

**Changes to Legislation:** as of 5 April 2024, there are changes to this Act which have not been implemented by the Revised Acts editorial team, see highlighted entries [here](#). Note that some amendments may not be in force until commenced by a commencement order or other provision.



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*Number 3 of 2004*

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## **CIVIL REGISTRATION ACT 2004**

**REVISED**

**Updated to 26 April 2023**

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This Revised Act is an administrative consolidation of the *Civil Registration Act 2004*. It is prepared by the Law Reform Commission in accordance with its function under the *Law Reform Commission Act 1975* (3/1975) to keep the law under review and to undertake revision and consolidation of statute law.

All Acts up to and including the *Patient Safety (Notifiable Incidents and Open Disclosure) Act 2023* (10/2022), enacted 2 May 2023, and all statutory instruments up to and including the *Assisted decision-making (Capacity) Act 2015 (Commencement) (No. 2) Order 2023* (S.I. No. 193 of 2023), made 26 April 2023, were considered in the preparation of this Revised Act.

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*Number 3 of 2004*

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**CIVIL REGISTRATION ACT 2004**

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| Marriages (Ireland) Act 1844                                     | 1844, c. 81           |
| Marriages (Ireland) Act 1846                                     | 9 & 10 Vict., c. 72   |
| Matrimonial Causes and Marriage Law (Ireland) Amendment Act 1870 | 33 & 34 Vict., c. 110 |
| Matrimonial Causes and Marriage Law (Ireland) Amendment Act 1871 | 1871, c. 49           |
| Medical Practitioners Act 1978                                   | 1978, No. 4           |
| Mercantile Marine Act 1955                                       | 1955, No. 29          |
| Merchant Shipping Act 1894                                       | 57 & 58 Vict. c. 60   |
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| Registration of Births Act 1996                                  | 1996, No. 36          |
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|                                                                            |              |
|----------------------------------------------------------------------------|--------------|
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| Road Traffic Act 1961                                                      | 1961, No. 24 |
| Social Welfare (Consolidation) Act 1993                                    | 1993, No. 27 |
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| Status of Children Act 1987                                                | 1987, No. 26 |
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| Taxes Consolidation Act 1997                                               | 1997, No. 39 |
| Vital Statistics and Births, Deaths and Marriages<br>Registration Act 1952 | 1952, No. 8  |



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Number 3 of 2004

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## CIVIL REGISTRATION ACT 2004

REVISED

Updated to 26 April 2023

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AN ACT TO PROVIDE FOR THE REORGANISATION, MODERNISATION AND NAMING OF THE SYSTEM (TO BE KNOWN AS THE CIVIL REGISTRATION SERVICE OR, IN THE IRISH LANGUAGE, AN tSEIRBHÍS UM CHLÁRÚ SIBHIALTA) OF REGISTRATION OF BIRTHS, STILLBIRTHS, ADOPTIONS, MARRIAGES AND DEATHS (INCLUDING CERTAIN BIRTHS AND DEATHS OCCURRING OUTSIDE THE STATE), TO PROVIDE FOR THE EXTENSION OF THE SYSTEM TO DECREES OF DIVORCE AND DECREES OF NULLITY OF MARRIAGE 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. [27th February, 2004]

BE IT ENACTED BY THE OIREACHTAS AS FOLLOWS:

### PART 1

#### PRELIMINARY AND GENERAL

Short title and commencement.

1.—(1) This Act may be cited as [the Civil Registration Act 2004](#).

(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 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*.

Interpretation.

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

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

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

F1[“Act of 2010” means the [Civil Partnership and Certain Rights and Obligations of Cohabitants Act 2010](#); ]

F2[“Act of 2015” means the [Gender Recognition Act 2015](#);]

F3[F4[...]]

F5[“Act of 2019” means the [Civil Law \(Presumption of Death\) Act 2019](#);]

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

F6[...]

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

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

F7[...]

“birth” does not include stillbirth;

F1[“civil partner” has the meaning assigned to it by the Act of 2010;]

F8[“civil partnership of convenience” means a civil partnership where at least one of the parties to the civil partnership—

(a) at the time of entry into the civil partnership is a foreign national, and

(b) enters into the civil partnership solely for the purpose of securing an immigration advantage for at least one of the parties to the civil partnership;]

F1[“civil partnership registration” means registration under *section 59D*;]

“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;

F1[“civil status” means being single, married, separated, divorced, widowed, in a civil partnership or being a former civil partner in a civil partnership that has ended by death or been dissolved;]

F8[“cohabitant” shall be construed in accordance with *section 172* of the Act of 2010;]

F9[“decree of divorce” has the meaning assigned to it by the *Family Law (Divorce) Act 1996*;]

F1[“dissolution” means dissolution of a civil partnership under *section 110* of the Act of 2010;]

F3[“donor-conceived child” has the same meaning as it has in Part 2 of the F10[Children and Family Relationships Act 2015];]

F8[“enactment” means—

(a) an Act of the Oireachtas,

(b) a statute that was in force in Saorstát Éireann immediately before the date of the coming into operation of the Constitution and that continues in force by virtue of Article 50 of the Constitution, or

(c) an instrument made under an Act of the Oireachtas or a statute referred to in *paragraph (b)*;]

“event” means a birth, stillbirth, F6[...], F6[...], marriage, death, decree of F11[divorce, decree of nullity, civil partnership registration or dissolution], 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;

F8[“evidence” includes documentary evidence;]

F12[“Executive” means the Health Service Executive;]

F6[...]

F8["foreign national" means a person who is neither an Irish citizen, nor a citizen of a member state;]

"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;

F2["gender recognition certificate" has the meaning assigned to it by the Act of 2015;]

F7[...]

F8["immigration advantage" means a determination in a person's favour by or on behalf of the Minister for Justice and Equality of any question relating to the grant of a visa to, or the entry into, presence in or removal from the State of a foreign national or any determination of a right to enter or reside in the State pursuant to the—

- (a) European Communities (Aliens) Regulations 1977 (S.I. No. 393 of 1977),
- (b) European Communities (Right of Residence for Non-Economically Active Persons) Regulations 1997 (S.I. No. 57 of 1997), or
- (c) European Communities (Free Movement of Persons) (No. 2) Regulations 2006 (S.I. No. 656 of 2006);]

F8["immigration status" means entitlement of a person to reside in the State and the basis for that entitlement;]

F8["marriage of convenience" means a marriage where at least one of the parties to the marriage—

- (a) at the time of entry into the marriage is a foreign national, and
- (b) enters into the marriage solely for the purpose of securing an immigration advantage for at least one of the parties to the marriage;]

"Minister" means Minister for Health and Children;

F5["missing person" has the same meaning as missing person in section 2 of the Act of 2019;]

"Oifig an Ard-Chláraitheora" shall be construed in accordance with [section 12](#);

F3["parent", in relation to a donor-conceived child, means the parent or parents of that child under section 5 of the F10[Children and Family Relationships Act 2015];]

"personal public service number" has the meaning assigned to it by [the Social Welfare \(Consolidation\) Act 1993](#);

"prescribed" means prescribed by regulations made by the Minister;

F5["presumed death" means a presumed death where a presumption of death order has been made under section 5 of the Act of 2019;]

"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](#);

"registrar"—

- (a) in relation to a marriage or intended marriage or the register of marriages, means a registrar within the meaning of [section 17](#),

F13[(aa) in relation to a civil partnership registration or intended civil partnership registration, or the register of civil partnerships, means a registrar within the meaning of *section 17*,]

(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*,

(c) F6[...]

(d) in relation to a decree of divorce or the register of decrees of divorce, means the Courts Service F14[,]

F15[(e) in relation to a decree of nullity of marriage or the register of decrees of nullity of marriage, means the Courts Service,

(f) in relation to a decree of dissolution, or the register of decrees of dissolution, means the Courts Service, and

(g) in relation to a decree of nullity of a civil partnership or the register of decrees of nullity of civil partnerships, 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;

F12["registration area" shall be construed in accordance with *section 15(1)* and (2A);]

"repealed enactments" means the enactments repealed by *section 4*;

"the required particulars" means—

F16[(a) in relation to a birth or a living new born child found abandoned, the particulars specified in *Part 1* of the *First Schedule* in relation to the child, the mother of the child and, as applicable, the father or other parent of the child;

(b) in relation to a stillbirth the particulars specified in *Part 2* of the *First Schedule* in relation to the child, the mother of the child and, as applicable, the father or other parent of the child;]

(c) F6[...]

(d) F6[...]

F16[(e) in relation to a death, the particulars specified in *Part 5* of the *First Schedule* in relation to the deceased and, as applicable, the mother, father, parent and guardian of the deceased;]

F5[(f) in relation to a presumed death, the particulars specified in *Part 5B* of that Schedule;]

F17["scheme" means a scheme approved under *section 14*;]

"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;

"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—

(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,

F18[(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—

(i) prior to the coming into operation of subsection (1) of section 45 of the Domestic Violence Act 2018, or

(ii) in accordance with subsection (2) of section 45 of that Act.]

F19[(d) one of the parties to the proposed marriage lacks, or both of the parties to the proposed marriage lack, the capacity (within the meaning of the Assisted Decision-Making (Capacity) Act 2015) to consent to the marriage,]

(e) F20[...]

F21[(f) one of the parties to the marriage is, or, other than where *section 2B* applies, both are, already party to a subsisting civil partnership, or]

F22[(g) the marriage would constitute a marriage of convenience.]

F23[(g) the marriage would be void by virtue of *section 2A*.]

F24[(2A) F25[...]

(2B) F25[...]]

(3) In this Act—

(a) a reference to a birth, stillbirth, F6[...] 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;

(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;

(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.

F26[Prohibited degrees of relationship

**2A.** (1) For the purposes of this Act, any prohibition in this Act or any other enactment or rule of law on marriage between two persons of the opposite sex arising by virtue of a relationship of consanguinity or affinity between them, shall, subject to any necessary modifications, apply to marriage between two persons of the same sex as it applies to marriage between two persons of the opposite sex.

(2) A marriage purported to be solemnised which contravenes a prohibition referred to in *subsection (1)* shall be void.]

F27[No impediment where subsisting civil partnership with each other

**2B.** There is not an impediment to a marriage by virtue of both of the parties to the intended marriage being parties to a subsisting civil partnership with each other.]

- 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,
  - (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.
- (3) A regulation under this section may contain such consequential, supplementary and ancillary provisions as the Minister considers necessary or expedient.
- (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.
- Repeals.      **4.—**The enactments specified in the *Second Schedule* are repealed to the extent specified in *column 3* of that Schedule.
- Transitional provisions.      **5.—**(1) In so far as any order, regulation, rule, agreement, application, decision or reference or order of a court made, approval, consent, notification, notice or direction given or served, requirement imposed, certificate, form or other instrument issued or given, register or index maintained, resolution passed, particulars given, application 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.
- (2) Where any document refers to an enactment repealed by this Act and provision is made by this Act corresponding to that enactment, 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.
- (3) Nothing in this Act affects the validity of a marriage duly solemnised before the commencement of *Part 6*.
- Expenses of Minister and Minister for Finance.      **6.—**(1) The expenses incurred by the Minister in the administration of this Act shall, to such extent as may be sanctioned by the Minister for Finance, be paid out of moneys provided by the Oireachtas.
- (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

- Ard-Chláraitheoir.      **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 an tSeirbhís um Chlárú 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.

(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 F28[3] 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 exceeding F28[3] 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.

F29[(5A) A person appointed to be an tArd-Chláraitheoir may at any time resign his or her office by letter addressed to the Minister and the resignation shall take effect on and from the date of receipt of the letter.]

(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.

(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.

(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 *subsections (4) and (5)* do not apply to that person.

(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.

(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.

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, F30[...] 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,

(b) to extend the Civil Registration Service to decrees of divorce, and decrees of nullity F31[*of marriage*], wherever granted in the State,

F32[(bb) to extend the Civil Registration Service to civil partnership registration, wherever occurring in the State,



(bbb) to extend the Civil Registration Service to decrees of dissolution and decrees of nullity of civil partnerships, wherever granted in the State,]

(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,

(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 F33[of marriage],

F34[(ee) to establish and maintain registers and indexes for the purposes of the registration of civil partnerships,

(eee) to establish and maintain registers and indexes for the purpose of the registration of decrees of dissolution of civil partnerships and of decrees of nullity of civil partnerships,]

F35[(eeee) to establish and maintain a register and index for the purpose of the registration of gender recognition,]

F36[(eeeee) to establish and maintain a register and index for the purpose of the registration of presumed deaths,]

F37[(eeeeee) to establish and maintain a register and index for the purpose of the registration of the particulars to which *section 30I* applies,]

(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 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, F38[deaths and marriages] 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 F39[, including his or her functions under Chapter 1 of Part 10 of the Adoption Act 2010].

(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 F40[, including his or her functions under Chapter 1 of Part 10 of the Adoption Act 2010].

(6) An tArd-Chláraitheoir may delegate such of his or her functions F41[, including his or her functions under Chapter 1 of Part 10 of the Adoption Act 2010] as he or she considers appropriate to a member of his or her staff.

F42[Performance of functions of registrar and Superintendent Registrar by staff of Ard-Chláraitheoir in certain exceptional circumstances

**8A.** (1) A Superintendent Registrar of a registration area may make a request in writing to an tArd-Chláraitheoir (in this section referred to as a "request") that an tArd-Chláraitheoir issue a direction (in this section referred to as a "direction") that the relevant functions of registrars and Superintendent Registrars in the registration area to which the request relates are to be performed in accordance with this section.

(2) Where an tArd-Chláraitheoir receives a request under *subsection (1)*, he or she shall issue a direction in relation to a registration area where he or she is satisfied that—

(a) it is appropriate to do so in the circumstances, and

(b) it is necessary to do so in order to prevent, limit, minimise or slow the spread of infection of Covid-19.

