Number 3 of 2004

CIVIL REGISTRATION ACT 2004
REVISED
Updated to 1 January 2019

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 Central Bank (National Claims Information Database) Act 2018 (42/2018), enacted 27 December 2018, and all statutory instruments up to and including Criminal Justice (Suspended Sentences of Imprisonment) Act 2017 (Commencement) Order 2019 (S.I. No. 1 of 2019), made 3 January 2019, were considered in the preparation of this Revised Act.

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Introduction

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 2018: this Act is one of a group of Acts included in this collective citation, to be construed together as one (Social Welfare, Pensions and Civil Registration Act 2018 (37/2018), s. 1(4)). The Acts in this group are:

- Civil Registration (Amendment) Act 2005 (19/2005)
- Social Welfare (Miscellaneous Provisions) Act 2008 (22/2008), s. 25
- Civil Registration (Amendment) Act 2012 (48/2012)
- 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

Annotations

This Revised Act is annotated and includes textual and non-textual amendments, statutory instruments made pursuant to the Act and previous affecting provisions.

An explanation of how to read annotations is available at www.lawreform.ie/annotations.

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Where other legislation is amended by this Act, those amendments may have been superseded by other amendments in other legislation, or the amended legislation may have been repealed or revoked.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.

Where legislation or a fragment of legislation is referred to in annotations, changes to this legislation or fragment may not be reflected in this revision but will be reflected in a revision of the legislation referred to 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.

Acts which affect or previously affected this revision

- Data Protection Act 2018 (7/2018)
- Domestic Violence Act 2018 (6/2018)
- Assisted Decision-Making (Capacity) Act 2015 (64/2015)
- Marriage Act 2015 (35/2015)
- Gender Recognition Act 2015 (25/2015)
- Children and Family Relationships Act 2015 (9/2015)
- Merchant Shipping (Registration of Ships) Act 2014 (43/2014)
- Civil Registration (Amendment) Act 2014 (34/2014)
- Health Identifiers Act 2014 (15/2014)
- Civil Registration (Amendment) Act 2012 (48/2012)
- Civil Partnership and Certain Rights and Obligations of Cohabiting Act 2010 (24/2010)
- Adoption Act 2010 (21/2010)
- Health Act 2008 (21/2008)
- Health Act 2007 (23/2007)
- Garda Síochána Act 2005 (20/2005)
- Civil Registration (Amendment) Act 2005 (19/2005)
- Health Act 2004 (42/2004)
- Courts and Court Officers Act 1995 (31/1995)
- Status of Children Act 1987 (26/1987)

All Acts up to and including Central Bank (National Claims Information Database) Act 2018 (42/2018), enacted 27 December 2018, were considered in the preparation of this revision.

Statutory instruments which affect or previously affected this revision

- Civil Registration (Births, Deaths, Marriages and Civil Partnerships) (Fees) (No. 2) Regulations 2016 (S.I. No. 605 of 2016)
- Civil Registration (Births, Deaths, Marriages and Civil Partnerships) (Fees) Regulations 2016 (S.I. No. 331 of 2016)
- Civil Registration (Births, Deaths, Marriages and Civil Partnerships) (Fees) Regulations 2015 (S.I. No. 502 of 2015)
- Civil Registration (Gender Recognition) (Abridged Certificate) Regulations 2015 (S.I. No. 378 of 2015)
- Civil Registration (Gender Recognition) (Fees) Regulations 2015 (S.I. No. 377 of 2015)
- Civil Registration (Certified Extract of Register of Deaths) Regulations 2014 (S.I. No. 371 of 2014)
- Civil Registration (Births, Deaths, Marriages and Civil Partnerships) (Fees) Regulations 2013 (S.I. No. 17 of 2013)
- Finance (Transfer of Departmental Administration and Ministerial Functions) Order 2011 (S.I. No. 418 of 2011)
- Civil Registration (Register of Marriages) (Correction of Errors) Regulations 2010 (S.I. No. 672 of 2010)
- Civil Registration (Civil Partnership Registration Form) Regulations 2010 (S.I. No. 671 of 2010)
- Civil Registration (Marriage Registration Form) Regulations 2010 (S.I. No. 670 of 2010)
- Civil Registration (Civil Partnerships) (Fees) Regulations 2010 (S.I. No. 669 of 2010)
- Civil Registration (Register of Civil Partnerships) (Correction of Errors) Regulations 2010 (S.I. No. 668 of 2010)
- Civil Registration (Delivery of Notification of Intention to Marry) (Prescribed Circumstances) Regulations 2010 (S.I. No. 667 of 2010)
• Civil Registration (Delivery of Notification of Intention to Enter into a Civil Partnership) (Prescribed Circumstances) Regulations 2010 (S.I. No. 666 of 2010)

• Civil Registration (Transfer of Departmental Administration and Ministerial Functions) Order 2007 (S.I. No. 831 of 2007)

• Delivery of Notification of Intention to Marry (Prescribed Circumstances) Regulations 2007 (S.I. No. 744 of 2007)

• Civil Registration (Fees and Allowances) (Revocation) Regulations 2007 (S.I. No. 743 of 2007)

• Register of Solemnisers (Correction of Errors) Regulations 2007 (S.I. No. 741 of 2007)

• Civil Registration (Fees and Allowances) Regulations 2007 (S.I. No. 740 of 2007)

• Register of Marriages (Correction of Errors) Regulations 2007 (S.I. No. 739 of 2007)

• Marriage Registration Form Regulations 2007 (S.I. No. 738 of 2007)

• Civil Registration (Marriages) (Fees) Regulations 2007 (S.I. No. 737 of 2007)

• Civil Registration Act 2004 (Commencement) Order 2007 (S.I. No. 736 of 2007)

• Civil Registration (Short Birth Certificate Regulations 2005 (S.I. No. 771 of 2005)

• Civil Registration (Births and Deaths (Fees) Regulations 2005 (S.I. No. 769 of 2005)

• Civil Registration (Fees and Allowances) Regulations 2005 (S.I. No. 768 of 2005)

• Civil Registration (Reduced Fees) Regulations 2005 (S.I. No. 766 of 2005)

• Civil Registration Act 2004 (Commencement) Order 2005 (S.I. No. 764 of 2005)

• Civil Registration Act 2004 (Section 65) (Commencement) Order 2004 (S.I. No. 588 of 2004)

• Civil Registration Act, 2004 (Section 27) (Commencement) Order 2004 (S.I. No. 84 of 2004)

All statutory instruments up to and including Criminal Justice (Suspended Sentences of Imprisonment) Act 2017 (Commencement) Order 2019 (S.I. No. 1 of 2019), made 3 January 2019, were considered in the preparation of this revision.
Section
1. Short title and commencement.
2. Interpretation.
2A. Prohibited degrees of relationship.
2B. No impediment where subsisting civil partnership with each other.
3. Regulations.
4. Repeals.
5. Transitional provisions.
6. Expenses of Minister and Minister for Finance.

PART 2
ADMINISTRATION

7. Ard-Chláraitheoir.
8. Functions of Ard-Chláraitheoir.
10. Staff of Ard-Chláraitheoir.
11. Annual report.
13. Registers.
15. Local registration authorities.
16. Financial provisions relating to authorities.
17. Staff of authorities.

PART 3
REGISTRATION OF BIRTHS AND STILLBIRTHS
18. “the register” (Part 3).
19. Provision of particulars, and registration, of births.
19A. Special provisions in relation to registration of birth of donor-conceived child.
20. Births occurring more than 12 months before registration.
22. Registration of father where parents not married.
23. Re-registration of birth to include name of father.
23A. Re-registration on foot of court order.
23B. Re-registration of birth of donor-conceived child on foot of court order.
24. Re-registration of births of legitimated persons.
25. Registration, or alteration, of forename of child.
25A. Failure to agree surname and subsequent registration of surname.
27. Recording and registration of certain other births occurring outside State.
27A. Registrar may take and receive statutory declaration under Guardianship of Infants Act 1964.
28. Registration of stillbirths.
29. Registration of stillbirths that occurred before 31 December 1994.
30. Duty to notify Ard-Chláraitheoir of births and stillbirths.

