civil Registration Act 2004 (No. 3)

Civil Registration Acts 2004 to 2018

Health Act 2004 (No. 42)



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CIVIL REGISTRATION ACT 2019

An Act to amend the Civil Registration Act 2004; to amend the Civil Registration (Amendment) Act 2014; to amend the Children and Family Relationships Act 2015; and to provide for related matters. [23rd May, 2019]

Be it enacted by the Oireachtas as follows:

Definitions

1. In this Act—

“Act of 2004” means the Civil Registration Act 2004;

“Act of 2014” means the Civil Registration (Amendment) Act 2014;

“Act of 2015” means the Children and Family Relationships Act 2015.

Amendment of section 2 of Act of 2004

2. (1) Section 2 (amended by section 92 of the Act of 2015) of the Act of 2004 is amended, in subsection (1)—

(a) by the deletion of “ ‘Act of 2015’ means the Children and Family Relationships Act 2015;”,

(b) in the definition of “donor-conceived child”, by the substitution of “Children and Family Relationships Act 2015” for “Act of 2015”, and

(c) in the definition of “parent”, by the substitution of “Children and Family Relationships Act 2015” for “Act of 2015”.

(2) This section shall come into operation on the day on which section 92 of the Act of 2015 is commenced.

Amendment of section 19A of Act of 2004

3. (1) Section 19A (inserted by section 93 of the Act of 2015) of the Act of 2004 is amended by the substitution of “Children and Family Relationships Act 2015” for “Act of 2015” in each place where it occurs.

(2) This section shall come into operation on the day on which section 93 of the Act of 2015 is commenced.

Amendment of section 22 of Act of 2004

4. (1) Section 22 (amended by section 6 of the Act of 2014) of the Act of 2004 is amended—
- (a) in subsection (3), by the substitution of the following paragraph for paragraph (c):
 - “(c) a statutory declaration of the mother, 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 and that a decree or deed referred to in paragraph (b) has not been granted by a court or entered into, and in that case the declaration shall exhibit information, particulars and evidence relied on by the mother to establish the date that she has been living apart from the person who is or was her husband during the period of 10 months ending immediately before the birth of the child.”,
 - (b) by the deletion of subsections (3A) and (3B), and
 - (c) in subsection (3C), by the substitution of “Where a statutory declaration under subsection (3)(c) is produced, the registrar, having considered the declaration shall” for “The registrar, if satisfied having made all reasonable efforts under subsection (3A) that no contact can be made with the husband, and, having considered the statutory declaration of the mother under subsection (3)(c)”.
- (2) This section shall come into operation on the day on which section 6(1) of the Act of 2014 is commenced.

Amendment of section 23B of Act of 2004

5. (1) Section 23B (inserted by section 95 of the Act of 2015) of the Act of 2004 is amended by the substitution of “Children and Family Relationships Act 2015” for “Act of 2015” in each place where it occurs.
- (2) This section shall come into operation on the day on which section 95 of the Act of 2015 is commenced.

Amendment of section 41 of Act of 2004

6. Section 41 (amended by section 75 of the Health Act 2004) of the Act of 2004 is amended—
- (a) by the insertion of the following subsection after subsection (2):
 - “(2A) In preparing a certificate under subsection (1) or (2) the coroner, in so far as is practicable and appropriate—
 - (a) shall inform a qualified informant of the coroner’s duty to submit the certificate of required particulars to the appropriate registrar, and

- (b) may seek any information or assistance, as he or she thinks necessary, from one or more qualified informants, for the purposes of the preparation of the certificate concerned.”,

and

- (b) by the substitution of the following subsection for subsection (4):

“(4) In this section—

‘appropriate registrar’ means a registrar in the registration area in which the body concerned is lying or was found;

‘qualified informant’ has the meaning assigned to it by section 37.”.

Amendment of section 44C of Act of 2004

- 7. (1) Section 44C(2)(d) (inserted by section 13 of the Act of 2014) of the Act of 2004 is amended—

- (a) in subparagraph (xiii), by the substitution of “of informant;” for “of informant.”,
- and

- (b) by the insertion of the following subparagraph after subparagraph (xiii):

“(xiv) forename(s) and birth surname(s) of parent(s) of deceased.”.

- (2) This section shall come into operation on the day on which section 13 of the Act of 2014 is commenced.