(3) Where an tArd-Chláraitheoir issues a direction in relation to a registration area—

(a) any relevant functions of a registrar or Superintendent Registrar of the registration area to which the direction relates shall be performed by such members of staff of an tArd-Chláraitheoir as an tArd-Chláraitheoir may specify, and

(b) a reference in a relevant provision—

(i) to a registrar or to a Superintendent Registrar shall be read as a reference to a member of staff of an tArd-Chláraitheoir specified under paragraph (a), and

(ii) to an tArd-Chláraitheoir shall, notwithstanding *section 8(6)*, be read as a reference to an tArd-Chláraitheoir.

(4) A direction shall specify—

(a) the day on which it comes into effect, and

(b) the day on which it shall cease to have effect,

and, subject to *subsection (5)*, the direction shall cease to have effect in relation to the registration area on the latter date.

(5) Notwithstanding the date on which a direction is specified to cease to have effect under *subsection (4)*, a direction shall cease to have effect upon the earlier of—

(a) such date as may be specified by an tArd-Chláraitheoir in a written notice to the Superintendent Registrar of the registration area to which the direction relates, or

(b) the date on which this section ceases to be in operation in accordance with *subsections (6) or (7)*, as the case may be.

(6) This section shall, subject to *subsections (7) and (8)*, continue in operation until 31 May 2020.

(7) The Government—

(a) at the request of the Minister for Employment Affairs and Social Protection,

(b) after consultation with any other Minister of the Government as he or she considers appropriate having regard to the functions of that Minister of the Government, and

(c) having had regard to the matters referred to in *subsection (9)*,

may, from time to time, by order declare that the period of time specified in *subsection (6)* shall continue in operation for such period or periods as may be specified in the order concerned.

(8) An order under *subsection (7)* shall be laid before each House of the Oireachtas as soon as may be after it is made and, if a resolution annulling the order is passed by either such House within the next 21 days on which that House sits after the order is laid before it, the order shall be annulled accordingly, but without prejudice to the validity of anything previously done thereunder.

(9) When making an order under *subsection (7)*, the Government shall have regard to the following:

(a) the nature and potential impact of Covid-19 on individuals, society and the State;

(b) the capacity of the State to respond to the risk to public health posed by the spread of Covid-19;

(c) measures taken in order to comply with, or as a consequence of, Government policy;

(d) the need to ensure the most beneficial, effective and efficient use of resources;

(e) the need to ensure the continuity of a well-functioning registration service.

(10) In this section—

"Covid-19" means a disease caused by infection with the virus SARS-CoV-2 and specified as an infectious disease in accordance with Regulation 6 of, and the Schedule to, the Infectious Diseases Regulations 1981 (*S.I. No. 390 of 1981*) or any variant of the disease so specified as an infectious disease in those Regulations;

"relevant function" means a function of a registrar or a Superintendent Registrar under a relevant provision;

"relevant provision" means *Part 3* or *Part 5*.]

Ard-Chláraitheoir  
Cúnta.

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.

(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 F43[3] 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 F43[3] years as he or she considers appropriate.

(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.

F44[(7A) A person appointed to be an tArd-Chláraitheoir Cúnta may at any time resign his or her office by letter addressed to the Minister and the resignation shall take effect on and from the date of receipt of the letter.]

(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.

(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.

(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.

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.

(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.

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.

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

(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.

Oifig an Ard-Chláraitheora.

**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.

(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.

Registers.

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

(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) F45[...]

(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 F46[decrees of divorce],]

F47[(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 of marriage),

(h) a register of all civil partnership registrations taking place in the State (which shall be known, and is referred to in this Act, as the register of civil partnerships),

(i) a register of all decrees of dissolution (which shall be known, and is referred to in this Act, as the register of decrees of F48[dissolution],]

(j) a register of all decrees of nullity of civil partnerships (which shall be known, and is referred to in this Act, as the register of F49[decrees of nullity of civil partnerships],)]

F50[(k) a register of gender recognition (which shall be known, and is referred to in this Act, as the F49[the register of gender recognition),]]

F51[(l) a register of all presumed deaths where a presumption of death order has been made under section 5 of the Act of 2019 (which shall be known, and is referred to in this Act as F49[the register of presumed deaths), and]]

F52[(m) a register of particulars to which *section 30I* applies (which shall be known as the register under *Part 3B* of the Civil Registration Act 2004 , and is referred to in this Act as the register under *Part 3B*).]

(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.

(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.

(4) Evidence of an entry in a register F53[, *other than the register of gender recognition,*] 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.

(5) F45[...]

(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.

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

Schemes.

**14.—**F54[(1) As soon as may be after the appointment of the first Superintendent Registrar of a registration area, he or she shall prepare a scheme in writing for the administration of the Civil Registration Service in that area and shall, after it has been approved by the Executive, submit the scheme to the Minister.]

(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.

(3) (a) A scheme may be amended or revoked by a scheme under this subsection prepared by the Superintendent Registrar F54[of the registration area concerned].

(b) A scheme under this subsection shall, after it has been approved by F54[the Executive], be submitted to the Minister.

(4) A scheme or a scheme under *subsection (3)* shall be subject to the approval of F54[the Executive].

(5) A scheme may contain such incidental, supplementary and consequential provisions as appear to F54[the Executive] to be necessary or expedient for the purposes of the scheme.

(6) The Minister may, in consultation with an tArd-Chláraitheoir and F54[the Executive], 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 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.

F54[(7) Without prejudice to the generality of *subsection (1)*, a scheme shall specify in relation to a registration area—

- (a) the number of registrars required for the purpose of the performance of the Executive's functions within that area,
- (b) the number of other employees required for that purpose,
- (c) the locations within that area of the offices of the Executive,
- (d) the proposed functions of, and distribution of functions between, the registrars and employees assigned pursuant to the scheme,
- (e) particulars of the proposed conditions of employment of the registrars and employees assigned pursuant to the scheme, and
- (f) particulars or provisions in relation to any other matter standing specified for the time being by the Minister.]

(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 F54[the Executive in relation to the registration area concerned] shall be performed in accordance with any relevant provisions of the scheme or the scheme under *subsection (3)*.

(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.

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

Local registration authorities.

15.—F55[(1) Each functional area of the Health Service Executive shall, subject to *subsection (2A)*, be a registration area for the purposes of this Act.

(2) After consulting with an tArd Chláraitheoir, the Executive shall assign a name to each registration area.

(2A) The Executive may, with the consent of an tArd Chláraitheoir, redefine for the purposes of this Act the boundaries of any of its functional areas, and, if it does so, that functional area as redefined shall be a registration area for those purposes.]

F56[(3) Under the overall management, control and supervision of an tArd Chláraitheoir, the Executive shall, in accordance with the provisions of the relevant scheme, manage, control and administer, through the Superintendent Registrar of each registration area, the Civil Registration Service in that area and perform in the area the other functions conferred on it by or under this Act.]

(4) An tArd-Chláraitheoir may give a direction in writing to F56[the Executive] in relation to F57[...] management, control and administration, of the Civil Registration Service in F56[a registration area], and F56[the Executive] shall comply with a direction given to it under this subsection.

F56[(5) The Executive shall, in each year beginning with the year 2005, prepare an estimate in writing of its income and expenditure in the next following year in respect of each registration area and shall submit a copy of it to an tArd Chláraitheoir.]



Financial provisions relating to authorities.

16.—(1) F58[...]

(2) F59[Accounts of the Executive relating to each scheme] shall be audited by the Comptroller and Auditor General.

(3) F58[...]

Staff of authorities.

17.—F60[(1) Subject to the provisions of this section, the Executive, after consulting with an tArd Chláraitheoir, shall—

(a) appoint, in respect of each registration area, an employee of the Executive as the chief officer of that area to be known as the Superintendent Registrar,

(b) appoint such number of employees of the Executive as registrars of births, stillbirths, F61[deaths, marriages and civil partnerships] and assign them to each registration area, and

(c) assign such number of other employees to each registration area,

as it considers necessary for the performance of its functions.

(2) The appointment and assignment of a registrar under *paragraph (b)* and the assignment of an employee under *paragraph (c)* of *subsection (1)* to a registration area shall be in accordance with the scheme relating to the area.

(3) The Superintendent Registrar of a registration area shall manage, control and administer the Civil Registration Service on behalf of and subject to the control and direction of the Executive in that 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 Executive.]

(4) A registrar shall have and perform F60[in the registration area to which he or she is assigned] 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 F60[a scheme relating to that area]).

(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 F60[the registration area to which the registrar or officer is assigned] and shall comply with any directions given to him or her under *subsection (6)*.

F60[(6) A Superintendent Registrar of a registration area may give a direction to a registrar or authorised officer assigned to that area.]

F62[(6A) A Superintendent Registrar of a registration area, with the consent of the Executive given following consultation with an tArd-Chláraitheoir, may designate in writing a registrar assigned to that registration area to perform the functions of the Superintendent Registrar referred to in the designation in the absence (other than where the position of the Superintendent Registrar is vacant) of the Superintendent Registrar.

(6B) A registrar designated under *subsection (6A)* shall be accountable to the Superintendent Registrar concerned for the performance of the functions referred to in the designation.

(6C) The Superintendent Registrar shall be accountable to the Executive for the performance of the functions designated under *subsection (6A)*.

(6D) The Superintendent Registrar, with the consent of the Executive, may in writing revoke a designation under *subsection (6A)*.]

(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.



(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 F60[the Executive] at the time of the appointment.

F60[(9) A person holding office under this section (including a Superintendent Registrar and a registrar) may be removed from office by the Executive if, in its opinion, the person is incapable by reason of ill health of performing the functions of the office or has committed stated misbehaviour or his or her removal from office appears to the Executive to be necessary for the effective performance of the functions of the office.]

(10) F60[(a) The Executive may appoint any of its employees 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 and shall assign such officers to a registration area.]

(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.

(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.

(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 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.

(13) In this section “registrar” means a registrar of births, stillbirths, deaths F61[, marriages and civil partnerships] 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.

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

(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,

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.

F65[(1A) It is the duty of a person referred to in *paragraph (a) or (b) of subsection (1) to furnish to the registrar such evidence in his or her possession or within his or her power to so furnish, relating to the required particulars of the birth as may be requested by the registrar.*]

(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, F63[the Superintendent Registrar in whose registration area] the birth occurred is unable to contact either parent of the child concerned, F63[the Superintendent Registrar may] give a qualified informant a notice in writing requiring the informant—

F63[(a) to attend before a registrar in that registration area, at the office of the registrar or such other (if any) convenient place as may be specified by the Superintendent Registrar 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),]

(b) there, to give to the registrar, to the best of his or her knowledge and belief, the required particulars of F66[the birth,]

F67[(ba) to furnish to the registrar such evidence in his or her possession or within his or her power to so furnish, relating to the required particulars of the birth as may be requested by the registrar, 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.

(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) 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

(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, evidence that the Superintendent Registrar F64[in whose registration area] the birth occurred made all reasonable efforts to find the parents or a qualified informant.

F68[(5A) The registrar shall notify the Superintendent Registrar of the registration area to which the registrar is assigned, who shall advise an tArd-Chláraitheoir of a request in that behalf, and an tArd-Chláraitheoir, on production to him or her of such evidence as he or she considers adequate to show that exceptional circumstances exist such that it is necessary for the relief of undue hardship, may direct the Superintendent Registrar to cause the birth to be registered notwithstanding that a

person referred to in *paragraph (a) or (b) of subsection (1)* or a qualified informant has not signed the register.]

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

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

F69[(aa) in so far as it relates to a child who makes a request under *section 22(2)(d) or 23A(1)*, the child,]

(b) a guardian of the child,

(c) a person present at the birth,

(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,

(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)*.

F70[Special provisions in relation to registration of birth of donor-conceived child

**19A.** (1) Where a child who is a donor-conceived child is born, the person referred to in *paragraph (a) or (b) of section 19(1)* shall comply with that section in relation to the birth, and shall also give the following to the registrar—

(a) the certificate furnished to the person under *section 27(5) of the F71[Children and Family Relationships Act 2015]*,

(b) a statutory declaration referred to in *subsection (2)*.

(2) A statutory declaration referred to in *subsection (1)(b)* shall be in the form for the time being standing approved by an tArd-Chláraitheoir, and shall state—

(a) the parent or parents of the child consented, in accordance with *Part 2 of the F71[Children and Family Relationships Act 2015]*, to being the parents, under *section 5 of that Act*, of the child, and

(b) no person, other than the parent or parents referred to in *paragraph (a)*, is the parent of the child.

(3) Where *section 19(3)* applies in relation to a birth referred to in *subsection (1)*, the qualified informant concerned shall comply with that section, and shall also give the following to the registrar—

(a) the certificate referred to in *subsection (1)(a)*, and

(b) such evidence in his or her possession or within his or her power to so furnish relating to the consent by the parent or parents, or any other person, under *Part 2 of the F71[Children and Family Relationships Act 2015]*, to being the parents, under *section 5 of that Act*, of the child.

(4) Where the mother of a child referred to in *subsection (1)* 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, and another person would, but for this subsection fall to be registered as a parent of the child under *section 19*, that person shall not be so registered unless the person complies with *subsection (3)* and *subsections (3A) to (3H) of section 22(3)*.

(5) Where—

(a) paragraphs (i) to (iii) of section 19(1) and subsection (1), or

(b) as the case may be, paragraphs (a) to (c) of section 19(3) and subsection (3),

have been complied with in relation to a birth to which subsection (1) applies, the registrar concerned shall register the birth in accordance with this section and in such manner as an tArd-Chláraitheoir may direct.

(6) In registering the birth of a child under this section, the registrar shall note on the register that the child is a child to whom subsection (1) applies.

(7) A note referred to in subsection (6) shall not be shown on any birth certificate issued to the child.

(8) Where—

(a) the birth of a child has been registered other than under this section, and

(b) the registrar receives information from the Minister for Health to the effect that the child is a child to whom subsection (1) applies,

the registrar shall contact the persons who complied with section 19(1) in relation to the birth of the child and such other persons as he or she considers necessary, and make the enquiries necessary to determine whether the birth of the child should be re-registered under this section.

(9) Where the registrar, having made the enquiries referred to in subsection (8), is of the opinion that the child concerned is a child to whom subsection (1) applies, he or she shall re-register the birth of the child under this section and enter in the register the name of the person who is, or persons who are, under section 5 of the F71[Children and Family Relationships Act 2015], the parent or parents of the child.