PART 3A
REGISTER OF GENDER RECOGNITION

30A. Definitions (Part 3A).
30B. Entry in Register.
30C. Index to register and privacy.
30D. Separate index of connections between register of gender recognition and register of births.
30E. Cancellation or amendment of entry in register.

PART 4
REGISTRATION OF ADOPTIONS

31. Definitions (Part 4). (repealed)
32. Registration of adoptions. (repealed)
33. Registration of foreign adoptions. (repealed)
34. Directions of High Court in relation to entries in register in respect of foreign adoptions. (repealed)
35. Privacy of adoption records. (repealed)

PART 5
REGISTRATION OF DEATHS

36. “the register” (Part 5).
37. Provision of particulars, and registration, of deaths.
38. Registration of deaths occurring outside State of Irish citizens domiciled in State.
39. Recording and registration of certain other deaths occurring outside State.
40. Registration after more than 12 months from death.
41. Furnishing of particulars of death by a coroner to registrar.
42. Certificate of cause of death.
42A. Notification of early neonatal deaths.
43. Place of death.
44. Power of coroner to authorise disposal of bodies.

PART 5A

DEATH ABROAD

44A. Application of Part.
44B. Record of deaths abroad.
44C. Provision of information.
44D. Certificate of entry on the record of deaths abroad.
44E. Amendment of entry on the record of deaths abroad.

PART 6

AMENDMENT OF LAW RELATING TO MARRIAGES

45. Definitions (Part 6).
45A. Secular body.
46. Notification of marriages.
47. Exemption of certain marriages from section 46(1)(a)(i).
48. Marriage registration form.
49. Registration of marriages.
50. Non-receipt of marriage registration form by registrar.
51. Solemnisation of marriages.
52. Places and times for the solemnisation of marriages.
53. Register of Solemnisers.
54. Application by bodies for registration of persons.
55. Cancellation of registration.
56. Appeals against refusals or cancellations of registration.
57. Temporary authorisation to solemnise marriage.
58. Objections.
58A. Marriage ceremonies performed at certain embassies or diplomatic missions.
PART 7

REGISTRATION OF DECREES OF DIVORCE AND DECREES OF NULLITY

59. Registration of decrees of divorce and decrees of nullity.

PART 7A

REGISTRATION OF CIVIL PARTNERSHIPS

59A. Definitions (Part 7A).
59B. Notification of civil partnerships. (repealed)
59C. Civil partnership registration form.
59D. Civil partnership registration.
59E. Places and times for registration of civil partnerships. (repealed)
59F. Objections. (repealed)
59G. Where interpretation required. (repealed)
59H. Effect of registration. (repealed)
59I. Effect of this Part. (repealed)
59IA. Civil Partnership ceremonies performed at certain embassies or diplomatic missions.

PART 7B

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

59J. Registration of decrees of dissolution and decrees of nullity of civil partnership.

PART 7C

DISSOLUTION AND TRANSITIONAL

59K. Registration of dissolution of civil partnership on marriage.

PART 8

GENERAL

60. Appeals.
61. Searches.
63. Correction of errors at request of persons having an interest.
64. Corrections or cancellations of entries at request of Ard-Chláraitheoir or a registrar.
65. Enquiries by Ard-Chláraitheoir.
66. Power of Ard-Chláraitheoir to give information to others.
67. Fees.
67A. Payments to certain registrars.
68. Evidence of births, stillbirths and deaths.
69. Offences.
70. Penalties.
71. Prosecution of offences.
72. Service etc., of documents.
73. Vital statistics.

FIRST SCHEDULE

PARTICULARS TO BE ENTERED IN REGISTERS

PART 1

PARTICULARS TO BE ENTERED IN REGISTER OF BIRTHS

PART 2

PARTICULARS TO BE ENTERED IN REGISTER OF STILLBIRTHS

PART 2A

PARTICULARS TO BE ENTERED IN REGISTER OF GENDER RECOGNITION

PART 2B

PARTICULARS TO BE ENTERED IN REGISTER OF GENDER RECOGNITION

PART 3

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

PART 4

PARTICULARS OF FOREIGN ADOPTIONS TO BE ENTERED IN REGISTER OF ADOPTIONS

PART 5

PARTICULARS OF DEATHS TO BE ENTERED IN REGISTER OF DEATHS

PART 6

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

PART 6A

PARTICULARS TO BE ENTERED IN REGISTER OF DISSOLUTIONS

PART 7

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

PART 7A

PARTICULARS TO BE ENTERED IN REGISTER OF DECREES OF NULLITY OF CIVIL PARTNERSHIP
SECOND SCHEDULE

ENACTMENTS REPEALED

THIRD SCHEDULE

PROHIBITED DEGREES OF RELATIONSHIP

ACTS REFERRED TO

Adoption Act 1952 1952, No. 25
Adoption Acts 1952 to 1998
Army Pensions Acts 1923 to 1980
Births and Deaths Registration Act (Ireland) 1880 1880, c. 13
Births and Deaths Registration Acts 1863 to 1996
Births, Deaths and Marriages Registration Act 1972 1972, No. 25
Capital Acquisitions Tax Consolidation Act 2003 2003, No. 1
Civil Service Regulation Acts 1956 to 1996
Coroners Act 1962 1962, No. 9
Data Protection Acts 1988 and 2003
Defence (Amendment) (No. 2) Act 1960 1960, No. 44
Defence Forces (Pensions) Acts 1932 to 1975
Electoral Act 1992 1992, No. 23
Electronic Commerce Act 2000 2000, No. 27
Family Law (Divorce) Act 1996 1996, No. 33
Garda Síochána Act 1989 1989, No. 1
Health Act 1947 1947, No. 28
Health Act 1970 1970, No. 1
Health (Eastern Regional Health Authority) Act 1999 1999, No. 13
Housing Act 1966 1966, No. 21
Housing Acts 1966 to 2002
Legitimacy Act 1931 1931, No. 13
Legitimacy Declaration Act (Ireland) 1868 1868, c. 20
Marriage Act 1835 5 & 6 Will 4., c. 54
Marriage Law (Ireland) Amendment Act 1863 26 Vict., c. 27
Marriage Law (Ireland) Amendment Act 1873 36 & 37 Vict., c. 16
Marriage of Lunatics Act 1811 51 Geo 3., c. 37
Marriage (Prohibited Degrees of Relationship) Acts 1907 and 1921
Marriage (Society of Friends) Act 1860 23 & 24 Vict., c. 18
Marriage (Society of Friends) Act 1872 35 & 36 Vict., c. 10
Marriages Act 1936 1936, No. 47
Marriages Act 1972 1972, No. 30
Marriages (Ireland) Act 1844 1844, c. 81
<table>
<thead>
<tr>
<th>Act</th>
<th>Year</th>
<th>Section</th>
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<tbody>
<tr>
<td>Marriages (Ireland) Act 1846</td>
<td>9 &amp; 10 Vict., c. 72</td>
<td></td>
</tr>
<tr>
<td>Matrimonial Causes and Marriage Law (Ireland) Amendment Act 1870</td>
<td>33 &amp; 34 Vict., c. 110</td>
<td></td>
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<td>Matrimonial Causes and Marriage Law (Ireland) Amendment Act 1871</td>
<td>1871, c. 49</td>
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</tr>
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<td>Medical Practitioners Act 1978</td>
<td>1978, No. 4</td>
<td></td>
</tr>
<tr>
<td>Mercantile Marine Act 1955</td>
<td>1955, No. 29</td>
<td></td>
</tr>
<tr>
<td>Merchant Shipping Act 1894</td>
<td>57 &amp; 58 Vict. c. 60</td>
<td></td>
</tr>
<tr>
<td>Petty Sessions (Ireland) Act 1851</td>
<td>1851, c. 93</td>
<td></td>
</tr>
<tr>
<td>Planning and Development Act 2000</td>
<td>2000, No. 30</td>
<td></td>
</tr>
<tr>
<td>Registration of Births Act 1996</td>
<td>1996, No. 36</td>
<td></td>
</tr>
<tr>
<td>Registration of Births and Deaths Act 1936</td>
<td>1936, No. 34</td>
<td></td>
</tr>
<tr>
<td>Registration of Births and Deaths (Ireland) Act 1863</td>
<td>1863, c. 11</td>
<td></td>
</tr>
<tr>
<td>Registration of Marriages Act 1936</td>
<td>1936, No. 35</td>
<td></td>
</tr>
<tr>
<td>Registration of Marriages (Ireland) Act 1863</td>
<td>1863, c. 90</td>
<td></td>
</tr>
<tr>
<td>Road Traffic Act 1961</td>
<td>1961, No. 24</td>
<td></td>
</tr>
<tr>
<td>Social Welfare (Consolidation) Act 1993</td>
<td>1993, No. 27</td>
<td></td>
</tr>
<tr>
<td>Stamp Duties Consolidation Act 1999</td>
<td>1999, No. 31</td>
<td></td>
</tr>
<tr>
<td>Status of Children Act 1987</td>
<td>1987, No. 26</td>
<td></td>
</tr>
<tr>
<td>Stillbirths Registration Act 1994</td>
<td>1994, No. 1</td>
<td></td>
</tr>
<tr>
<td>Taxes Consolidation Act 1997</td>
<td>1997, No. 39</td>
<td></td>
</tr>
<tr>
<td>Vital Statistics and Births, Deaths and Marriages Registeration Act 1952</td>
<td>1952, No. 8</td>
<td></td>
</tr>
</tbody>
</table>
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:

Annotations

Modifications (not altering text):

C1 Functions transferred and references construed (1.01.2008) by Civil Registration (Transfer of Departmental Administration and Ministerial Functions) Order 2007 (S.I. No. 831 of 2007), arts. 2 and 3, in effect as per art. 1(2).

2. (1) The administration and business in connection with the exercise, performance or execution of any functions transferred by Article 3 are transferred to the Department of Social and Family Affairs.

(2) References to the Department of Health and Children contained in any Act or instrument made under it or scheme and relating to any administration and business transferred by paragraph (1) are, on and after the commencement of this Order, to be read as references to the Department of Social and Family Affairs.

3. (1) The functions vested in the Minister for Health and Children by or under—

(a) the Civil Registration Act 2004 (No. 3 of 2004) (other than section 66),

... are transferred to the Minister for Social and Family Affairs.

(2) References to the Minister for Health and Children contained in any Act or instrument made under it or scheme and relating to any functions transferred by this Article, on and after the commencement of this Order, are to be read as references to the Minister for Social and Family Affairs.
Dissolution of health boards and other specified bodies.

58. —The specified bodies are, by this Act, dissolved on the establishment day.

Transfer of functions of specified bodies to Executive.

59. — (1) The functions that, immediately before the establishment day, were the functions of a specified body under or in connection with the enactments referred to in Schedule 3 are, by this Act, transferred to the Executive on that day.

(2) If a provision of an enactment referred to in Schedule 3, or a provision of an instrument made under such enactment, does not come into effect until on or after the establishment day, a function that on the passing of that enactment or the making of that instrument was assigned under or in connection with that provision to a specified body is, by this Act, transferred to the Executive on the commencement of that provision.

(3) The functions transferred by this Act to the Executive include the functions specified in any enactment referred to in Schedule 3 as a function of the following:

(a) the chief executive officer of a health board;
(b) the Regional Chief Executive of the Eastern Regional Health Authority;
(c) the area chief executive of an Area Health Board.

SCHEDULE THREE
Transfer of Functions and References to Functional Areas

Section 59 and 67.

64. Civil Registration Act 2004

Editorial Notes:


PART 1
PRELIMINARY AND GENERAL

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.
2. The 5th day of November 2007 is appointed as the day on which the following provisions of the Civil Registration Act 2004 (No. 3 of 2004) come into operation:

(a) section 4 in so far as it relates to the repeal of the enactments specified in the Schedule to this Order;

(b) section 13(1)(e);

(c) Part 6 (as amended by the Health Act 2007 (No. 23 of 2007));

(d) the Second Schedule in so far as it relates to the repeal of the enactments mentioned in the Schedule to this Order.

Regulation 2.

SCHEDULE

<table>
<thead>
<tr>
<th>Session and Chapter Number and Year</th>
<th>Short title</th>
<th>Extent of repeal</th>
</tr>
</thead>
<tbody>
<tr>
<td>7 &amp; 8 Vict., c. 81</td>
<td>Marriages (Ireland) Act 1844</td>
<td>The whole Act.</td>
</tr>
<tr>
<td>9 &amp; 10 Vict., c. 72</td>
<td>Marriages (Ireland) Act 1846</td>
<td>The whole Act.</td>
</tr>
<tr>
<td>26 &amp; 27 Vict., c. 90</td>
<td>Registration of Marriages (Ireland) Act 1863</td>
<td>The whole Act other than sections 7, 8, 12, 21 and 25.</td>
</tr>
<tr>
<td>33 &amp; 34 Vict., c. 49</td>
<td>Matrimonial Causes and Marriage Law (Ireland) Amendment Act 1870</td>
<td>Sections 32 to 40 and 42.</td>
</tr>
<tr>
<td>34 &amp; 35 Vict., c. 49</td>
<td>Matrimonial Causes and Marriage Law (Ireland) Amendment Act 1871</td>
<td>Sections 21 to 29.</td>
</tr>
<tr>
<td>36 &amp; 37 Vict., c. 16</td>
<td>Marriage Law (Ireland) Amendment Act 1873</td>
<td>The whole Act.</td>
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<td>No. 35 of 1936</td>
<td>Registration of Marriages Act 1936</td>
<td>The whole Act.</td>
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<tr>
<td>No. 47 of 1936</td>
<td>Marriages Act 1936</td>
<td>The whole Act.</td>
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<tr>
<td>No. 26 of 1995</td>
<td>Family Law Act 1995</td>
<td>Section 32; In section 33(1), the words &quot;or section 32(1)(a) or both of those provisions&quot;</td>
</tr>
</tbody>
</table>


2. The 5th day of December 2005 is appointed as the day on which the following provisions of the Civil Registration Act 2004 (No. 3 of 2004) come into operation:

(a) Section 4, and the Second Schedule, in so far as they apply to the enactments specified in the Schedule to this Order;

(b) Part 1 (other than section 4);
(c) Part 2 (other than paragraphs (c) and (e) of section 13 (1));
(d) Part 3, in so far as it is not already in operation;
(e) Part 5;
(f) Part 8 (other than section 73), in so far as it is not already in operation;
(g) Parts 1, 2 and 5 of the First Schedule.

SCHEDULE
1. Registration of Births and Deaths (Ireland) Act 1863.
2. Section 254 of the Merchant Shipping Act 1894.
3. Births and Deaths Registration Act (Ireland) 1880.
4. Section 1(4) and the Schedule to the Legitimacy Act 1931 (No. 13 of 1931).
5. Registration of Births and Deaths Act 1936 (No. 34 of 1936).
7. Sections 50 and 51 of the Coroners Act 1962 (No. 9 of 1962).
12. Registration of Births Act 1996 (No. 36 of 1996) (other than subsections (4) and (4A) of section 1).

E4 Power pursuant to subs. (2) exercised (1.10.2004) by Civil Registration Act 2004 (Section 65) (Commencement) Order 2004 (S.I. No. 588 of 2004).

Commencement
2. Section 65 of the Civil Registration Act 2004 shall come into operation on 1st October 2004.

E5 Power pursuant to subs. (2) exercised (2.03.2004) by Civil Registration Act, 2004 (Section 27) (Commencement) Order 2004 (S.I. No. 84 of 2004).

Commencement
2. Section 27 of the Civil Registration Act, 2004 shall come into operation on 2nd March 2004.