Amendment of section 61 of Act of 2004

- 8. Section 61 (amended by section 27 of the Act of 2014) of the Act of 2004 is amended by—

- (a) the substitution of the following subsection for subsection (2A):

“(2A) Subject to subsections (3) and (4), the Minister for Culture, Heritage and the Gaeltacht or a relevant body shall, on application in that behalf by a person to that Minister, or the relevant body, in electronic form and on payment to that Minister or that relevant body of any prescribed fee, consent to a search by that person of the electronic record of—

- (a) the register maintained under section 13(1)(a), in so far as it relates to births that occurred more than 100 years before the date of the application to search,

- (b) the register maintained under section 13(1)(d), in so far as it relates to deaths that occurred more than 50 years before the date of the application to search, or

- (c) the register maintained under section 13(1)(e), in so far as it relates to marriages that occurred more than 75 years before the date of the application to search.”,
- (b) the substitution of the following subsection for subsection (2B):
- “(2B) For the purposes of subsection (2A), the Minister for Culture, Heritage and the Gaeltacht, or a relevant body, may keep a record, including an electronic record, of the registers referred to at paragraphs (a), (b) and (c) of subsection (2A).”,
- (c) the insertion of the following subsection after subsection (2B):
- “(2C) The Minister for Culture, Heritage and the Gaeltacht may by order designate a body, in connection with which functions are performable by him or her, to be a relevant body for the purposes of this section.”,
- (d) the substitution of the following subsection for subsection (6):
- “(6) The Minister for Culture, Heritage and the Gaeltacht, or a relevant body, in addition to an tArd-Chláraitheoir, an tArd-Chláraitheoir Cúnta, a Superintendent Registrar, a registrar or an authorised officer, may perform functions referred to in subsection (1)(a) in so far as the functions relate to the search of a record of an index to a register maintained under section 13 and for that purpose that Minister, or that body, may keep such a record, including in electronic form, of such an index.”,
- and
- (e) the insertion of the following subsection after subsection (6):
- “(7) In this section, and section 67, ‘relevant body’ means a body that for the time being stands designated under subsection (2C).”.

Amendment of section 67 of Act of 2004

9. Section 67 (amended by section 30 of the Act of 2014) of the Act of 2004 is amended by the substitution of the following subsection for subsection (5):

“(5) There shall be payable to the Minister for Culture, Heritage and the Gaeltacht, or a relevant body, fees of such amounts (if any) as may be prescribed in respect of any performance by that Minister, or that body, of functions under subsection (2A) or (6) of section 61.”.

Amendment of First Schedule to Act of 2004

10. (1) The First Schedule (amended by section 99 of the Act of 2015) to the Act of 2004 is amended—

- (a) in Part 1, by the substitution for “Forename(s) (if any) of parent.” of the following:

“Forename(s), surname, birth surname, address and occupation of parent.

Former surname(s) (if any) of parent.”,

- (b) in Part 2, by the substitution for “Forename(s) (if any) of parent.” of the following:

“Forename(s), surname, birth surname, address and occupation of parent.

Former surname(s) (if any) of parent.”,

and

- (c) in Part 5, by the insertion, after “Forename(s), surname, birth surname and address of deceased”, of the following:

“Country of birth (within the meaning of Commission Implementing Regulation (EU) No. 205/2014 of 4 March 2014 laying down uniformed conditions for the implementation of Regulation (EU) No. 1260/2013 of the European Parliament and the Council on European demographic statistics, as regards breakdowns of data, deadlines and data revisions¹) of the deceased.

Country of citizenship of the deceased.”.

- (2) *Paragraphs (a) and (b) of subsection (1)* shall come into operation on the day on which section 99 of the Act of 2015 is commenced.

Amendment of section 6 of Act of 2014

- 11.** (1) Section 6 of the Act of 2014 is amended by the substitution of the following subsection for subsection (2):

“(2) The amendments of section 22 of the Principal Act effected by paragraphs (d), (e) and (f) of subsection (1) shall not apply in relation to the registration of a birth where that birth occurs before the commencement of that subsection.”.

- (2) This section shall come into operation on the day on which section 6(2) of the Act of 2014 is commenced.

Amendment of section 1 of Act of 2015

- 12.** Section 1 of the Act of 2015 is hereby amended by the substitution of the following subsection for subsection (7):

“(7) Part 9 shall come into operation 54 months from enactment or on such earlier day or days as the Minister may, after consulting with the Minister for Employment Affairs and Social Protection, appoint by

¹ O.J. No. 165, 5.3.2014, p. 10-26.

order or orders either generally or with reference to any particular purpose or provision of that Part and different days may be so appointed for different purposes or different provisions.”.

Amendment of section 27 of Act of 2015

13. Section 27 of the Act of 2015 is amended, in subsection (5)(c), by the substitution of the following subparagraph for subparagraph (i):

“(i) the gamete referred to in paragraph (b) was one to which subsection (1), (5) or, as the case may be, (8)(b) (other than a gamete to which subsection (1) or (5) also applies) of section 26 applied, or”.

Short title, construction, collective citation and commencement

14. (1) This Act may be cited as the Civil Registration Act 2019.
- (2) The Civil Registration Acts 2004 to 2018 and this Act, other than *section 13*, shall be construed together as one Act and may be cited together as the Civil Registration Acts 2004 to 2019.
- (3) *Section 6* and *section 10(1)(c)* shall come into operation on such day or days as the Minister for Employment Affairs and Social Protection may appoint by order or orders either generally or with reference to any particular purpose or provision, and different days may be so appointed for different purposes or different provisions.
- (4) *Section 13* shall come into operation on such day or days as the Minister for Health may appoint by order or orders either generally or with reference to any particular purpose or provision, and different days may be so appointed for different purposes or different provisions.