(10) Where a person whose birth was registered in accordance with this section and who has attained the age of 18 years applies for a birth certificate, the registrar shall contact that person to inform him or her that further information relating to him or her is available from the National Donor-Conceived Person Register.]

F72[Alleviation of requirement on certain persons to appear in person under Part 3 of Act of 2004

**19B.** (1) Notwithstanding any provision of this Part, a parent or a qualified informant who, within the emergency period, is required under this Part to—

(a) attend in person before a registrar,

(b) attend in person before a Superintendent Registrar, or

(c) sign a register in the presence of any person,

shall be deemed to have done so where they have provided to the registrar, Superintendent Registrar or person in question such written particulars relating to that requirement as an tArd-Chláraitheoir may specify.

(2) Before the expiration of the emergency period, the Government may, at the request of the Minister made—

(a) after consultation with any other Minister of the Government as he or she considers appropriate having regard to the functions of that Minister of the Government, and

(b) having had regard to the matters referred to in subsection (4),

by order specify a date that is later than the expiration date of the emergency period specified in the definition of ‘emergency period’ or the last order under this subsection, as the case may be, and the emergency period shall be read as extending to, and including, the date so specified.

(3) An order under *subsection (2)* shall be laid before each House of the Oireachtas as soon as may be after it is made and, if a resolution annulling the order is passed by either such House within the next 21 days on which that House sits after the order is laid before it, the order shall be annulled accordingly, but without prejudice to the validity of anything previously done thereunder.

(4) When making an order under *subsection (2)*, the Government shall have regard to the following:

- (a) the nature and potential impact of Covid-19 on individuals, society and the State;
- (b) the capacity of the State to respond to the risk to public health posed by the spread of Covid-19;
- (c) measures taken in order to comply with, or as a consequence of, Government policy;
- (d) the need to ensure the most beneficial, effective and efficient use of resources;
- (e) the need to ensure the continuity of a well-functioning registration service;
- (f) the need to ensure that persons do not have to attend in person to register a birth where it would not be safe or advisable in the interests of public health for them to do so.

(5) In this section—

"Covid-19" means a disease caused by infection with the virus SARS-CoV-2 and specified as an infectious disease in accordance with Regulation 6 of, and the Schedule to, the Infectious Diseases Regulations 1981 (S.I. No. 390 of 1981) or any variant of the disease so specified as an infectious disease in those Regulations;

"emergency period" means the period beginning on 13 March 2020 and ending on 31 May 2020.]

Births occurring more than 12 months before registration.

**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 F73[*of the registration area to which the registrar is assigned*].

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

Duty to notify registrar of abandoned new-born children.

**21.—**(1) Where a living new-born child is found abandoned, it is the duty of—

- (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-Chlárathaoir, the required particulars of the birth and, thereupon, the registrar shall register the birth in such manner as may be so directed.

(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.

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—

(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

(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

(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,

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

(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,

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.

(3) Where, in a case in which the mother of a child to whom *sub-section (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 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—

(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

(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 [F74\[of marriage\]](#) or a deed of separation.

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

(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
  - (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.

Re-registration of birth to include name of father.

**F94[23.** (1) This section applies 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 and—

- (a) no person has been registered as the child's father, or
- (b) the mother of the child 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 her husband or former husband is registered as the child's father.

(1A) Subject to *subsection (2)*, a registrar shall re-register the birth of a child to whom *subsection (1)* applies in such manner as an tArd-Chláraitheoir may direct and shall enter in the register the name of a person (in this section referred to as the "person") as the father of the child—

- (a) if the mother of the child and the person jointly so request the registrar in writing and give to him or her a statutory declaration, 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 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, and
  - (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,
 or
- (c) if the person so requests the registrar in writing and gives to him or her—
  - (i) 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, and
  - (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.

(2) A birth shall not be re-registered under this section without the consent of a Superintendent Registrar of the registration area to which the registrar is assigned.

(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 pursuant to a request under *paragraph (a), (b) or (c) of subsection (1A)*, and a person would fall to be registered under *subsection (1A)* 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—

- (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,

(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 (in this section referred to as the "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 of marriage or a deed of separation, or

(c) subject to *subsections (3A) to (3G)* a statutory declaration of the mother, that she has been living apart from 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 contain the name and last known contact details of the person who is her husband, and as necessary exhibit information, particulars and evidence relied on by the mother to satisfy the registrar that she has been living apart from the husband during the period of 10 months ending immediately before the birth of the child.

(3A) The registrar, where a statutory declaration under *subsection (3)(c)* is produced, shall make all reasonable efforts to give notice in writing to the husband requiring him to within 28 days attend before a registrar, at the office of the registrar or such other (if any) convenient place in the registration area concerned, as may be specified by the registrar in the notice, and there to inform the registrar if he agrees that he is not the father of the child.

(3B) The husband, given notice under *subsection (3A)* who agrees that he is not the father of the child, shall complete a statutory declaration under *subsection (3)(a)*.

(3C) The registrar, if satisfied having made all reasonable efforts under *subsection (3A)* that no contact can be made with the husband or former husband, and, having considered the statutory declaration of the mother under *subsection (3)(c)* —

(a) if satisfied that the mother has been living apart from the husband during the period of 10 months ending immediately before the birth of the child shall enter in the register the name of the person as the child's father, or

(b) if not satisfied that the mother has been living apart from the husband during the period of 10 months ending immediately before the birth of the child shall notify the mother in writing that—

(i) he or she is not so satisfied, giving reasons for the decision,

(ii) he or she is obliged to register the birth of the child with required particulars of the husband in so far as they relate to the father of the child, and

(iii) the mother may appeal the decision of the registrar not later than 28 days from the day on which the notice is sent by the registrar.

(3D) The mother may appeal against the decision of the registrar under *subsection (3C)(b)* in writing, in a form standing approved by an tArd-Chláraitheoir or in a form to the like effect stating the reasons for the appeal, to a Superintendent Registrar in whose registration area the application to register the birth was made, not later than 28 days from the day on which the notice under *subsection (3C)(b)* is sent by the registrar, and the Superintendent Registrar shall determine the appeal.

(3E) In considering an appeal referred to him or her under *subsection (3D)* the Superintendent Registrar shall consider all information furnished by the mother under *subsection (3)(c)*, the reasons furnished by the registrar under *subsection (3C)(b)*, the notice of appeal under *subsection (3D)* and any additional information furnished in



response to a request by the Superintendent Registrar for further information and shall decide to either—

(a) annul the decision of the registrar under *subsection (3C)(b)* and direct the registrar to enter in the register the name of the person as the child's father, or

(b) confirm the decision of the registrar under *subsection (3C)(b)*.

(3F) The mother may appeal to the Circuit Court against the decision of the Superintendent Registrar under *subsection (3E)(b)*.

(3G) The jurisdiction conferred on the Circuit Court by *subsection (3F)* shall be exercised by a judge of the circuit in which the mother ordinarily resides and the appeal may be heard otherwise than in public.

(4) 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* 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 23A* or *24*.

(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

(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)*.

(6A) The registrar shall notify the Superintendent Registrar of the registration area to which the registrar is assigned, who shall advise an tArd-Chláraitheoir of a request in that behalf, and an tArd-Chláraitheoir, on production to him or her of such evidence as he or she considers adequate to show that exceptional circumstances exist such that it is necessary for the relief of undue hardship, may direct the Superintendent Registrar to cause the birth to be re-registered notwithstanding that a person referred to in *paragraph (a)* or *(b)* of *subsection (6)* has not signed the register.

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

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

F95[Re-registration  
on foot of court  
order

**23A.** (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, whether or not anybody has been registered as the child's father, under this Act or the repealed enactments a registrar shall re-register the birth in such manner as an tArd-Chláraitheoir may direct and shall enter in the register the name of a person ('the person') as the father of the child if the mother, the person or the child to whose birth the registration relates and who has attained the age of 18 years so requests and gives to the registrar a document purporting to be a copy of a declaration made by the Circuit Court under *section 35* of the *Status of Children Act 1987* or an order made by a court in proceedings referred to in *section 45* of that Act, 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.

(2) A birth shall not be re-registered under this section without the consent of a Superintendent Registrar of the registration area to which the registrar is assigned.

(3) 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*.

(4) Where one of the persons to whom *subsection (1)* applies makes a request to a registrar under that provision, the registrar shall notify any other persons referred to in that provision capable of making a request and anybody registered as the child's father as the case may be.

(5) 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 under *subsection (1)*,

(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 under *subsection (1)*, and

(c) the child to whom the registration relates, if he or she has attained the age of 18 years where he or she has made, or joined in the making of the request concerned under *subsection (1)*.

(6) The registrar shall notify the Superintendent Registrar of the registration area to which the registrar is assigned, who shall advise an tArd-Chláraitheoir of a request in that behalf, and an tArd-Chláraitheoir, on production to him or her of such evidence as he or she considers adequate to show that exceptional circumstances exist such that it is necessary for the relief of undue hardship, may direct the Superintendent Registrar to cause the birth to be re-registered notwithstanding that a person referred to in *paragraph (a), (b) or (c) of subsection (5)* has not signed the register.

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

**F96**[Re-registration of birth of donor-conceived child on foot of court order] **23B.** (1) Where the birth of a child has been registered under this Act or the repealed enactments a registrar shall re-register the birth in such manner as an tArd-Chláraitheoir may direct and shall enter in the register the name of a person ("the person") as the parent of the child if the mother, the person or the child to whose birth the registration relates and who has attained the age of 18 years so requests and gives to the registrar a document purporting to be a copy of a declaration made by the District Court under section 21 of the **F97**[Children and Family Relationships Act 2015], or by the Circuit Court under section 22 of the **F97**[Children and Family Relationships Act 2015], 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 parent of the child.

(2) Where the birth of a donor-conceived child has been registered, whether or not anybody other than the child's mother has been registered as a parent of the child, under this Act or the repealed enactments a registrar shall re-register the birth in such manner as an tArd-Chláraitheoir may direct and shall enter in the register the name of a person ('the person') as the parent of the child if the mother, the person or the child to whose birth the registration relates and who has attained the age of 18 years so requests and gives to the registrar a document purporting to be a copy of a declaration made by the Circuit Court under **section 35 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 parent of the child.

(3) A birth shall not be re-registered under this section without the consent of a Superintendent Registrar of the registration area to which the registrar is assigned.

(4) 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*.

(5) Where one of the persons to whom *subsection (1)* applies makes a request to a registrar under that provision, the registrar shall notify any other persons referred to in that provision capable of making a request.

(6) Where one of the persons to whom *subsection (2)* applies makes a request to a registrar under that provision, the registrar shall notify any other persons referred to in that provision capable of making a request and anybody registered as a parent, other than the mother, of the child, as the case may be.

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

- (a) the mother of the child, if she has made, or joined in the making of, the request under *subsection (1)* or *(2)*,
- (b) the person declared by the court referred to in *subsection (1)* or *(2)* to be the parent of the child, if he or she has made, or joined in the making of, the request under that subsection, and
- (c) the child to whom the registration relates, if he or she has reached the age of 18 where he or she has made, or joined in the making of the request concerned under *subsection (1)* or *(2)*.

(8) The registrar shall notify the Superintendent Registrar of the registration area to which the registrar is assigned, who shall advise an tArd-Chláraitheoir of a request in that behalf, and an tArd-Chláraitheoir, on production to him or her of such evidence as he or she considers adequate to show that exceptional circumstances exist such that it is necessary for the relief of undue hardship, may direct the Superintendent Registrar to cause the birth to be re-registered notwithstanding that a person referred to in *paragraph (a), (b) or (c) of subsection (7)* has not signed the register.

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

(10) Where the person declared by the court referred to in *subsection (1)* or *(2)* to be the parent of the child is a male, he may be registered as the father of the child.]

Re-registration of births of legitimated persons.

**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.

(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.

(3) A registrar shall not re-register a birth under this section without the consent of the Superintendent Registrar F98[*of the registration area to which the registrar is assigned*].

(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.

(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.

F99[Failure to agree surname and subsequent registration of surname

**25A.** (1) A registrar shall register the birth of a child without the surname of the child as part of the required particulars where the registrar is satisfied that the parents of the child do not agree regarding a surname for the child.

(2) The duty imposed on a person under this Part to give to the registrar required particulars of the birth, in so far as those particulars refer to a surname for the child shall not apply where the registrar registers the birth under *subsection (1)*, or under *subsection (1E)(a)* or F100[(1K)] of *section 22*.

(3) Where a birth has been entered on the register under *subsection (1)* or under *subsection (1E)(a)* or F100[(1K)] of *section 22* the following persons may apply to a registrar to register the surname of the child:

(a) where the child concerned has not attained the age of 18 years—

(i) the parents of the child, where they satisfy the registrar that they have agreed a surname for the child,

(ii) the surviving parent of the child, or

(iii) where there is no surviving parent, the guardian of the child,

or

(b) where the child concerned has attained the age of 18 years, the child.

(4) On receipt of an application referred to in *subsection (3)* in a form standing approved by an tArd-Chláraitheoir or a form to the like effect, and on production to the registrar of such evidence as appears to him or her to be satisfactory and on payment of the prescribed fee, the registrar shall register the surname of the child.

(5) The surname of the child entered in the register under *subsection (4)* shall be a surname determined in accordance with *Part 1* of the *First Schedule*.

(6) Where the surname of the child is entered in the register under *subsection (4)*, the existing entry in the register regarding the birth shall be retained in the register, the addition of the surname shall be deemed for all purposes to be and always to have been part of the original entry, and the surname so entered 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

(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.

Recording and registration of certain other births occurring outside State.

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

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

(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

(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.

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

(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.

(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.

(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;

“Irish ship” has the meaning assigned to it by [the Mercantile Marine Act 1955](#).

F102[Registrar may take and receive statutory declaration under Guardianship of Infants Act 1964

**27A.** For the purposes of [section 1\(1\)\(d\) of the Statutory Declarations Act 1938](#), a registrar may, during the period of 14 days immediately following the date on which the birth of a child is registered or re-registered, take and receive a statutory declaration made under [section 2\(4\)\(e\) or 6B\(4\)\(c\) of the Guardianship of Infants Act 1964](#) in respect of the child.]