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;]
“the Acts” means the Births and Deaths Registration Acts 1863 to 1996;
F3[...]
“Ard-Chláraitheoir” shall be construed in accordance with section 7;
“authorised officer” shall be construed in accordance with section 17(10);

“birth” does not include stillbirth;

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

F5[‘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;]

F5[‘cohabitant’ shall be construed in accordance with section 172 of the Act of 2010;]

F6[‘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;]

F5[‘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, marriage, death, decree of F7[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;

F5[‘evidence’ includes documentary evidence;]

F8[‘Executive’ means the Health Service Executive;]

F3[…]

F5[‘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;]  
F4[...]  
F5[‘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);]  
F5[‘immigration status’ means entitlement of a person to reside in the State and the basis for that entitlement;]  
F5[‘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;  
“Oifig an Ard-Chláraitheora” shall be construed in accordance with section 12;  
“personal public service number” has the meaning assigned to it by the Social Welfare (Consolidation) Act 1993;  
“prescribed” means prescribed by regulations made by the Minister;  
“qualified informant” in relation to a birth or death, shall be construed in accordance with section 19 or 37, as may be appropriate;  
“registered medical practitioner” means a person who is registered or entitled to be registered in the General Register of Medical Practitioners established under section 26 of the Medical Practitioners Act 1978;  
“registrar”—  
(a) in relation to a marriage or intended marriage or the register of marriages, means a registrar within the meaning of section 17,  
F9[(ao) 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) F3[...]  
(d) in relation to a decree of divorce or the register of decrees of divorce, means the Courts Service F10[,]  
F11[(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;

‘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—

(a) in relation to a birth or a living new-born child found abandoned, the particulars specified in Part 1 of the First Schedule,

(b) in relation to a stillbirth, the particulars specified in Part 2 of that Schedule,

(c) ...]

(d) ...]

(e) in relation to a death, the particulars specified in Part 5 of that Schedule;

‘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,

(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.

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

(e) ...

(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

(g) the marriage would constitute a marriage of convenience.

(g) the marriage would be void by virtue of section 2A.
(3) In this Act—

(a) a reference to a birth, stillbirth, 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.

Annotations

Amendments:

F1 Inserted (1.01.2011) by Civil Partnership and Certain Rights and Obligations of Cohabitants Act 2010 (24/2010), s. 7(1)(a), S.I. No. 648 of 2010.


F3 Deleted (1.11.2010) by Adoption Act 2010 (21/2010), s. 159(a), S.I. No. 511 of 2010.

F4 Deleted (1.01.2005) by Health Act 2004 (42/2004), s. 75 and sch. 6 part 26 item 1(a), (c), S.I. No. 887 of 2004.

F5 Inserted (18.08.2015) by Civil Registration (Amendment) Act 2014 (34/2014), s. 3(a), S.I. No. 357 of 2015.


F8 Inserted (1.01.2005) by Health Act 2004 (42/2004), s. 75 and sch. 6 part 26 item 1(b), (d), S.I. No. 887 of 2004.


F12 Substituted (1.01.2005) by Health Act 2004 (42/2004), s. 75 and sch. 6 part 26 item 1(e), S.I. No. 887 of 2004.


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

F21[(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,] ...

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

F22[‘Act of 2015’ means the Children and Family Relationships Act 2015;] ...

F22[‘donor-conceived child’ has the same meaning as it has in Part 2 of the Act of 2015;] ...

F22[‘parent’, in relation to a donor-conceived child, means the parent or parents of that child under section 5 of the Act of 2015;] ...

“the required particulars” means—

F23[(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;] ...

F23[(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;]

Construction of references to registered medical practitioner and Medical Council, etc.

108. — (1) Every reference to a registered medical practitioner contained in any enactment or any statutory instrument shall be construed as a reference to a registered medical practitioner within the meaning of section 2.

(2) Every reference to the General Register of Medical Practitioners contained in any other enactment or any statutory instrument shall be construed as a reference to any division of the register.

... 

Editorial Notes:

E6 Previous affecting provision: subss. (2A)(d) substituted by Assisted Decision-Making (Capacity) Act 2015 (64/2015), s. 143(b), not commenced; deleted as per F-note above.


E8 Previous affecting provision: subss. (2)(e), (f) amended (18.08.2015) by Civil Registration (Amendment) Act 2014 (34/2014), s. 3(b)(i), (ii), S.I. No. 357 of 2015; deleted and substituted as per F-note above.

E9 Definition of decree of nullity substituted (1.01.2011) by Civil Partnership and Certain Rights and Obligations of Cohabitants Act 2010 (24/2010), s. 7(c), S.I. No. 648 of 2010; definition of nullity does not exist in the section.

E10 Previous affecting provision: subss. (2)(e) amended (1.01.2011) by Civil Partnership and Certain Rights and Obligations of Cohabitants Act 2010 (24/2010), s. 7(2)(b), S.I. No. 648 of 2010; superseded as per E-note above.

E11 Previous affecting provision: subss. (2)(f) inserted (1.01.2011) by Civil Partnership and Certain Rights and Obligations of Cohabitants Act 2010 (24/2010), s. 7(2)(c), S.I. No. 648 of 2010, and amended (18.08.2015) by Civil Registration (Amendment) Act 2014 (34/2014), s. 3(b)(ii), S.I. No. 357 of 2015; substituted as per F-note above.

E12 Previous affecting provision: subss. (2A) inserted (1.01.2011) by Civil Partnership and Certain Rights and Obligations of Cohabitants Act 2010 (24/2010), s. 7(3), S.I. No. 648 of 2010, and amended (18.08.2015) by Civil Registration (Amendment) Act 2014 (34/2014), s. 3(c), S.I. No. 357 of 2015; deleted as per F-note above.

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.

Annotatons

Amendments:


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.

Annotatons

Editorial Notes:

E15 Power pursuant to section exercised (19.12.2016) by Civil Registration (Births, Deaths, Marriages and Civil Partnerships) (Fees) (No. 2) Regulations 2016 (S.I. No. 605 of 2016), in effect as per reg. 2.

E16 Power pursuant to section exercised (7.09.2015) by Civil Registration (Gender Recognition) (Abridged Certificate) Regulations 2015 (S.I. No. 378 of 2015), in effect as per reg. 2.
<table>
<thead>
<tr>
<th>E17</th>
<th>Power pursuant to section exercised (7.09.2015) by Civil Registration (Gender Recognition) (Fees) Regulations 2015 (S.I. No. 377 of 2015), in effect as per reg. 2.</th>
</tr>
</thead>
<tbody>
<tr>
<td>E18</td>
<td>Power pursuant to section exercised (11.08.2014) by Civil Registration (Certified Extract of Register of Deaths) Regulations 2014 (S.I. No. 371 of 2014), in effect as per reg. 2.</td>
</tr>
<tr>
<td>E19</td>
<td>Power pursuant to section exercised (1.01.2011) by Civil Registration (Register of Marriages) (Correction of Errors) Regulations 2010 (S.I. No. 672 of 2010), in effect as per reg. 1(2).</td>
</tr>
<tr>
<td>E20</td>
<td>Power pursuant to section exercised (1.01.2011) by Civil Registration (Civil Partnership Registration Form) Regulations 2010 (S.I. No. 671 of 2010), in effect as per reg. 1(2).</td>
</tr>
<tr>
<td>E21</td>
<td>Power pursuant to section exercised (1.01.2011) by Civil Registration (Marriage Registration Form) Regulations 2010 (S.I. No. 670 of 2010), in effect as per reg. 1(2).</td>
</tr>
<tr>
<td>E22</td>
<td>Power pursuant to section exercised (1.01.2011) by Civil Registration (Register of Civil Partnerships) (Correction of Errors) Regulations 2010 (S.I. No. 668 of 2010), in effect as per reg. 1(2).</td>
</tr>
<tr>
<td>E23</td>
<td>Power pursuant to section exercised (1.01.2011) by Civil Registration (Delivery of Notification of Intention to Marry) (Prescribed Circumstances) Regulations 2010 (S.I. No. 667 of 2010), in effect as per reg. 1(2).</td>
</tr>
<tr>
<td>E24</td>
<td>Power pursuant to section exercised (1.01.2011) by Civil Registration (Delivery of Notification of Intention to Enter into a Civil Partnership) (Prescribed Circumstances) Regulations 2010 (S.I. No. 666 of 2010), in effect as per reg. 1(2).</td>
</tr>
<tr>
<td>E25</td>
<td>Power pursuant to section exercised (5.11.2007) by Civil Registration (Fees and Allowances) (Revocation) Regulations 2007 (S.I. No. 743 of 2007), in effect as per reg. 1(2).</td>
</tr>
<tr>
<td>E26</td>
<td>Power pursuant to section exercised (5.11.2007) by Register of Solemnisers (Correction of Errors) Regulations 2007 (S.I. No. 741 of 2007), in effect as per reg. 1(2).</td>
</tr>
<tr>
<td>E27</td>
<td>Power pursuant to section exercised (5.11.2007) by Civil Registration (Fees and Allowances) Regulations 2007 (S.I. No. 740 of 2007), in effect as per reg. 1(2).</td>
</tr>
<tr>
<td>E29</td>
<td>Power pursuant to section exercised (5.12.2005) by Civil Registration (Reduced Fees Regulations 2005 (S.I. No. 766 of 2005), in effect as per reg. 2.</td>
</tr>
<tr>
<td>E30</td>
<td>Previous affecting provision: power pursuant to section exercised (4.07.2016) by Civil Registration (Births, Deaths, Marriages and Civil Partnerships) (Fees) Regulations 2016 (S.I. No. 331 of 2016), in effect as per reg. 2; revoked (19.12.2016) by Civil Registration (Births, Deaths, Marriages and Civil Partnerships) (Fees) (No. 2) Regulations 2016 (S.I. No. 605 of 2016), reg. 9, in effect as per reg. 2.</td>
</tr>
<tr>
<td>E31</td>
<td>Previous affecting provision: power pursuant to section exercised (16.11.2015) by Civil Registration (Births, Deaths, Marriages and Civil Partnerships) (Fees) Regulations 2015 (S.I. No. 502 of 2015), in effect as per reg. 2; revoked (4.07.2016) by Civil Registration (Births, Deaths, Marriages and Civil Partnerships) (Fees) Regulations 2016 (S.I. No. 331 of 2016), reg. 9, in effect as per reg. 2.</td>
</tr>
<tr>
<td>E32</td>
<td>Previous affecting provision: power pursuant to section exercised (23.01.2013) by Civil Registration (Births, Deaths, Marriages and Civil Partnerships) (Fees) Regulations 2013 (S.I. No. 17 of 2013), in effect as per reg. 2; revoked (16.11.2015) by Civil Registration (Births, Deaths, Marriages and Civil Partnerships) (Fees) Regulations 2015 (S.I. No. 502 of 2015), reg. 9, in effect as per reg. 2.</td>
</tr>
<tr>
<td>E33</td>
<td>Previous affecting provision: power pursuant to section exercised (1.01.2011) by Civil Registration (Civil Partnerships) (Fees) Regulations 2010 (S.I. No. 669 of 2010), in effect as per reg. 1(2); revoked (23.01.2013) by Civil Registration (Births, Deaths, Marriages and Civil Partnerships) (Fees) Regulations 2013 (S.I. No. 17 of 2013), reg. 9(c), in effect as per reg. 2.</td>
</tr>
</tbody>
</table>
4.—The enactments specified in the Second Schedule are repealed to the extent specified in column 3 of that Schedule.

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.

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 moneys 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 three 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 three 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.

(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.

Annotations

Amendments:

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, 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, wherever granted in the State,

F30[(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,

F32[(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,

F33[(eeee) to establish and maintain a register and index for the purpose of the registration of gender recognition,]

(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, F34[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 F35[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 F36[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 F37[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.

Annotations

Amendments:


F29 Inserted (1.01.2011) by Civil Partnership and Certain Rights and Obligations of Cohabitants Act 2010 (24/2010), s. 8(a), S.I. No. 648 of 2010.


F31 Inserted (1.01.2011) by Civil Partnership and Certain Rights and Obligations of Cohabitants Act 2010 (24/2010), s. 8(c), S.I. No. 648 of 2010.

F32 Inserted (1.01.2011) by Civil Partnership and Certain Rights and Obligations of Cohabitants Act 2010 (24/2010), s. 8(d), S.I. No. 648 of 2010.


(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 F38[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 F38[3] years as he or she considers appropriate.

(7) A person appointed to be an tArd-Chláraitheoir Cúnta shall, subject to sub sections (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.

F39(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 sub sections (6) and (7) shall not apply to him or her.

Annot ations

Amendmen ts:


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-Chláraitheoir.

12.—(1) The office entitled Oifig an Ard-Chláraitheoir 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-Chláraitheoir 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-Chláraitheoir 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-Chláraitheoir shall be judicially noticed and every instrument purporting to be made by Oifig an Ard-Chláraitheoir 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-Chláraitheoir provided under section 52 of the Act of 1844 are transferred to and may be performed by Oifig an Ard-Chláraitheoir.

(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-Chláraitheoir referred to in subsection (5) shall be construed as references to Oifig an Ard-Chláraitheoir.

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) F40 [...]

(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 F41[decrees of divorce]).
(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 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 decrees of nullity of civil partnerships), and

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

(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, 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-Chlár aitheoir, a person authorised in that behalf by an tArd-Chlár aitheoir, a Superintendent Registrar, an authorised officer or a registrar.

(5) An tArd-Chlár aitheoir 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).

Annotatons

Amendments:

F40 Deleted (1.11.2010) by Adoption Act 2010 (21/2010), s. 159(c), S.I. No. 511 of 2010.

F41 Substituted (1.01.2011) by Civil Partnership and Certain Rights and Obligations of Cohabitants Act 2010 (24/2010), s. 9(a), S.I. No. 648 of 2010.

F42 Substituted and inserted (1.01.2011) by Civil Partnership and Certain Rights and Obligations of Cohabitants Act 2010 (24/2010), s. 9(b), S.I. No. 648 of 2010.


Schemes.

14.—F47[(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 F47[of the registration area concerned].

(b) A scheme under this subsection shall, after it has been approved by F47[the Executive], be submitted to the Minister.

(4) A scheme or a scheme under subsection (3) shall be subject to the approval of F47[the Executive].

(5) A scheme may contain such incidental, supplementary and consequential provisions as appear to F47[the Executive] to be necessary or expedient for the purposes of the scheme.

(6) The Minister may, in consultation with an tArd-Chláraitheoir and F47[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.

F47[(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 F47[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.
Annotations
Amendments:

F47 Substituted (1.01.2005) by Health Act 2004 (42/2004), s. 75 and sch. 6 part 26 item 2, S.I. No. 887 of 2004.

Local registration authorities.

15.—F48[(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.]

F49[(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 F49[the Executive] in relation to F50[... management, control and administration, of the Civil Registration Service in F49[a registration area], and F49[the Executive] shall comply with a direction given to it under this subsection.

F49[(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) F51[...]

(2) F52[Accounts of the Executive relating to each scheme] shall be audited by the Comptroller and Auditor General.

(3) F51[...]

28
Staff of authorities.

17.—F53[(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, 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 F53[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 F53[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 F53[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).

F53[(6) A Superintendent Registrar of a registration area may give a direction to a registrar or authorised officer assigned to that area.]

F55[(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 F53[the Executive] at the time of the appointment.

F53[(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) F53[(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 F54[marriages and civil partnerships] appointed under this section.

Annotations

Amendments:

F53 Substituted (1.01.2005) by Health Act 2004 (42/2004), s. 75 and sch. 6 part 26 item 5, S.I. No. 887 of 2004.