Registration of stillbirths.

**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,

may F103[...]

(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)*,

(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.

(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—

(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

(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, F104[[Superintendent Registrar in whose registration area](#)] the stillbirth occurred may—

(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,

to give to any registrar F104[[in that registration area](#)] the required particulars of the stillbirth, and the institution or person, as the case may be, shall 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 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.

(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 F104[[registration area](#)] 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, and the registrar shall register the stillbirth in such manner as an tArd-Chláraitheoir may direct.

Registration of stillbirths that occurred before 31 December 1994.

**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 F105[[registration area](#)] concerned the occurrence of the stillbirth—

(a) the registrar shall enter the particulars in the register,

(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.

Duty to notify Ard-Chláraitheoir of births and stillbirths.

**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 F106[[Superintendent Registrar in whose registration 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, the stillbirth.

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

(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,

to notify the F106[Superintendent Registrar in whose registration 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.

## F107[PART 3A

### REGISTER OF GENDER RECOGNITION]

F108[Definitions (Part 3A)] **30A.** In this Part—

"Adopted Children Register" means the Adopted Children Register maintained under section 84 of the Adoption Act 2010;

"register" means the register of gender recognition.]

F109[Entry in Register

**30B.** (1) A person referred to in sub paragraph (i) or (ii) of section 9(1)(a) of the Act of 2015 to whom a gender recognition certificate is issued by the Minister may contact an tArd-Chláraitheoir and request that the required particulars relating to the recognition of the gender of the person are entered in the register.

(2) Where an tArd-Chláraitheoir is satisfied to make an entry in the register it shall contain—

- (a) if the requesting person is a person to whom sub paragraph (i) of section 9(1)(a) of the Act of 2015 applies, such of the required particulars specified in Part 2A of the First Schedule as correspond to the required particulars that are entered in the register of births relating to that person, or
- (b) if the requesting person is a person to whom subparagraph (ii) of section 9(1)(a) of the Act of 2015 applies, such of the required particulars specified in Part 2B of the First Schedule as correspond to the particulars that are entered in the Adopted Children Register relating to that person.

(3) Evidence of an entry in the 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 or a person authorised in that behalf by an tArd-Chláraitheoir.]

F110[Index to register and privacy

**30C.** (1) An tArd-Chláraitheoir shall maintain an index to the register.

(2) Subject to subsection (4), an tArd-Chláraitheoir shall, on application by a person referred to in subsection (3) to him or her in that behalf in writing and on payment to him or her of the prescribed fee—

- (a) search the register and the index to that register, or
- (b) give the person—
  - (i) a copy certified by him or her to be a true copy,
  - (ii) a copy, or
  - (iii) a certified extract,

of an entry in the register specified by the person.

(3) The following persons may make an application to an tArd-Chláraitheoir under subsection (2):



- (a) the person to whom the entry on the register relates;
- (b) a person who is, in relation to the person referred to in *paragraph (a)* —
  - (i) the surviving spouse or civil partner,
  - (ii) if no surviving spouse or civil partner, the child,
  - (iii) if no surviving spouse or civil partner or child, a parent, or
  - (iv) if no surviving spouse or civil partner, child or parent, a surviving brother or sister.
- (4) A copy of an entry or an extract thereof referred to in *subsection (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.
- (5) The Minister, by regulations under this Act, may specify the particulars to be included in a certified extract referred to in *subsection (2)(b)(iii)*.]

F111[Separate index of connections between register of gender recognition and register of births

**30D.** (1) An tArd-Chláraitheoir shall maintain an index to make traceable the connection between each entry in the register and the corresponding entry in the register of births or the Adopted Children Register.

(2) The index maintained under *subsection (1)* shall not be open to public inspection, and no information from that index shall be given to any person except by order of a court.

(3) A certified copy of an entry in the register, if purporting to be issued under the seal of Oifig an Ard-Chláraitheora shall be received, without further proof, as evidence of the facts stated therein and any requirement of law for the production of a certificate of birth shall be satisfied by the production of the certified copy.

(4) A court shall not make an order referred to in *subsection (2)*, where the person to whom the information relates is a child of less than 18 years of age, unless satisfied that it is in the best interest of the child.]

F112[Cancellation or amendment of entry in register

**30E.** (1) An tArd-Chláraitheoir, as soon as practicable following receipt of a notice under section 14(9)(a) or 15(11)(a) of the Act of 2015, shall cancel the appropriate entry in the register, the index referred to in *section 30C(1)* and the index referred to in *section 30D*.

(2) An tArd-Chláraitheoir, as soon as practicable following receipt of a notice under section 16(8)(a) of the Act of 2015, shall correct the appropriate entry in the register and the original entry shall be retained in the register.

(3) An tArd-Chláraitheoir—

(a) following a re-registration or correction under *section 23, 23A, 24, 25, 25A, 63, 64 or 65* of an entry in the register of births, or

(b) an amendment under *subsection (5), (7) or (9) of section 84* of the Act of 2010 of an entry in the Adopted Children Register,

which corresponds to an entry in the register, shall amend the appropriate entry in the register accordingly.]

F113[PART 3B

REGISTER UNDER *PART 3B*]

F114[Definitions  
(Part 3B)]

**30F.** In this Part—

"affected person", subject to *section 30G(4)*, means a person to whom the following applies:

- (a) an entry in the register of births relating to his or her birth was made on or before the 31st day of December 1980,
- (b) in the entry referred to in *paragraph (a)*, the name of a person other than his or her mother was entered as his or her mother, and
- (c) the person named as mother and, if applicable, father, in the said entry assumed the role of a parent in relation to the person and treated that person as her or their lawful child,

and includes a person in respect of whom the entry in the register of births has been corrected or cancelled pursuant to *section 63, 64 or 65*;

"register" means the register established under *Part 3B*.]

F115[*An tArd-Chláraitheoir* may receive and request certain information concerning affected persons]

**30G.**(1) Where the Child and Family Agency or such other person as may be prescribed by regulations under *section 30L* has within its possession or procurement information or documents concerning the birth, or the registration of the birth, of an affected person, the Agency or person, as the case may be, shall provide the information and documents to *an tArd-Chláraitheoir*.

(2) Where *an tArd-Chláraitheoir* reasonably believes that a person has within his or her possession or procurement information or documents concerning the birth, or the registration of the birth, of an affected person, *an tArd-Chláraitheoir* may, by notice in writing served on the person, require the person concerned to provide the information or documents to *an tArd-Chláraitheoir* for the purposes of determining whether or not the register of births correctly records the particulars of birth of the affected person concerned.

(3) A person shall comply with a notice under *subsection (2)* within such period (being a period of not less than 28 days) as is specified in the notice or such longer period as may be agreed by the person and *an tArd-Chláraitheoir*, and in such manner as may be specified in the notice.

(4) In this section, "affected person" includes a person whom *an tArd-Chláraitheoir*, the Child and Family Agency or a person or body prescribed by regulations under *section 30L* reasonably believes may be an affected person.]

F116[Correction, cancellation or registration of entries in register of births]

**30H.** (1) Subject to *subsections (2) and (3)*, where *an tArd-Chláraitheoir* is aware of an error of fact in an entry in the register of births in relation to the particulars of birth of an affected person (in this Part referred to as a "relevant entry"), and where, having considered any information or documents received in accordance with *subsection (1) of section 30G* or in accordance with a notice under *subsection (2)* of that section together with any submissions received in accordance with *subsection (3)*, *an tArd-Chláraitheoir* is satisfied that the relevant entry is incorrect, he or she may—

- (a) correct, or cause to be corrected, the relevant entry,
- (b) cancel the relevant entry, or
- (c) cancel the relevant entry and register the particulars of the birth of the affected person concerned in the register of births.

(2) Prior to making a correction, cancellation or registration under *subsection (1)*, *an tArd-Chláraitheoir* shall make all reasonable efforts to notify in writing any person in

relation to whom personal data is intended to be corrected, cancelled or registered of his or her intention to make the correction, cancellation or registration.

(3) A person notified in accordance with *subsection (2)* or, where the person is unable to do so because of age, illness or disability, a person acting on his or her behalf, may make a submission to *an tArd-Chláraitheoir* in relation to the proposed correction, cancellation or registration within such period (being a period of not less than 28 days) as may be specified in the notice or such longer period as may be agreed by the person and *an tArd-Chláraitheoir*.

(4) In this section—

"General Data Protection Regulation" means Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016<sup>2</sup> on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation);

"personal data" has the meaning it has in the General Data Protection Regulation.]

F117[Register under *Part 3B*

**30I.** (1) *An tArd-Chláraitheoir* shall establish and maintain a register (in this Act referred to as the "register under *Part 3B*").

(2) Where *an tArd-Chláraitheoir* has made a correction, cancellation or registration in accordance with *section 30H*, he or she shall enter the particulars to which this section applies in the register.

(3) Any requirement of law for the production of a certificate of birth shall be satisfied by the production of the certified copy of an entry in the register, if purporting to be issued under the seal of *Oifig an Ard-Chláraitheora*.

(4) In this Act, a reference to the particulars to which this section applies is a reference to the particulars of birth of an affected person entered in a relevant entry.]

F118[Index to register and privacy (*Part 3B*)

**30J.** (1) *An tArd-Chláraitheoir* shall maintain an index to the register.

(2) Subject to *subsection (4)*, *an tArd-Chláraitheoir* shall, on application by a person referred to in *subsection (3)* to him or her in that behalf in writing and on payment to him or her of the prescribed fee—

(a) search the register and the index to that register, or

(b) give the person—

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

(ii) a copy, or

(iii) a certified extract,

of an entry in the register specified by the person.

(3) The following persons may make an application to *an tArd-Chláraitheoir* under *subsection (2)*:

(a) the person to whom the entry on the register relates;

(b) a person who is, in relation to the person referred to in *paragraph (a)*—

(i) the surviving spouse or civil partner,

(ii) if no surviving spouse or civil partner, a child,

(iii) if no surviving spouse or civil partner or child, a parent, or

<sup>2</sup> OJ No. L 119, 4.5.2016, p.1

(iv) if no surviving spouse or civil partner, child or parent, a brother or sister,  
or

(c) any other person who *an tArd-Chláraitheoir*, in his or her discretion, determines.

(4) A copy of an entry or an extract thereof referred to in *subsection (2)(b)* shall omit any reference to or particulars of a personal public service number and ‘true copy’ in that subsection shall be construed accordingly.

(5) The Minister, by regulations under *section 30L*, may specify the particulars to be included in a certified extract referred to in *subsection (2)(b)(iii)*.]

F119[Separate index of connections between register and register of births

**30K.** (1) *An tArd-Chláraitheoir* shall maintain an index to make traceable the connection between each entry in the register and the corresponding entry in the register of births.

(2) The index maintained under *subsection (1)* shall not be open to public inspection, and no information from that index shall be given to any person except by order of a court.]

F120[Regulations (Part 3B)

**30L.** (1) The Minister, following consultation with the Minister for Children, Equality, Disability, Integration and Youth and *an tArd-Chláraitheoir*, may make regulations to ensure the effective operation of this Part including, but not limited to, regulations prescribing—

(a) a person for the purposes of *section 30G(1)*, and

(b) the particulars of birth and parentage to be included in a certified copy, provided under this Part, of an entry in the register.

(2) 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.]

## PART 4

### REGISTRATION OF ADOPTIONS

Definitions (*Part 4*).

**31.—**F121[...]

Registration of adoptions.

**32.—**F122[...]

Registration of foreign adoptions.

**33.—**F123[...]

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

**34.—**F124[...]

Privacy of  
adoption records.

35.—F125[...]

## PART 5

### 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.

Provision of  
particulars, and  
registration, of  
deaths.

37.—F128[(1) When a death occurs in the State, it is the duty of—

- (a) a relative, civil partner, cohabitant, next of kin, personal representative or religious superior of the deceased who has knowledge of the required particulars in relation to the death, and
- (b) if there is no such relative, civil partner, cohabitant, next of kin, personal representative or religious superior who can be found or every such person 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,

within 3 months from the date of the death—

- (i) to attend before any registrar,
- (ii) 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 of the death, and
- (iii) there, to sign the register relating to the death in the presence of the registrar.]

F129[(1A) It is the duty of a person referred to at *paragraph (a) or (b) of subsection (1)* to furnish to a registrar such evidence in his or her possession, or within his or her power to so furnish, relating to the required particulars of the death as may be requested by the registrar.]

(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 F130[non-compliance with *subsection (1) or (1A)*], the F127[Superintendent Registrar in whose registration area] the death occurred may serve a notice on any qualified informant requiring him or her—

- (a) to attend before a registrar in F127[that registration area or in the registration area] 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,
- (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 F131[*section 42*,]

F132[(ba) to furnish to the registrar such evidence in his or her possession, or within his or her power to so furnish, relating to the required particulars of the death as may be requested by the registrar, and]

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

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.

(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.

F133[(3A) The registrar shall notify the Superintendent Registrar of the registration area to which the registrar is assigned, who shall advise an tArd-Chláraitheoir of a request in that behalf, and an tArd-Chláraitheoir, on production to him or her of such evidence as he or she considers adequate to show that exceptional circumstances exist such that it is necessary for the relief of undue hardship, may direct the Superintendent Registrar to cause the death to be registered notwithstanding that a person referred to in *paragraph (a) or (b) of subsection (1)* has not signed the register.]

(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.

F134[(5) In this section—

"next of kin" means a person nominated in writing as next of kin by the deceased for the purposes of his or her medical treatment or medical records;

"personal representative" means the executor or executrix or the administrator or administratrix for the time being of a deceased person;

"qualified informant" in relation to a death means—

- (a) a relative, civil partner, cohabitant, next of kin, personal representative or religious superior of the deceased who has knowledge of the required particulars concerned,
- (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,
- (f) the person who found the body of the person concerned,
- (g) the 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;

"religious superior" in relation to a deceased person who was a member of a religious body within the meaning of *section 45* living as a member of the religious body in an order or community, means the person in charge of the order or community in which the deceased person resided prior to his or her death.]