F55 Inserted (18.08.2015) by Civil Registration (Amendment) Act 2014 (34/2014), s. 4, S.I. No. 357 of 2015.
REGISTRATION OF BIRTHS AND STILLBIRTHS

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.

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.

(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, F56 [the Superintendent Registrar in whose registration area] the birth occurred is unable to contact either parent of the child concerned, F56 [the Superintendent Registrar may] give a qualified informant a notice in writing requiring the informant—

F56[(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 the birth, and

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

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

(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 F57 [in whose registration area]
the birth occurred made all reasonable efforts to find the parents or a qualified informant.

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

(a) the parents or the surviving parent of 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).

Annotations

Amendments:

F56 Substituted (1.01.2005) by Health Act 2004 (42/2004), s. 75 and sch. 6 part 26 item 6(a), S.I. No. 887 of 2004.

F57 Substituted (1.01.2005) by Health Act 2004 (42/2004), s. 75 and sch. 6 part 26 item 6(b), S.I. No. 887 of 2004.

F58 Inserted by Civil Registration (Amendment) Act 2014 (34/2014), s. 5(a), not commenced as of date of revision.

F59 Substituted by Civil Registration (Amendment) Act 2014 (34/2014), s. 5(b)(i), not commenced as of date of revision.

F60 Inserted by Civil Registration (Amendment) Act 2014 (34/2014), s. 5(b)(ii), not commenced as of date of revision.

F61 Inserted by Civil Registration (Amendment) Act 2014 (34/2014), s. 5(c), not commenced as of date of revision.

F62 Inserted by Civil Registration (Amendment) Act 2014 (34/2014), s. 5(d), not commenced as of date of revision.

Modifications (not altering text):

C6 Prospective affecting provision: section amended by Civil Registration (Amendment) Act 2014 (34/2014), s. 5, not commenced as of date of revision.

19. —...

F58[(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.]

...[(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]
F61[(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— ...

F62[(aa) in so far as it relates to a child who makes a request under section 22(2)(d) or 23A(1), the child,]...

F63[Special provisions in relation to registration of birth of donor-conceived child]

19A.—"

Annotations

Amendments:

F63 Inserted by Children and Family Relationships Act 2015 (9/2015), s. 93, not commenced as of date of revision.

Modifications (not altering text):

C7 Prospective affecting provision: section inserted by Children and Family Relationships Act 2015 (9/2015), s. 93, not commenced as of date of revision.

F63[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 Act of 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 Act of 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 Act of 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 the registrar 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 Act of 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.

Editorial Notes:

E40 The section heading is taken from the amending section in the absence of one included in the amendment.

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 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.

Annotations

Amendments:

F64 Substituted (1.01.2005) by Health Act 2004 (42/2004), s. 75 and sch. 6 part 26 item 7, S.I. No. 887 of 2004.

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-Chláraitheoir, 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.

Annotations

Modifications (not altering text):


Construction of references to registered medical practitioner and Medical Council, etc.

108. — (1) Every reference to a registered medical practitioner contained in any enactment or
any statutory instrument shall be construed as a reference to a registered medical practitioner
within the meaning of section 2.

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-Chláraítheoir, 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-Chláraítheoir, 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 F65 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.

Annotations

Amendments:


F66 Substituted by Children and Family Relationships Act 2015 (9/2015), s. 96(1), not commenced as of date of revision.

F67 Deleted by Civil Registration (Amendment) Act 2014 (34/2014), s. 6(1)(a), not commenced as of date of revision, subject to transitional provision in subs. (2).

F68 Inserted by Civil Registration (Amendment) Act 2014 (34/2014), s. 6(1)(b), not commenced as of date of revision, subject to transitional provision in subs. (2).

F69 Substituted by Civil Registration (Amendment) Act 2014 (34/2014), s. 6(1)(c)(i), not commenced as of date of revision, subject to transitional provision in subs. (2).

F70 Deleted by Civil Registration (Amendment) Act 2014 (34/2014), s. 6(1)(c)(iii), not commenced as of date of revision, subject to transitional provision in subs. (2).
(1K) The registrar, if satisfied having made all reasonable efforts under subsection F66[(1B)(ii)] that no contact can be made with the person, shall complete the registration of the birth of the child with the required particulars other than those relating to the father.

C9 Prospectively affecting provision: subs. (1K), as prospectively inserted as per C-note below, amended by Children and Family Relationships Act 2015 (9/2015), s. 96(1), not commenced as of date of revision.

(1K) The registrar, if satisfied having made all reasonable efforts under subsection F66[(1B)(iii)] that no contact can be made with the person, shall complete the registration of the birth of the child with the required particulars other than those relating to the father.

C10 Prospectively affecting provision: section amended by Civil Registration (Amendment) Act 2014 (34/2014), s. 6, not commenced as of date of revision.

22.—(1) F67[(...)]

F68[(1A)] Subject to subsection (1E)(a), the duty of a person referred to in section 19(1)(a) to comply with this Part applies notwithstanding that the father and mother of the child whose birth falls to be registered were not married to each other at the date of the child’s birth or at any time during the period of 10 months before such birth.

(1B) Where the mother of the child to whom subsection (1A) applies (in this section referred to as 'the mother')—

(a) attends under section 19(1) without the person (in this subsection and subsections (1C) to (1K) referred to as 'the person') whom she identifies to the registrar as the father of the child,

(b) gives, unless subsection (1D) applies, to the registrar the required particulars of the birth, and

(c) signs the register,

the registrar shall—

(i) register the birth of the child with required particulars, other than the surname of the child and those relating to the father of the child, and

(ii) make all reasonable efforts to give notice in writing to the person 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 the father of the child.

(1C) A person given notice under subsection (1B)(ii) who agrees that he is the father of the child shall furnish to the registrar a statutory declaration, in a form for the time being standing approved by an Tárd-Chláraitheoir, that he is the father of the child, and his required particulars and the required particulars relating to the surname of the child, and the registrar, subject to section 25A, shall complete the registration of the birth of the child with those required particulars and the person shall sign the register in the presence of the registrar and in that case the signature provided by the mother under subsection (1B)(c) shall be retained on the register.

(1D) A mother may furnish to a registrar a statutory declaration made by her and relied on by her to satisfy the registrar that one or more than one of the following compelling reasons exists so as to exempt her from her duty to furnish to the registrar required particulars in so far as they relate to the father of the child:

(a) she does not know the identity of the father of the child;
(b) she does not know the whereabouts of the father of the child;
(c) she believes that providing the information is not in the best interests of the safety of the child and in that case the statutory declaration shall contain and, as necessary, exhibit information, particulars and evidence relating to that belief.

(1E) The registrar, having considered the statutory declaration furnished under subsection (1D) shall—

(a) if satisfied that a compelling reason exists, register the birth of the child with required particulars, other than those relating to the father of the child, or
(b) if not satisfied that a compelling reason exists—

(i) register the birth of the child with required particulars, other than the surname of the child and those relating to the father of the child, and
(ii) notify the mother of the child in writing that he or she is not satisfied that a compelling reason exists, giving reasons for the decision and requesting the mother to furnish required particulars in so far as they relate to the father of the child, and stating that she may appeal the decision of the registrar not later than 28 days from the day on which the notice is sent by the registrar.

(1F) The mother may appeal against the decision of the registrar under subsection (1E)(b) in writing, in a form standing approved by an Tárd-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 (1E)(b) is sent by the registrar, and the Superintendent Registrar shall determine the appeal in accordance with subsection (1G).

(1G) In considering an appeal referred to him or her under subsection (1F) the Superintendent Registrar shall consider—

(a) all information furnished by the mother under subsection (1D)(c),
(b) the reasons furnished by the registrar under subsection (1E)(b),
(c) the notice of appeal under subsection (1F), and
(d) any additional information furnished in response to a request by the Superintendent Registrar for further information.

(1H) Having considered the matters referred to in paragraphs (a) to (d) of subsection (1G) the Superintendent Registrar shall decide to either—

(a) annul the decision of the registrar under subsection (1E)(b) and direct the registrar to register the birth of the child under subsection (1E)(a), or
(b) confirm the decision of the registrar under subsection (1E)(b).

(1I) A mother may appeal to the Circuit Court against the decision of the Superintendent Registrar under subsection (1H)(b).
(1) The jurisdiction conferred on the Circuit Court by subsection (1) 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.

(1K) The registrar, if satisfied having made all reasonable efforts under subsection (18)(b) (ii)
that no contact can be made with the person, shall complete the registration of the birth of the
child with the required particulars other than those relating to the father.

(2) Subject to subsection (3), any registrar shall enter in the register the name of a person F73[...]
as the father of a child to whom subsection (1) applies—

(a) if the mother F74[... ] 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

F75[(d) if the mother, person, or the child to whom the registration relates, if he or she has
attained the age of 18 years and so requests the registrar in writing and produces to him
or her a document purporting to be a declaration made 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
declaration or order that the person is the father of the child.]

(3) Where, in a case in which the mother F76[...] 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, F77[... ] or F78[... ] to a request under paragraph (a), (b) or (c) of subsection (2)], as the father of the child, the person
shall not be so registered unless there is produced to a registrar—

F79[(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 immedi-
ately 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]

F80[(c) subject to subsections (3A) to (3G) a statutory declaration of the mother, that she has
been living apart from the person who is or any person who formerly was her husband
during the period of 10 months ending immediately before the birth of the child and
that a decree or deed referred to in paragraph (b) has not been granted by a court or
entered into, and in that case the declaration shall contain the name and last known
contact details of the person who is her husband (‘the 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.]

F81[(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 or former 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 or former 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, 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 register the person as
the father of the child under subsection (1C), or paragraph (a), (b) or (c) of subsection
(2), or

(b) if not satisfied that the mother has been living apart from the husband or former 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 or former 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—

(a) all information furnished by the mother under subsection (3)(c),
(b) the reasons furnished by the registrar under subsection (3C)(b),
(c) the notice of appeal under subsection (3D), and
(d) any additional information furnished in response to a request by the Superintendent Registrar for further information.

(3F) Having considered the matters referred to in paragraphs (a) to (d) of subsection (3E), the Superintendent Registrar shall decide to either—

(a) annul the decision of the registrar under subsection (3C)(b) and direct the registrar to register the birth of the child under subsection (3C)(a), or
(b) confirm the decision of the registrar under subsection (3C)(b).

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

(3H) The jurisdiction conferred on the Circuit Court by subsection (3G) 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 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 so notify the other persons referred to in that provision as capable of making a request 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), F78[...]
(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 F79[subsection (2), and]
(c) the child to whom the registration relates who has attained the age of 18 years if he or she has made or joined in the making of the request concerned under subsection (2).]

...
(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 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,

or

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

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

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

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

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

(a) that which was previously registered, or

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

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

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

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

Annotations

Amendments:

F81 Substituted (1.01.2005) by Health Act 2004 (42/2004), s. 75 and sch. 6 part 26 item 8, S.I. No. 887 of 2004.


F83 Substituted by Civil Registration (Amendment) Act 2014 (34/2014), s. 7(1), not commenced as of date of revision, subject to transitional provision in subs. (2).

Modifications (not altering text):

C11 Prospective affecting provision: application of section restricted by Children and Family Relationships Act 2015 (9/2015), s. 94, not commenced as of date of revision.

Sections 23 and 23A of Act of 2004 not to apply to donor-conceived child

Sections 23 and 23A of the Act of 2004 shall not apply to a donor-conceived child (within the meaning of Part 2).

C12 Prospective affecting provision: section substituted by Civil Registration (Amendment) Act 2014 (34/2014), s. 7(1), not commenced as of date of revision, subject to transitional provision in subs. (2).

F83[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.
Amendments:

F84   Prospective affecting provision: section inserted by Civil Registration (Amendment) Act 2014 (34/2010), s. 8, not commenced as of date of revision.

Modifications (not altering text):

C13   Prospective affecting provision: application of section restricted by Children and Family Relationships Act 2015 (9/2015), s. 94, not commenced as of date of revision.

Sections 23 and 23A of Act of 2004 not to apply to donor-conceived child

94.   Sections 23 and 23A of the Act of 2004 shall not apply to a donor-conceived child (within the meaning of Part 2).

C14   Prospective affecting provision: section inserted by Civil Registration (Amendment) Act 2014 (34/2014), s. 8, not commenced as of date of revision.

F84[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 tÁrd-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 tÁrd-Chláraitheoir of a request in that behalf, and an tÁrd-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.]
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 Act of 2015, or by the Circuit Court under section 22 of the Act of 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.

Editorial Notes:

E42 The section heading is taken from the amending section in the absence of one included in the amendment.

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 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.

Annotations

Amendments:

F86 Substituted (1.01.2005) by Health Act 2004 (42/2004), s. 75 and sch. 6 part 26 item 9, S.I No. 887 of 2004.

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.

Annotations

Editorial Notes:

E43 Power pursuant to section exercised (19.12.2016) by Civil Registration (Births, Deaths, Marriages and Civil Partnerships) (Fees) (No. 2) Regulations 2016 (S.I. No. 605 of 2016), in effect as per reg. 2.

E44 Previous affecting provision: power pursuant to section exercised (4.07.2016) by Civil Registration (Births, Deaths, Marriages and Civil Partnerships) (Fees) Regulations 2016 (S.I. No. 331 of 2016), in effect as per reg. 2; revoked (19.12.2016) by Civil Registration (Births, Deaths, Marriages and Civil Partnerships) (Fees) (No. 2) Regulations 2016 (S.I. No. 605 of 2016), reg. 9, in effect as per reg. 2.

E45 Previous affecting provision: power pursuant to section exercised (16.11.2015) by Civil Registration (Births, Deaths, Marriages and Civil Partnerships) (Fees) Regulations 2015 (S.I. No. 502 of 2015), in effect as per reg. 2; revoked (4.07.2016) by Civil Registration (Births, Deaths, Marriages and Civil Partnerships) (Fees) Regulations 2016 (S.I. No. 331 of 2016), reg. 9, in effect as per reg. 2.
F87 Failure to agree surname and subsequent registration of surname

25A. — [ ]

Annotations

Amendments:

F87 Inserted by Civil Registration (Amendment) Act 2014 (34/2010), s. 9, not commenced as of date of revision.

F88 Substituted by Children and Family Relationships Act 2015 (9/2015), s. 96(2), not commenced as of date of revision.

Modifications (not altering text):

C16 Prospective affecting provision: subss. (2) and (3), as prospectively inserted as per C-note below, amended by Children and Family Relationships Act 2015 (9/2015), s. 96(2), not commenced as of date of revision.

(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 F88[(1K)] of section 22.

(3) Where a birth has been entered on the register under subsection (1) or under subsection (1E)(a) or F88[(1K)] of section 22 the following persons may apply to a registrar to register the surname of 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.

Editorial Notes:

E47 The section heading is taken from the amending section in the absence of one included in the amendment.

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.

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.
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—

(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, 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 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 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 Ard-Chláraitheoir may direct.

Annotations

Amendments:

F91 Deleted (18.08.2015) by Civil Registration (Amendment) Act 2014 (34/2014), s. 10, S.I. No. 357 of 2015.

F92 Substituted (1.01.2005) by Health Act 2004 (42/2004), s. 75 and sch. 6 part 26 item 10, S.I. No. 887 of 2004.

 Modifications (not altering text):


Construction of references to registered medical practitioner and Medical Council, etc.

108. — (1) Every reference to a registered medical practitioner contained in any enactment or any statutory instrument shall be construed as a reference to a registered medical practitioner within the meaning of section 2.

...
(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 F94 [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.

Annotations

Amendments:

F94 Substituted (1.01.2005) by Health Act 2004 (42/2004), s. 75 and sch. 6 part 26 item 12, S.I. No. 887 of 2004.

Modifications (not altering text):


Construction of references to registered medical practitioner and Medical Council, etc.