F135[Alleviation of requirement on certain persons to appear in person under Part 5 of Act of 2004

**37A.** (1) Notwithstanding any provision of this Part, a relative or a qualified informant who, within the emergency period, is required under this Part to—

- (a) attend in person before a registrar,
- (b) attend in person before a Superintendent Registrar, or
- (c) sign a register in the presence of any person,

shall be deemed to have done so where they have provided to the registrar, Superintendent Registrar or person in question such written particulars relating to that requirement as an tArd-Chláraitheoir may specify.

(2) Before the expiration of the emergency period, the Government may, at the request of the Minister made—

- (a) after consultation with any other Minister of the Government as he or she considers appropriate having regard to the functions of that Minister of the Government, and
- (b) having had regard to the matters referred to in *subsection (4)*,

by order specify a date that is later than the expiration date of the emergency period specified in the definition of "emergency period" or the last order under this subsection, as the case may be, and the emergency period shall be read as extending to, and including, the date so specified.

(3) An order under *subsection (2)* shall be laid before each House of the Oireachtas as soon as may be after it is made and, if a resolution annulling the order is passed by either such House within the next 21 days on which that House sits after the order is laid before it, the order shall be annulled accordingly, but without prejudice to the validity of anything previously done thereunder.

(4) When making an order under *subsection (2)*, the Government shall have regard to the following:

- (a) the nature and potential impact of Covid-19 on individuals, society and the State;
- (b) the capacity of the State to respond to the risk to public health posed by the spread of Covid-19;
- (c) measures taken in order to comply with, or as a consequence of, Government policy;
- (d) the need to ensure the most beneficial, effective and efficient use of resources;
- (e) the need to ensure the continuity of a well-functioning registration service;
- (f) the need to ensure that persons do not have to attend in person to register a death where it would not be safe or advisable in the interests of public health for them to do so.

(5) In this section—

"Covid-19" means a disease caused by infection with the virus SARS-CoV-2 and specified as an infectious disease in accordance with Regulation 6 of, and the Schedule to, the Infectious Diseases Regulations 1981 (S.I. No. 390 of 1981) or any variant of the disease so specified as an infectious disease in those Regulations;

"emergency period" means the period beginning on 13 March 2020 and ending on 31 May 2020.]

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

**38.**—An tArd-Chláraitheoir 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—

- (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
- (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—

- (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
- (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.

(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.

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

(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.

(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.

(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;

“Irish ship” has the meaning assigned to it by [the Mercantile Marine Act 1955](#).

Registration after more than 12 months from death.

**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 F137[[of the registration area to which the registrar is assigned](#)].

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



Furnishing of particulars of death by a coroner to registrar.

**41.—**(1) Where, in pursuance of the Coroners Act 1962, a coroner—

- (a) holds an inquest,
- (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,

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.

(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.

(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.

(4) In this section “appropriate registrar” means a registrar in the F138[registration area] in which the body concerned is lying or was found.

Certificate of cause of death.

**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 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.

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

F141[Notification of early neonatal deaths **42A.—**]

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 F142[registration area] in which the body is found.

(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 F142[registration area] where the body is brought ashore from the area of water in question.

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

- (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
- (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.
- (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.

## F143[PART 5A

## DEATH ABROAD]

F144[Application of Part

**44A.** (1) This Part applies to the death occurring outside of the State (other than where *section 38 or 39* applies) of an Irish citizen who was ordinarily resident in the State within 5 years prior to the date of his or her death.

(2) *Part 5* shall not apply to a death to which this Part applies.

(3) This Part applies to a death referred to in *subsection (1)* that occurs before or after the commencement of this section.]

F145[Record of deaths abroad

**44B.** (1) An tArd-Chláraitheoir shall maintain and keep a record of all deaths to which this Part applies (in this Part referred to as the "record of deaths abroad"), notified to him or her, a Superintendent Registrar or registrar under this Part.

(2) The record of deaths abroad 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 record.]

F146[Provision of information

**44C.** (1) An informant may notify a registrar of the death of a deceased person in relation to whose death this Part applies, and on furnishing the information and documents referred to in *subsection (2)* may request that the death is recorded on the record of deaths abroad.

(2) The following information and documents shall be furnished with a request under *subsection (1)*:

- (a) such evidence, as may be specified by an tArd-Chláraitheoir, to satisfy the registrar that the death is a death to which this Part applies,
- (b) where required by the registrar, a document duly authenticated which purports to be a translation of a document referred to in *paragraph (c)*,
- (c) where there was at the time of the death, a system of registration of deaths in the state where the death occurred which applied to the death, a document certified to be a true copy or extract from civil records of the death in accordance with the laws of that state,
- (d) as much of the following information as may be available:
  - (i) date and place of death;
  - (ii) place of birth of deceased;
  - (iii) sex of deceased;
  - (iv) forename, surname, birth surname and address of deceased;

- (v) personal public service number of deceased;
- (vi) civil status of deceased;
- (vii) date of birth of deceased;
- (viii) profession or occupation of deceased;
- (ix) if deceased was married or a civil partner, the profession or occupation of spouse or civil partner;
- (x) if deceased was less than 18 years of age on date of death, occupation of each of his or her parents or guardian;
- (xi) forename and birth surname of father of deceased;
- (xii) forename and birth surname of mother of deceased;
- F149[(xii) forename and birth surname of parent of deceased;]
- (xiii) forename, surname, qualification, address and signature F147[of informant;]
- F148[(xiv) forename(s) and birth surname(s) of parent(s) of deceased.]

(3) The informant shall provide his or her signature, in such manner as an tArd-Chláraitheoir may direct, to the registrar.

(4) In this section "informant" means a relative, civil partner or cohabitant of a deceased person in relation to whose death this Part applies, or, if all of those persons are unavailable, such other person having knowledge of the death as an tArd-Chláraitheoir may specify.]

F150[Certificate of entry on the record of deaths abroad

**44D.** Evidence of an entry of the death on the record of deaths abroad, and of such of the facts therein recorded as an tArd-Chláraitheoir may specify, may be given by the production of a document purporting to be a legible copy of the entry by an tArd-Chláraitheoir, a person authorised in that behalf by an tArd-Chláraitheoir, a Superintendent Registrar, an authorised officer or a registrar.]

F151[Amendment of entry on the record of deaths abroad

**44E.** On application to an tArd-Chláraitheoir in such manner as he or she may specify, by a person having an interest in the matter, or, if an tArd-Chláraitheoir is satisfied that—

- (a) either the documents or information furnished to him or her under *section 44C(2)*, or
- (b) the record of deaths abroad,

contain an error of fact, he or she may correct the error concerned and, as necessary, notify the person having an interest in the matter or furnish, under *section 44D*, evidence of the entry of the death as amended.]

## F152[PART 5B

### REGISTRATION OF PRESUMED DEATHS]

F153[Interpretation **44F.** In this Part—

- "Court" shall be construed in accordance with section 10 of the Act of 2019;
- "register" means the register of presumed deaths.]

F154[Application of Part

**44G.** (1) This Part applies to a presumed death where a presumption of death order has been made under section 5 of the Act of 2019.

(2) *Parts 5 and 5A* shall not apply to a presumed death to which this Part applies.]

F155[Furnishing of particulars of presumed death by a court to registrar

**44H.** (1) Where, in accordance with section 5(3) of the Act of 2019, a Court makes a presumption of death order, the Court concerned shall give to an tArd-Chláraitheoir a copy of the presumption of death order, together with the required particulars contained in *Part 5B* of the *First Schedule* that are available to the Court, and he or she shall register the presumed death, or cause it to be registered.

(2) Where there is an error in an order furnished under *subsection (1)* the Court concerned may give to an tArd-Chláraitheoir a further order correcting the error, and he or she shall correct the error in the register, or cause it to be corrected.

(3) Where a variation order is made by a Court under section 8(3) of the Act of 2019, the Court concerned shall, in an appropriate case, give a copy of the variation order to an tArd-Chláraitheoir, and he or she shall remove the original entry from the register or make such adjustment to that entry as may be required by the variation order, or cause it to be so removed or adjusted.

(4) Where a body has been recovered and—

(a) the body is that of a person for whom an entry has been made in the register, and

(b) an entry has been made in the register of deaths in respect of the recovered body or an entry has been made in the record of deaths abroad in respect of the recovered body,

an tArd-Chláraitheoir shall remove the original entry from the register, or cause it to be removed.]

## PART 6

### AMENDMENT OF LAW RELATING TO MARRIAGES

Definitions (*Part 6*).

**45.**—In this Part—

F156["body" means the Executive, a religious body or a secular body;]

"marriage registration form" means a form prescribed under *section 48*;

F157["place that is open to the public" has the meaning given by *section 51(2A)*;]

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

"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;

"religious body" means an organised group of people members of which meet regularly for common religious F158[*worship*];]

F159["secular body" shall be construed in accordance with *section 45A*.]

F160[Secular body

**45A.**— (1) For the purposes of this Part, a body shall, subject to *subsection (2)*, be a secular body if it is an organised group of people and—

- (a) it has not fewer than 50 members,
  - (b) its principal objects are secular, ethical and humanist,
  - (c) members of the body meet regularly in relation to their beliefs and in furtherance of the objects referred to in *paragraph (b)*,
  - (d) it does not have any rules regarding marriage or the solemnisation of marriages that contravene the requirements of this Act or any other enactment or rule of law,
  - (e) it is shown to the satisfaction of an tArd-Chláraitheoir to be a body that has appropriate procedures in writing for selecting, training and accrediting members as fit and proper persons to solemnise marriages,
  - (f) it is a body that, on the date of its making of an application under *section 54* or *57*, has been in existence for a continuous period of not less than 5 years,
  - (g) it is a body—
    - (i) that is entitled to an exemption under *section 207* or *208* of the *Taxes Consolidation Act 1997*, and was so entitled for a continuous period of not less than five years immediately preceding the date of the body's most recent application under *section 54* or *57*, and
    - (ii) in respect of which—
      - (I) a number (commonly referred to as a CHY number) stands issued by the Revenue Commissioners for the purposes of that exemption, and
      - (II) that number stood issued for a continuous period of not less than 5 years immediately preceding the date of its most recent application under *section 54* or *57*,
  - (h) it is a body that does not have the making of profit as one of its principal objects, and
  - (i) it maintains a register of its members.
- (2) None of the following is a secular body for the purposes of this Part:
- (a) a political party, or a body that promotes a political party or candidate;
  - (b) a body that promotes a political cause;
  - (c) an approved body of persons within the meaning of *section 235* of the *Taxes Consolidation Act 1997*;
  - (d) a trade union or a representative body of employers;
  - (e) a chamber of commerce;
  - (f) a body that promotes purposes that are—
    - (i) unlawful,
    - (ii) contrary to public morality,
    - (iii) contrary to public policy,
    - (iv) in support of terrorism or terrorist activities, whether in the State or outside the State, or
    - (v) for the benefit of an organisation membership of which is unlawful.]

Notification of marriages.

**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—

F161[(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—

(I) not less than 3 months prior to the date on which the marriage is to be solemnised, or

(II) at any time prior to the date on which the marriage is to be solemnised where the parties to the intended marriage are parties to a subsisting civil partnership with each other and have previously either complied with *section 59B(1) (a)* in respect of that civil partnership or been exempted from such compliance by order of the Circuit Court or the High Court under *section 59B(2)*,

or

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

and

(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.

(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.

(3) F164[A notification or a copy of a court order referred to in *subsection (1)(a)*] shall be accompanied by the prescribed fee and such (if any) other documents and information as may be specified by an tArd-Chláraitheoir.

F162[(3A) Where one or each of the persons notifying the registrar under this section is a foreign national, the notification or copy of the court order shall be accompanied by such documents and information as may be specified by an tArd-Chláraitheoir regarding the immigration status of the foreign national concerned or any other matter relating to that foreign national referred to at *section 58(4C)*.]

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

(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.

(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, F163[civil 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.

(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) 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)*.

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)*.

(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
- (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*.

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

Marriage  
registration form.

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

- (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—
  - (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,
  - 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.
- (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.
- (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—

- (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
- (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,

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.

Registration of marriages.

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

- (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)*.

(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.

(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—

(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

(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.

(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—

(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,

(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

(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.

(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 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 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,

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 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,

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.

Non-receipt of marriage registration form by registrar.

**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 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 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,

F165[ (c) the solemnisation takes place in a place that is open to the public, unless an tArd-Chláraitheoir or a superintendent registrar—

(i) is satisfied on the basis of a certificate of a registered medical practitioner that one or both of the persons to be married is too ill to attend at a place that is open to the public, and

(ii) gives approval to the solemniser to the solemnisation taking place at another place—

(I) chosen by the persons to be married, and

(II) agreed to by the solemniser.]

(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)*.

F166[(2A) In *subsection (2)* "place that is open to the public" means—

(a) a building that is open to the public, or

(b) a courtyard, garden, yard, field or piece of ground that is open to the public and lying near to and usually enjoyed with the building referred to in paragraph (a).]

(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 F167[the religious body or the secular body, as the case may be,] 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 F168[declaration by each of 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,

F168[to the effect that each of them accepts the other as a husband, a wife or a spouse, as the case may be].

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

(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.

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

(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

(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.

F168[(7) The parties to a marriage solemnised in accordance with this Act shall be taken to be married to each other when each of them has made a declaration in the presence of the other, the registered solemniser and the two witnesses that each of them accepts the other as a husband, a wife or a spouse, as the case may be.]

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

(9) A declaration specified in *paragraph (a) of subsection (4)* may be made at any time before the declaration under *paragraph (b)* of that subsection is made, not being a time earlier than 2 days before the day on which the latter declaration is made.

(10) 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.

Places and times for the solemnisation of marriages.

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 F169[the Executive], and the question whether to give or withhold such an approval shall be determined by F169[the Executive] by reference to such matters as may be specified by the Minister.

(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 F169[the Executive] may determine shall be paid by the parties to the marriage to the registrar.

(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 F169[the Executive], shall be paid to the registrar by the parties to the marriage.

(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.

F170[(2A) In this section a reference to a place means a place that is open to the public.]

(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.

F171[(4) Subsection (1) does not apply in respect of a marriage solemnised in the circumstances described in *subparagraph (i)* and *(ii)* of *section 51(2)(c)*.]

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.

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

(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 F172[the Executive]) is not F173[a religious body or a secular body],
- (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
- (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—

- (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, 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.

(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.

Application by  
bodies for  
registration of  
persons.

**54.—F174[ (1) A body may apply to an tArd-Chláraitheoir—**

- (a) in case the body is the Executive, for the registration of a registrar named in the application who is employed by the Executive and is aged 18 years or more,
- (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, and
- (c) in case the body is a secular 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.

F175[(2A) An application to which *subsection (1)(c)* applies shall be accompanied by a certificate—

- (a) in such form and containing such particulars as may be determined by an tArd-Chláraitheoir, and
- (b) signed by an officer of the secular body concerned stating that the member in relation to whom the application is made has been selected, trained and accredited by the secular body in accordance with the procedures referred to in *section 45A(1)(e)* and is, in the opinion of the said officer, a fit and proper person to solemnise a marriage.

(2B) A religious body or a secular body that has made an application under *subsection (1)* shall, in relation to that application, provide an tArd-Chláraitheoir with such additional information as he or she may request within such period as may be specified in the request.]

(3) Where one or more members of F176[a religious body or a secular 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.

Cancellation of registration.

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

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

F177[(aa) the body concerned (not being the Executive) has ceased to be a religious body or a secular body,]

(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,

(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,

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

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

(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,

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.

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

(b) the person or the body or both of them may appeal against the refusal 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.

(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

(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.

(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,
- (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 F178[the Executive]) is not or has F179[ceased to be a religious body or a secular body], the body may appeal against the dismissal to the Circuit Court.

(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.

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

F179[(i) in case the appeal is by the Executive, a religious body or a secular body, by a judge of the Circuit Court assigned to the circuit in which the Executive, the religious body or the secular body has its principal place of business or its principal office,

(ii) in case the appeal is by a person (other than the Executive, a religious body or a secular body), by a judge of the Circuit Court assigned to the circuit in which the person ordinarily resides or carries on any profession, business or occupation,

(iii) in case the appeal is by a person (other than the Executive, a religious body or a secular body) and the Executive, a religious body or a secular body, by a judge of the Circuit Court assigned to the circuit in which the Executive, the religious body or the secular body has its principal place of business or its principal office.]

Temporary  
authorisation to  
solemnise  
marriage.

**57.—**(1) An tArd-Chláraitheoir may, on application in writing to him or her by F180[a religious body or a secular body, grant to a member of the religious body or the secular body] named in the application who is aged 18 years or more a temporary authorisation to solemnise—

- (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.

F181[(2A) An application under *subsection (1)* made by a secular body shall be accompanied by a certificate—

- (a) in such form and containing such particulars as may be determined by an tArd-Chláraitheoir, and
- (b) signed by an officer of the secular body concerned stating that the member in relation to whom the application is made has been selected, trained and accredited by the secular body in accordance with the procedures referred

to in *section 45A(1)(e)* and is, in the opinion of the said officer, a fit and proper person to solemnise a marriage.

(2B) A religious body or a secular body that has made an application under *subsection (1)* shall, in relation to that application, provide an tArd-Chláraitheoir with such additional information as he or she may request within such period as may be specified in the request.]

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

#### Objections.

**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.

F182[(2) Where an objection under *subsection (1)* is received by a registrar assigned to a registration area other than the registration area to which is assigned the registrar who, in relation to the marriage concerned, was given the notification referred to in *section 46* or a copy of an order referred to in that section—

(a) the registrar by whom the objection is received shall refer the objection to the Superintendent Registrar of the registration area to which is assigned the registrar who was given the notification or the copy of the court order,

(b) the Superintendent Registrar to whom the objection is referred shall direct a registrar assigned to his or her registration area to perform the function conferred by this section on the registrar who received the objection,]

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

(d) references in F183[*subsections (3) to (4C) 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,

(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

(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—

(a) notify the parties to the intended marriage that—

(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,
- (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,
- F184[(cc) in relation to the forming of an opinion under *subsection (4A)*, notify and furnish copies of all information and documents relating to the relevant notification of the intended marriage under this Part to, the Minister for Justice and Equality,]
- (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.

F185[(4A) A registrar who—

- (a) in the performance of his or her functions under this Part forms the opinion that an intended marriage would constitute a marriage of convenience, or
- (b) receives under *subsection (1)* an objection the stated reason for which is that the intended marriage would constitute a marriage of convenience, and forms the opinion that grounds for the objection possibly exist and need to be investigated,

shall refer the matter to the Superintendent Registrar of the registration area where the registrar who formed the opinion is assigned, for a decision and in that case and for that purpose, this section shall apply and have effect according to—

- (i) the modification that a reference to receipt of an objection under *subsection (1)* includes a reference to an opinion under *paragraph (a)*,
- (ii) the modification that references in this section to an tArd-Chláraitheoir shall be construed as references to the Superintendent Registrar concerned, and
- (iii) any other necessary modifications.

(4B) The registrar shall furnish his or her written report of the reasons for the forming of his or her opinion under *subsection (4A)* when referring the matter to the Superintendent Registrar under *subsection (4A)*.

(4C) In forming an opinion under *subsection (4A)* and deciding to refer the matter to the Superintendent Registrar, the registrar shall consider the following:

- (a) if the parties to the intended marriage speak a common language;
- (b) the period prior to the relevant notification of the intended marriage under this Part during which the parties to the intended marriage are known to each other;
- (c) the number and frequency of meetings of the parties to the intended marriage prior to the notification of the intended marriage under this Part;
- (d) if the parties to the intended marriage have lived together in the past or if they currently live together;
- (e) the extent to which each party to the intended marriage is familiar with the personal details of the other party;

- (f) the extent to which each party to the intended marriage intends to continue an existing commitment to mutual emotional and financial support of the other party to the intended marriage;
- (g) the immigration status of one or each of the parties to the intended marriage who is a foreign national;
- (h) other than in a case where money is paid as a dowry as appropriate to the culture of one or each party to the intended marriage, if money was paid as an inducement for the marriage;
- (i) if the one or each of the parties to the intended marriage has previously been the subject of an objection under *subsection (1)*, an opinion formed under *subsection (4A)* or an objection under *section 59F(1)* or an opinion formed under *section 59F(4A)*;
- (j) any other information regarding the intended marriage which gives reasonable grounds for considering the marriage to be a marriage of convenience.]

(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.

F186[(5A) In deciding if an impediment exists to an intended marriage the subject of a referral under *subsection (4A)*, the Superintendent Registrar shall consider—

- (a) the report furnished to him or her under *subsection (4B)*, and
- (b) the matters referred to in *paragraphs (a) to (j) of subsection (4C)*.]

(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—

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

(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
  - (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.

F187[(7A) Where a Superintendent Registrar decides under *subsection (7)*, in a case referred to him or her under *subsection (4A)* that a marriage would constitute a marriage of convenience he or she shall, as soon as practicable after making that decision, notify the Minister for Justice and Equality.]

(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.

(9) (a) F188[Subject to *subsection (12)*, 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)*.

(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.

(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.

F189[(11) An objection on the ground that one of the parties to the proposed marriage lacks, or both of the parties to the proposed marriage lack, the capacity to consent to the marriage shall be accompanied by—

(a) a copy of a declaration by the Circuit Court under section 37(1) of the Assisted Decision-Making (Capacity) Act 2015 that one of the parties to the proposed marriage lacks, or both of the parties to the proposed marriage lack, the capacity to make a decision to consent to being married,

(b) a copy of a declaration by the Circuit Court under section 37(1) of the Assisted Decision-Making (Capacity) Act 2015 that one of the parties to the proposed marriage lacks, or both of the parties to the proposed marriage lack, the capacity to make the class of decisions specified in the declaration where the decision to consent to being married is a decision which falls within that class of decisions, or

(c) a copy of an application made under Part 5 of the Assisted Decision-Making (Capacity) Act 2015 (accompanied by a copy of a related interim order of the Circuit Court under that Part) to the Circuit Court by the person making the objection where the application relates (whether in whole or in part) to the capacity of one of the parties, or both of the parties, to the proposed marriage to make a decision to consent to being married.

(12) Without prejudice to section 141 of the Assisted Decision-Making (Capacity) Act 2015, *subsection (9)* shall not apply to a decision referred to in that subsection to the extent that the decision relates to an objection referred to in *subsection (11)*.]

F190[Marriage ceremonies performed at certain embassies or diplomatic missions

**58A.** (1) This section applies to a marriage which was solemnised, before the commencement of this section, in an embassy or diplomatic mission in the State.

(2) A marriage to which this section applies, subject to *subsection (3)*, shall be and shall be deemed always to have been valid as to form as if it would have been so valid had it been solemnised in the State in compliance with this Act.

(3) This section shall not operate to validate a marriage to which this section applies where—

(a) an impediment to the marriage existed on the date that the marriage was solemnised,

(b) the parties to the marriage have obtained a decree of divorce or a decree of nullity in respect of the marriage, and for the purposes of this paragraph, a decree obtained, where legal proceedings resulting in the decree were begun but not completed prior to the commencement of this section, shall be taken to have been obtained before that commencement,

(c) a party to the marriage has entered into a later marriage or civil partnership with another person, or

(d) the parties to the marriage have entered into a later marriage with each other.

(4) A registrar who receives an application in that behalf from both parties, or the surviving party to the marriage to which this section applies in writing in a form for the time being standing approved by an tArd-Chláraitheoir, on being satisfied that this section operates to validate the marriage concerned and on production to him or her of the following information and particulars may enter the particulars of the marriage concerned in the register and register the marriage in such manner as an tArd-Chláraitheoir may direct:

(a) evidence of identity;

(b) if appropriate, evidence of death of one of the parties to the marriage;

(c) evidence that the marriage was solemnised in an embassy or diplomatic mission in the State prior to the commencement of this section together with, where required by the registrar, a document duly authenticated which purports to be a translation thereof;

(d) the signatures of both parties or the surviving party to the marriage.

(5) Nothing in the application of this section to a marriage which was solemnised, before the commencement of the section, in an embassy or diplomatic mission in the State—

(a) gives or affects any entitlement to an interest—

(i) under the will or codicil of, or on the intestacy of, a person who dies before the commencement of this section, or

(ii) under a settlement or other disposition of property made before that commencement (otherwise than by will or codicil),

or

(b) gives or affects any entitlement to a benefit, allowance, pension or other payment—

(i) payable before, or in respect of a period before the commencement of this section, or

(ii) payable in respect of the death of a person before that commencement,

or

(c) affects tax in respect of a period or event before the commencement of this section.

(6) If *subsections (1) to (5)* would, but for this subsection, conflict with a constitutional right of any person, the operation of those subsections shall be subject to such limitation as is necessary to secure that it does not so conflict but shall otherwise be of full force and effect.

(7) This section shall not apply to a marriage which is solemnised on or after the date of commencement of this section, in an embassy or diplomatic mission in the State.]

## PART 7

### REGISTRATION OF DECREES OF DIVORCE AND DECREES OF NULLITY

Registration of  
decrees of  
divorce and  
decrees of  
nullity.

**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*.

(2) When a court grants a decree of nullity F191[*of marriage*], 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 F191[*of marriage*] 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-Chláraitheoir of an amendment or cancellation under *subsection (3)*.

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

## F192[PART 7A

### REGISTRATION OF CIVIL PARTNERSHIPS ]

F193[Definitions  
(*Part 7A*).

**59A.**—In this Part—

"civil partnership registration form" means a form prescribed under *section 59C*;

F194["place that is open to the public" has the meaning given by *section 59D(1A)*];

"register" means the register of civil partnerships.]

F195[Notification  
of civil  
partnerships.

**59B.**—F196[...]

F197[Civil  
partnership  
registration form.

**59C.**— (1) F198[...]

(2) F198[...]

(3) F198[...]

(4) F198[...]

(5) The Minister may prescribe the civil partnership registration form.]

F199[Civil  
partnership  
registration.

**59D.**— (1) F200[...]

F201[(1A) F200[...]]

(2) F200[...]

(3) F200[...]

(4) F200[...]

(5) F200[...]

(6) (a) F200[...]

(b) F200[...]

(c) As soon as practicable after the signatures and counter-signature, the registrar shall F202[...] enter the particulars in relation to the civil partnership in the register and register the civil partnership in a manner that an tArd-Chláraitheoir may direct.

(7) Where an tArd-Chláraitheoir is satisfied that a duly signed civil partnership registration form has been lost, destroyed or damaged, he or she may direct the appropriate registrar—

(a) to complete another civil partnership registration form and arrange, insofar as it is practicable to do so, for its signature by the persons referred to in *subsection (1)*, and

(b) when it has been so signed, to enter the particulars in relation to the civil partnership specified in the form in the register and to register the civil partnership in a manner as an tArd-Chláraitheoir may direct.

(8) 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.

(9) Where an tArd-Chláraitheoir is satisfied that an entry in the register relates to a civil partnership in relation to which *section 59B(1)* was not complied with (other than where there has been an exemption ordered under *subsection (2)* of that section)—

(a) an tArd-Chláraitheoir shall direct a registrar to cancel the entry,

(b) the registrar shall cancel the entry, and

(c) an tArd-Chláraitheoir shall notify the parties.]

F203[Places and times for registration of civil partnerships.

59E.—F204[...]

F205[Objections.

59F.—F206[...]

F207[Where interpretation required.

59G.—F208[...]

F209[Effect of registration.

59H.—F210[...]

F211[Effect of this Part.

59I.—F212[...]

F213[Civil Partnership ceremonies performed at certain embassies or diplomatic missions

59IA. (1) This section applies to a civil partnership where the ceremony of civil partnership took place during the period commencing on 1 January 2011 and ending on the day before the commencement of this section, in an embassy or diplomatic mission in the State.

(2) A civil partnership to which this section applies, subject to *subsection (3)*, shall be and shall be deemed always to have been valid as to form as if it would have been so valid had it been a civil partnership registered in the State in compliance with this Act.

(3) This section shall not operate to validate a civil partnership to which this section applies where—

- (a) an impediment to the civil partnership existed on the date that the ceremony of civil partnership took place,
- (b) the parties to the ceremony of civil partnership have obtained a decree of dissolution of civil partnership under section 110 of the Act of 2010, or a decree of nullity of civil partnership, and for the purposes of this paragraph, a decree obtained, where legal proceedings resulting in the decree were begun but not completed prior to the commencement of this section, shall be taken to have been obtained before that commencement,
- (c) a party to the civil partnership has entered into a later marriage or civil partnership with another person, or
- (d) the parties to the civil partnership have entered into a later civil partnership with each other.

(4) Nothing in the application of this section to a civil partnership where the ceremony of civil partnership took place during the period commencing on 1 January 2011 and ending on the day before the commencement of this section, in an embassy or diplomatic mission in the State—

- (a) gives or affects any entitlement to an interest—
  - (i) under the will or codicil of, or on the intestacy of, a person who dies before the commencement of this section, or
  - (ii) under a settlement or other disposition of property made before that commencement (otherwise than by will or codicil),or
- (b) gives or affects any entitlement to a benefit, allowance, pension or other payment—
  - (i) payable before, or in respect of a period before, commencement of this section, or
  - (ii) payable in respect of the death of a person before that commencement,or
- (c) affects tax in respect of a period or event before the commencement of this section.

(5) If *subsections (1) to (5)* would, but for this subsection, conflict with a constitutional right of any person, the operation of those subsections shall be subject to such limitation as is necessary to secure that it does not so conflict but shall otherwise be of full force and effect.

(6) This section shall not apply to a civil partnership where the ceremony of civil partnership takes place on or after the commencement of this section, in an embassy or diplomatic mission in the State.]

#### F214[PART 7B

#### REGISTRATION OF DECREES OF DISSOLUTION OF CIVIL PARTNERSHIP AND DECREES OF NULLITY OF CIVIL PARTNERSHIP]

F215[Registration of decrees of dissolution and decrees of nullity of civil partnership.]

**59J.**— (1) When a court grants a decree of dissolution, 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 dissolution of civil partnership the particulars in relation to the matter set out in *Part 6A* of the *First Schedule*.

(2) When a court grants a decree of nullity of civil partnership, 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 of civil partnership the particulars in relation to the matter set out in *Part 7A* 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 the register referred to in *subsection (1) or (2)*.

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

(5) This section has effect notwithstanding any statutory provision that conflicts with it.]

## F216[Part 7C

### DISSOLUTION AND TRANSITIONAL]

F217[Registration of dissolution of civil partnership on marriage]

**59K.** Where a civil partnership which is registered in the register of civil partnerships stands dissolved by virtue of *section 109A* (inserted by section 11 of the Marriage Act 2015) of the Act of 2010 on the marriage of two persons solemnised under and in accordance with this Act, the registrar shall enter that dissolution as a particular in the entry concerning that civil partnership in that register.]

F218[Transitional provisions consequent on Marriage Act 2015]

**59L.** (1) On the commencement of section 8 of the Marriage Act 2015, a notification of an intention to enter into a civil partnership given under *section 59B* and in force immediately before that commencement, may, if requested by the parties concerned, be taken to be and treated by a registrar as if it were a notification of their intention to marry given under *section 46*.

(2) Notwithstanding the commencement of section 8 of the Marriage Act 2015, the provisions of this Act referred to in that section shall continue to apply—

(a) where a civil partnership registration form was duly completed under *section 59C* and that form is valid under *subsection (4)* of that section immediately before that commencement, or

(b) in relation to a civil partnership registration in respect of which an objection under *section 59F* is made, whether the objection is made before or after that commencement.]

## PART 8

### GENERAL

Appeals.

**60.**—(1) Where—

(a) a registrar fails or refuses to register in the appropriate register specified in *section 13* a birth, stillbirth, F219[death, marriage or civil partnership] 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, or



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

the registrar, an tArd-Chláraitheoir 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 F220[, *the parties to the civil partnership*] or the person in writing of the reasons for the failure or refusal.

(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-Chláraitheoir or in a form to the like effect with F221[*the Executive*], not later than 28 days from the date of his or her receipt of the notification under *subsection (1)*, and the appeal shall be referred F221[*by the Executive to such employee of the Executive*] (not being the person in relation to whom the appeal is brought) F221[*as the Executive*] may determine (“the appeals officer”), and the appeals officer shall determine the appeal.

(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-Chláraitheoir or a form to the like effect with an tArd-Chláraitheoir not more than 28 days after his or her receipt of the decision and an tArd-Chláraitheoir shall determine the appeal and, subject to *subsections (6) to (8)*, the decision shall be final.

(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 concerned or an tArd-Chláraitheoir, 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
- (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.

(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.

(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.

(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—

- (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.

(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.

#### Searches.

**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—

(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*,

(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, F222[...]

(ii) a copy, F223[or]

F223[(iii) a certified extract,]

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

F227[(1A) Where the age, civil status or death of a person is required to be proved by or under an enactment prescribed under *section 67(1A)*, a person—

(a) on production by him or her of verification of the requirement for proof, as part of an application in that behalf under *subsection (1)*, and

(b) on payment by him or her of a fee prescribed under *section 67(1A)*,

shall be given a copy certified to be a true copy, a copy, or a certified extract of an entry in a register maintained under *section 13*.]

(2) Subject to *subsections (3) and (4)*, an tArd-Chláraitheoir, 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

(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, F222[...]

(ii) a copy, F223[or]

F223[(iii) a certified extract,]

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

F224[(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.

(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)*.]

F225[(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.]

F226[(3) This section does not apply to the register of F228[stillbirths, gender recognition or to the register under *Part 3B* or an index to any of those registers] or an index kept under—

(a) *section 22(5) of the Adoption Act 1952*, or

(b) *section 86 of the Adoption Act 2010*.]

(4) A copy of an entry referred to in *subsection (1) (b)* F229[, (1A)] 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.

F223[(5) The Minister may make regulations specifying particulars to be included in a certified extract referred to in *subsection (1) or (2)*.]

F224[(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.]

F225[(7) In this section, and *section 67*, ‘relevant body’ means a body that for the time being stands designated under *subsection (2C)*.]

Search of register of stillbirths.

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

(2) A person (“the applicant”) shall, on application in writing in that behalf to an tArd-Chláraitheoir, 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—

(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,

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

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

and

(b) if the applicant pays the prescribed fee to an tArd-Chláraitheoir.

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), F230[(b), (d) or (k)]* 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—

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

(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—

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

(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

(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.

(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.

Corrections or cancellations of entries at request of Ard-Chláraitheoir or a registrar.

**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 F231[*of the registration area to which the registrar is assigned*] of the error.

(2) When a Superintendent Registrar of F231[*any registration area*] receives a notification under *subsection (1)*, the Superintendent Registrar or a registrar F231[*in that registration area*], 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—

(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,

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—

(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.

(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, F233[concerned to cancel the entry in the register or 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.

F234[(5A) Where an tArd-Chláraitheoir is satisfied that an entry of a birth, stillbirth or death in the register of births, stillbirths or deaths was made on the basis of—

(a) required particulars referred to in *subsection (5B)*, or

(b) false or misleading information furnished to the registrar, an tArd-Chláraitheoir—

(i) may direct a registrar to cancel the entry and retain the entry so cancelled in the register of births, stillbirths or deaths, and

(ii) where he or she is satisfied that it is appropriate, may direct the registrar to make an entry, under and in accordance with *Part 3* or *5*, in relation to the birth, stillbirth or death concerned, in the register of births, stillbirths or deaths,

and the registrar shall comply with the direction under *paragraph (i)* or *(ii)*.

(5B) Required particulars, for the purpose of *subsection (5A)(a)* are required particulars—

(a) as respects the register of births, furnished (except under *section 19(5)*) to the registrar by a person other than a qualified informant,

(b) as respects the register of stillbirths, furnished (except under *subsection (6)* or (7) of *section 28*) to the registrar by a person other than a person referred to in *paragraph (a)* or (b) of *subsection (1)* of *section 28*, or

(c) as respects the register of deaths, furnished to the registrar by a person other than a qualified informant.]

(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.

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

(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, F235[...]

(c) a marriage to which there was an impediment, F236[or]

F237[(d) a marriage (other than a marriage referred to in *paragraph (c)*) in relation to which there is a decree of nullity.]

an tArd-Chláraitheoir shall—

- (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.

F232[(8) If an tArd-Chláraitheoir is satisfied that an entry in the register of civil partnerships relates to a civil partnership of a class referred to in *subsection (9)*—

- (a) an tArd-Chláraitheoir shall direct a registrar to cancel the entry and notify the parties to the civil partnership and the registrar who registered it of the direction, and
- (b) the registrar shall comply with the direction and ensure that the cancelled entry is retained in the register.

(9) The classes referred to in *subsection (8)* are:

- (a) a civil partnership, as respects which one or more of the requirements specified in *subsections (1) and (5) of section 59B* were not complied with (other than where there has been an exemption ordered under *subsection (2) F238*[of that section],]
- (b) a civil partnership to which there was F239[an impediment within the meaning of *section 2(2A)*; and]

F240[(c) a civil partnership (other than a civil partnership referred to in *paragraph (b)*) in relation to which there is a decree of nullity.]]

Enquiries by  
ArdChláraitheoir.

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

- (a) whether a birth, stillbirth, F241[death, marriage or civil partnership] 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.

(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.

(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.

Power of Ard-Chláraitheoir to give information to others.

66.—(1) F242[Notwithstanding anything contained in any other enactment, but subject to the Data Protection Regulation and the Data Protection Act 2018, an tArd-Chláraitheoir may] F251[...] give such information as may be prescribed in relation to births, F244[marriages, civil partnerships, decrees of divorce, decrees of nullity of marriage, decrees of dissolution or decrees of nullity of civil partnership], registered under this Act or under any of the repealed enactments to—

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

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

(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,

(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,

(e) the Minister for Social and Family Affairs for the purpose of—

(i) determining entitlement to, or control of, benefit under the F245[Social Welfare Consolidation Act 2005], or

(ii) F245[section 262] 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 F246[Minister for Health for the purpose of] the enforcement of regulations under section 31 of the Health Act 1947 F246[and the Executive, hospital or] other body or agency participating in any cancer screening programme (including any programme of breast or cervical cancer screening) F246[authorised by the Minister for Health], 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,

F247[(ga) the Minister for the purpose of enabling him or her to perform his or her functions under the Health Identifiers Act 2014,]

F248[(gg) the Minister for Education and Skills for the purpose of planning and co-ordinating under section 7 of the Education Act 1998.]

(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,

(i) F249[the Executive] for the purpose of determining entitlement to a service provided for, by or under section 45 F250[, 45A], 58, 59 or 61 of the Health Act 1970, and

(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,



(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](#).

F242[(2) In this section—

"Data Protection Regulation" means Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016<sup>28</sup> on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation);

"information" includes personal data;

"personal data" means personal data within the meaning of—

- (a) the [Data Protection Act 1988](#),
- (b) the Data Protection Regulation, or
- (c) Part 5 of the Data Protection Act 2018.]

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—

- (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
- (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*).

F255[(1A) The Minister may prescribe—

- (a) a fee of a lesser amount than that prescribed under *subsection (1)*, and
- (b) an enactment by or under which it is required that age, civil status or death is proved,

where the Minister is of the view that, in order that a person may comply with the enactment so prescribed, the lesser fee should be payable in respect of performance of functions under this Act relating to the giving of a copy certified to be a true copy, a copy, or a certified copy of an entry in a register maintained under [section 13](#).]

(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.

(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.

F254[(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

<sup>28</sup> OJ No. L 119, 4.5.2016, p.1



respect of any performance by that Minister, or that body, of functions under *subsection (2A) or (6) of section 61.*]

F256[Payments to certain registrars

**67A.**—(1) Subject to *subsection (2)*, the Health Service Executive shall pay to persons to whom this section applies—

(a) fees of such amount (if any) as may be prescribed in respect of the performance of such functions of a registrar within the meaning of *section 17* as may be prescribed, and

(b) allowances of such amount (if any) as may be prescribed in respect of such periods and at such intervals as may be prescribed.

(2) The Health Service Executive shall not pay a fee to a person under *subsection (1)* unless it is satisfied that the person has performed the function to which the fee concerned relates.

(3) For the purposes of satisfying the Health Service Executive that a fee under *subsection (1)* should be paid to a person, the person concerned shall provide the Health Service Executive with such information and documentation as may be prescribed in such form as may be prescribed.

(4) This section applies to persons who—

(a) are deemed under *subsection (11) of section 17* to be registrars appointed under that section, and

(b) were paid an allowance under a repealed enactment.]

Evidence of births, stillbirths and deaths.

**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—

(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,

(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

(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

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

F258[(2A) *Paragraph (a) of subsection (1)* does not apply to—

(a) an entry in the register of births where *subsection (5A) of section 19, subsection (5A) of section 22, subsection (6A) of section 23 or subsection (6) of section 23A* applies, or

(b) an entry in the register of deaths where *subsection (3A) of section 37* applies.]

(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 F257[*the Executive*].

Offences.

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—

- (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-Chláraitheoir, a Superintendent Registrar or a registrar) who, without the consent of an tArd-Chláraitheoir, 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 F259[, [civil partnership](#)] 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.

F268[(5A) A person who, without reasonable cause, fails or refuses to furnish evidence requested by the registrar under [subsection \(1A\)](#) or [\(3\)\(ba\)](#) of [section 19](#), or [subsection \(1A\)](#) or [\(2\)\(ba\)](#) of [section 37](#) 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\(3\)](#), F268[[22\(1B\)\(ii\)](#), [22\(3A\)](#),] 24(5), F260[[30G\(2\)](#),] 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.

F261[(9A) A registrar who, without reasonable cause, fails or refuses to give a civil partnership registration form to one of the parties to an intended civil partnership in respect of which he or she has received a notification under *section 59B(1)(a)*, or a copy of an exemption order under *section 59B(2)*, commits an offence.]

(10) A person who—

- (a) contravenes *subsection (2) or (3) of section 51*,
- (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,
- (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,
- (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 46* is not complied with,

F262[(fa) registers or is a party to a civil partnership in respect of which, to his or her knowledge, *subsection (1) or (5) of section 59B* is not complied with, (other than where there has been an exemption ordered under *subsection (2) of that section*), ]

- (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,
- (h) lodges an objection under *section 58* F263[or *59F*] that he or she knows to be without foundation,
- (i) makes and signs a declaration under *section 46(1)(b)* F264[, or *59B(1)(b)*] or makes a declaration specified in *section 51(4)(a)* which he or she knows to be F265[false or misleading,]
- (j) not being a registrar, deletes or alters information in relation to the parties to a marriage on a marriage registration F266[form, or]

F267[(k) not being a registrar, deletes or alters information in relation to the parties to a civil partnership on a civil partnership registration form,]

shall be guilty of an offence.

(11) A person who, without reasonable cause, contravenes *section 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 *section 13*.

#### Penalties.

**70.—**(1) A person guilty of an offence under *subsection (1), (2) or (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.

(2) A person guilty of an offence under subsection (4), (5), F270[(5A),] (6), (7), (8), F269[(9), (9A),] (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-Chláraitheoir or F271[the Executive].

(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-Chláraitheoir or F271[the Executive] is sufficient to justify the bringing of the proceedings comes to his, her or its notice.

(3) In proceedings for a summary offence under this Act, a document purporting to be signed by an tArd-Chláraitheoir or a person authorised in that behalf by him, her or F271[the Executive] 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-Chláraitheoir 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.

(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.

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—

- (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
- (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.

Vital statistics.

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

- (a) births,
- (b) stillbirths,
- (c) deaths,
- (d) marriages,
- F272[(dd) civil partnerships,]
- (e) decrees of divorce,
- F273[(f) decrees of nullity F272[of marriage], or

- F272[(ff) decrees of dissolution,  
(fff) decrees of nullity of civil partnership,]  
(g) any other prescribed matters.]  
(h) F274[...]

(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—

- (a) in the case of any birth, stillbirth, death, marriage, F275[decree of divorce or decree of nullity] F272[of marriage, civil partnership, decree of dissolution, decree of nullity of civil partnership,], provisions requiring that specified information relating to the birth, stillbirth, death, marriage, F275[decree of divorce or decree of nullity] F272[of marriage, civil partnership, decree of dissolution, decree of nullity of civil partnership,] shall be furnished to the registrar concerned within a specified period,
- (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,
- (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, 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 a necessary for the purposes of a prosecution under this Act.

(5) Information referred to in *subsection (4)* may be disclosed to persons engaged in medical or social research or to F276[medical practitioners employed by the Executive] 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 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.

(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, F277[decree of divorce or decree of nullity] F272[of marriage, civil partnership, decree of dissolution, decree of nullity of civil partnership,] or any other matter.

## Section 19.

## FIRST SCHEDULE

## PARTICULARS TO BE ENTERED IN REGISTERS

## PART 1

## PARTICULARS TO BE ENTERED IN REGISTER OF BIRTHS

Date and place of birth.

Time of birth.

Sex of child.

Forename(s) and surname\* of child.

Personal public service number of child.

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

Former surname(s) (if any) of mother.

Date of birth of mother.

F278[Civil status] of mother.

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.

Date of birth of father.

F278[Civil status] of father.

Personal public service number of father.

Birth surname of father's mother.

F279[F280[Forename(s), surname, birth surname, address and occupation of parent.

Former surname(s) (if any) of parent.]

Date of birth of parent.

Civil status of parent.

Personal public service number of parent.

Birth surname of parent's mother.]

\* 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 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

(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).

Forename(s), surname, qualification, address and signature of informant.

Date of registration.

Signature of registrar.

## PART 2

### PARTICULARS TO BE ENTERED IN REGISTER OF STILLBIRTHS

#### Section 28.

Date and place of birth.

Time of birth.

Sex of child.

Weight of child.

Gestational age of child.

Forename(s) and surname\* of child.

F281[...]

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

Former surname(s) (if any) of mother.

Date of birth of mother.

F282[Civil status] of mother.

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.

Date of birth of father.

F282[Civil status] of father.

Personal public service number of father.

Birth surname of father's mother.

F283[F284[Forename(s), surname, birth surname, address and occupation of parent.

Former surname(s) (if any) of parent.]]

\* 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-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).

Date of birth of parent.

Civil status of parent.

Personal public service number of parent.

Birth surname of parent's mother.]

Forename(s), surname, qualification, address and signature of informant.

Date of registration.

Signature of registrar.

## F285[PART 2A

### PARTICULARS TO BE ENTERED IN REGISTER OF GENDER RECOGNITION

#### Section 30B

Date and place of birth.

Time of birth.

Sex of child.

Forename(s) of child.

Surname of child.

Personal public service number of child.

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

Former surname(s) (if any) of mother.

Date of birth of mother.

Civil status of mother.

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.

Date of birth of father.

Civil status of father.

Personal public service number of father.

Birth surname of father's mother.

Forename(s), surname, qualification, address and signature of informant.

Registration District and Area.

Date of registration.

Signature of an tArd-Chláraitheoir.]



## F286[PART 2B

## PARTICULARS TO BE ENTERED IN REGISTER OF GENDER RECOGNITION

## Section 30B

Personal public service number of child.

Date and country of birth of child.

Sex of child.

Forename(s) and surname of child.

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

Former surname(s) of adopters.

Date(s) of birth of adopters.

Marital status of adopter or adopters.

Personal public service number(s) of adopter or adopters.

Date of adoption order.

Date of registration.

Signature of an tArd-Chláraitheoir.]

## PART 3

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

## Section 32.

F287[...]

## PART 4

## PARTICULARS OF FOREIGN ADOPTIONS TO BE ENTERED IN REGISTER OF ADOPTIONS

## Section 33.

F288[...]

## PART 5

## PARTICULARS OF DEATHS TO BE ENTERED IN REGISTER OF DEATHS

## Section 37.

Date and place of death.

Place of birth of deceased.

Sex of deceased.

Forename(s), surname, birth surname and address of deceased.

Personal public service number of deceased.

F289[Civil status] of deceased.

Date of birth F293[...] of deceased.

Profession or occupation of deceased.

F290[If deceased was married or a civil partner, the profession or occupation of spouse or civil partner.]

If deceased was less than 18 years of age on date of death, occupation(s) of his or her parent(s) or guardian(s).

Forename(s) and birth surname of father of deceased.

Forename(s) and birth surname of mother of deceased.

F291[Forename(s) and birth surname of parent of deceased.]

Certificated cause of death, duration of illness and date of certificate under *section 42*.

Forename, surname, place of business, daytime telephone number and qualification of registered medical practitioner who signed certificate under *section 42*.

Forename(s), surname, qualification, address and signature of informant.

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.

Signature of registrar.

#### F294[PART 5B

##### PARTICULARS OF PRESUMED DEATHS TO BE ENTERED IN THE REGISTER OF PRESUMED DEATHS

date and place of presumed death (or most accurate estimate of date and place of presumed death);

place of birth of missing person;

sex of missing person;

forename(s), surname, birth surname and address of missing person;

personal public service number of missing person;

civil status of missing person;

date of birth of missing person;

profession or occupation of missing person;

if missing person was married or in a civil partnership, the name and profession or occupation of spouse or civil partner;

if missing person was less than 18 years of age on presumed date of death, occupation(s) of his or her parent(s) or guardian(s);

forename(s) and birth surname of father of missing person;

forename(s) and birth surname of mother of missing person;

forename(s) and birth surname of parent of missing person;

forename(s), surname, qualification, address and signature of informant;  
 a copy of the presumption of death order made under section 5 of the Act of 2019;  
 the forename, surname and place of business of the judge that made the presumption of death order;  
 date of registration;  
 signature of registrar.]

## PART 6

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

*Section 59.* 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.  
 Personal public service numbers of the parties to the proceedings.  
 Date and place of marriage.  
 Date of the decree.  
 Date of registration.  
 Forename(s) and surname of officer of Courts Service specified in *section 59(1)*.

## F295[PART 6A

### PARTICULARS TO BE ENTERED IN REGISTER OF DISSOLUTIONS

*Section 59J.* 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.  
 Personal public service numbers of the parties to the proceedings.  
 Date and place of civil partnership registration.  
 Date of the decree.  
 Date of registration of the decree.  
 Forenames and surname of officer of Courts Service.]

## PART 7

### PARTICULARS OF DECREES OF NULLITY OF MARRIAGE TO BE ENTERED IN REGISTER OF DECREES OF NULLITY F296[OF MARRIAGE]

*Section 59.*

Court by which the decree was granted.

Year and record number of the proceedings.

Forename, 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.

Declaration of court.

Date of the decree.

Date of registration.

Forename(s) and surname of officer of Courts Service specified in *section 59(2)*.

## F297[PART 7A

## PARTICULARS TO BE ENTERED IN REGISTER OF DECREES OF NULLITY OF CIVIL PARTNERSHIP

*Section 59J.*

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.

Personal public service numbers of the parties to the proceedings.

Date and place of civil partnership registration.

Declaration of court.

Date of the decree.

Date of registration.

Forenames and surname of officer of Courts Service.]

*Section 4.*

## SECOND SCHEDULE

## ENACTMENTS REPEALED

| Session and Chapter or<br>Number and Year | Short Title                                             | Extent of Repeal |
|-------------------------------------------|---------------------------------------------------------|------------------|
| (1)                                       | (2)                                                     | (3)              |
| 7 & 8 Vict., c. 81                        | Marriages (Ireland) Act 1844                            | The whole Act.   |
| 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.   |
| 26 Vict., c. 11                           | Registration of Births and Deaths<br>(Ireland) Act 1863 | The whole Act.   |

| Session and Chapter or Number and Year | Short Title                                                             | Extent of Repeal                                                                            |
|----------------------------------------|-------------------------------------------------------------------------|---------------------------------------------------------------------------------------------|
| (1)                                    | (2)                                                                     | (3)                                                                                         |
| 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.                                      |
| 33 & 34 Vict., c. 110                  | Matrimonial Causes and Marriage Law (Ireland) Amendment Act 1870        | Sections 32 to 40 and 42.                                                                   |
| 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.                                                                              |
| 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.                                                                              |
| 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.                                                                              |
| 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.                                                                              |
| F298[...]                              | F298[...]                                                               | F298[...]                                                                                   |
| No. 44 of 1960                         | Defence (Amendment) (No. 2) Act 1960                                    | Section 6.                                                                                  |
| No. 9 of 1962                          | Coroners Act 1962                                                       | Sections 50 and 51.                                                                         |
| No. 25 of 1972                         | Births, Deaths and Marriages Registration Act 1972                      | The whole Act.                                                                              |
| 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.                                                                                  |
| F298[...]                              | F298[...]                                                               | F298[...]                                                                                   |
| 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”. |
| No. 36 of 1996                         | Registration of Births Act 1996                                         | The whole Act other than subsections (4) and (4A) of section 1.                             |

## PROHIBITED DEGREES OF RELATIONSHIP

## Section 2.

A person may not enter a civil partnership with someone within the prohibited degrees of relationship, as set out in the table below. Relationships within that table should be construed as including relationships in the half-blood (e.g. sibling includes a sibling where there is only one parent in common, etc.), and all the relationships include relationships and former relationships by adoption.

| A man may not enter a civil partnership with his: | A woman may not enter a civil partnership with her: |
|---------------------------------------------------|-----------------------------------------------------|
| Grandfather                                       | Grandmother                                         |
| Grandparent's brother                             | Grandparent's sister                                |
| Father                                            | Mother                                              |
| Father's brother                                  | Mother's sister                                     |
| Mother's brother                                  | Father's sister                                     |
| Brother                                           | Sister                                              |
| Nephew                                            | Niece                                               |
| Son                                               | Daughter                                            |
| Grandson                                          | Granddaughter                                       |
| Grandnephew                                       | Grandniece]                                         |



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Number 3 of 2004

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## **CIVIL REGISTRATION ACT 2004**

**REVISED**

**Updated to 26 April 2023**

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### **About this Revised Act**

This Revised Act presents the text of the Act as it has been amended since enactment, and preserves the format in which it was passed.

### **Related legislation**

***Civil Registration Acts 2004 to 2019:*** this Act is one of a group of Acts included in this collective citation, to be construed together as one (*Civil Law (Presumption of Death) Act 2019* (23/2019), s. 1(2)). The Acts in this group are:

- *Civil Registration Act 2004* (3/2004)
- *Civil Registration (Amendment) Act 2005* (19/2005)
- *Social Welfare (Miscellaneous Provisions) Act 2008* (22/2008), s. 25
- *Civil Registration (Amendment) Act 2012* (48/2012)
- *Social Welfare and Pensions (Miscellaneous Provisions) Act 2013* (20/2013), Part 3
- *Civil Registration (Amendment) Act 2014* (34/2014)
- *Children and Family Relationships Act 2015* (9/2015), Part 9
- *Social Welfare, Pensions and Civil Registration Act 2018* (37/2018), Part 4
- *Civil Registration Act 2019* (13/2019), other than s. 13
- *Civil Law (Presumption of Death) Act 2019* (23/2019), Part 3

### **Annotations**

This Revised Act is not annotated and only shows textual amendments. An annotated version of this revision is also available which shows textual and non-textual amendments and their sources. It also shows editorial notes including statutory instruments made pursuant to the Act and previous affecting provisions.

### **Material not updated in this revision**

Where other legislation is amended by this Act, those amendments may have been superseded by other amendments in other legislation, or the amended legislation may have been repealed or revoked. This information is not represented in this revision but will be reflected in a revision of the amended legislation if one is available. A list of legislative changes to any Act, and to statutory instruments from 1972, may be found linked from the page of the Act or statutory instrument at [www.irishstatutebook.ie](http://www.irishstatutebook.ie).