108. — (1) Every reference to a registered medical practitioner contained in any enactment or any statutory instrument shall be construed as a reference to a registered medical practitioner within the meaning of section 2.

...

F95 [PART 3A]

REGISTER OF GENDER RECOGNITION

Annotations

Amendments:


F96 [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.

Annotations

Amendments:


F97 [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
(1) 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 subparagraph (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.

Annotations

Amendments:

(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).]

F99[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-Chláraitheoir 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.]

F99[Separate index of connections between register of gender recognition and register of births]

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.

Annotatons

Amendments:

PART 4
REGISTRATION OF ADOPTIONS

Definitions (Part 4).

31.—F101[...]

Annotatons

Amendments:
F101 Repealed (1.11.2010) by Adoption Act 2010 (21/2010), s. 7(1) and sch. 1 part 1, S.I. No. 511 of 2010.

Registration of adoptions.

32.—F102[...]

Annotatons

Amendments:
F102 Repealed (1.11.2010) by Adoption Act 2010 (21/2010), s. 7(1) and sch. 1 part 1, S.I. No. 511 of 2010.

Registration of foreign adoptions.

33.—F103[...]

Annotatons

Amendments:
F103 Repealed (1.11.2010) by Adoption Act 2010 (21/2010), s. 7(1) and sch. 1 part 1, S.I. No. 511 of 2010.
Directions of High Court in relation to entries in register in respect of foreign adoptions.

34.—F104[...]

Annotations

Amendments:

F104 Repealed (1.11.2010) by Adoption Act 2010 (21/2010), s. 7(1) and sch. 1 part 1, S.I. No. 511 of 2010.

Privacy of adoption records.

35.—F105[...]

Annotations

Amendments:

F105 Repealed (1.11.2010) by Adoption Act 2010 (21/2010), s. 7(1) and sch. 1 part 1, S.I. No. 511 of 2010.

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

(a) a relative F106[or civil partner] of the deceased who has knowledge of the required particulars in relation to the death, and

(b) if there is no such relative F106[or civil partner] who can be found or every such relative F106[or civil partner] 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 to give to any registrar the required particulars of the death in the form standing specified for the time being by an tArd-Chláraitheoir.

(2) Subject to section 40, where, after the expiration of 3 months from the date of the death of a person in the State, the death has not been registered because of non-compliance with subsection (1), the F107[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 F107[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 section 42, 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.

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

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

(a) a relative F106[or civil partner] 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) a person who found the body of the person concerned,

(g) a person who took charge of that body,

(h) the person who procured the disposal of that body, or

(i) any other person who has knowledge of the death.

Annotations

Amendments:


F107 Substituted (1.01.2005) by Health Act 2004 (42/2004), s. 75 and sch. 6 part 26 item 13, S.I. No. 887 of 2004.

F108 Substituted by Civil Registration (Amendment) Act 2014 (34/2014), s. 11(a), not commenced as of date of revision.

F109 Inserted by Civil Registration (Amendment) Act 2014 (34/2014), s. 11(b), not commenced as of date of revision.
37.—F108[(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.]

F109[(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 F110[non-compliance with subsection (1) or (1A)], the F107[Superintendent Registrar in whose registration area] the death occurred may serve a notice on any qualified informant requiring him or her—

... 

(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 F111[section 42.]

F112[(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]

...

F113[(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]
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.

Regulation 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.

Annotations

Amendments:

F115 Substituted by Merchant Shipping (Registration of Ships) Act 2014 (43/2014), s. 68 and sch. 4, not commenced as of date of revision.

Modifications (not altering text):

C23 Prospective affecting provision: subs. (6) amended by Merchant Shipping (Registration of Ships) Act 2014 (43/2014), s. 68 and sch. 4, not commenced as of date of revision.

(6) In this section—...

F115[“Irish ship” means an Irish ship within the meaning of section 33 of the Merchant Shipping (Registration of Ships) Act 2014.]

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 F116[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.

Annotations

Amendments:

F116 Substituted (1.01.2005) by Health Act 2004 (42/2004), s. 75 and sch. 6 part 26 item 14, S.I. No. 887 of 2004.

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 F117[registration area] in which the body concerned is lying or was found.

Annotations

Amendments:

F117 Substituted (1.01.2005) by Health Act 2004 (42/2004), s. 75 and sch. 6 part 26 item 15, S.I. No. 887 of 2004.

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.

Annotations

Modifications (not altering text):


Construction of references to registered medical practitioner and Medical Council, etc.

108.— (1) Every reference to a registered medical practitioner contained in any enactment or any statutory instrument shall be construed as a reference to a registered medical practitioner within the meaning of section 2.
Annot ations

Amendments:

F118 Inserted by Civil Registration (Amendment) Act 2014 (34/2014), s. 12, not commenced as of date of revision.

Modifications (not altering text):

C25 Prospective affecting provision: section inserted by Civil Registration (Amendment) Act 2014 (34/2014), s. 12, not commenced as of date of revision.

F118[42A. (1) Where the death occurs during the first 7 days of life of a child born alive (‘early neonatal death’) it shall be the duty of the registered medical practitioner who attends the child concerned to give to the Superintendent Registrar in whose registration area the death occurred, as soon as practicable after the occurrence of the early neonatal death and in such manner as an tArd-Chláraitheoir may direct, the required particulars relating to the early neonatal death.

(2) The duty imposed on a registered medical practitioner under subsection (1) is in addition to, and not in substitution for, a duty or obligation imposed on a person under section 37.]

Editorial Notes:

ES1 The section heading is taken from the amending section in the absence of one included in the amendment.

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 F119[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 F119[registration area] where the body is brought ashore from the area of water in question.

Annot ations

Amendments:

F119 Substituted (1.01.2005) by Health Act 2004 (42/2004), s. 75 and sch. 6 part 26 item 16, S.I. No. 887 of 2004.

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

**PART 5A**

**DEATH ABROAD**

Annotatons

Amendments:

F120 Inserted by Civil Registration (Amendment) Act 2014 (34/2014), s. 13, not commenced as of date of revision.

F121 Application of Part

44A.—

Annotatons

Amendments:

F121 Inserted by Civil Registration (Amendment) Act 2014 (34/2014), s. 13, not commenced as of date of revision.

Modifications (not altering text):

C26 Prospective affecting provision: section inserted by Civil Registration (Amendment) Act 2014 (34/2014), s. 13, not commenced as of date of revision.

F121[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.]

F122[Record of deaths abroad

44B.—

Annotatons

Amendments:

F122 Inserted by Civil Registration (Amendment) Act 2014 (34/2014), s. 13, not commenced as of date of revision.

Modifications (not altering text):

C27 Prospective affecting provision: section inserted by Civil Registration (Amendment) Act 2014 (34/2014), s. 13, not commenced as of date of revision.

F122[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.

Annotations

Amendments:

F123 Inserted by Civil Registration (Amendment) Act 2014 (34/2014), s. 13, not commenced as of date of revision.

F124 Inserted by Children and Family Relationships Act 2015 (9/2015), s. 98, not commenced as of date of revision.

Modifications (not altering text):

C28 Prospective affecting provision: subs. (2)(d), as prospectively inserted as per C-note below, amended by Children and Family Relationships Act 2015 (9/2015), s. 98, not commenced as of date of revision.

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

(d) as much of the following information as may be available: ...

F124(xiiA) forename and birth surname of parent of deceased.

...

C29 Prospective affecting provision: section inserted by Civil Registration (Amendment) Act 2014 (34/2014), s. 13, not commenced as of date of revision.

F123[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;

(xiii) forename, surname, qualification, address and signature of informant.

(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.]
(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.

PART 6

AMENDMENT OF LAW RELATING TO MARRIAGES

45.—In this Part—

F127['body' means the Executive, a religious body or a secular body;]

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

F128['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 F129[worship:]

F130['secular body’ shall be construed in accordance with section 45A.]

Annotations

Amendments:

F127 Substituted (23.01.2013) by Civil Registration (Amendment) Act 2012 (48/2012), s. 2(a), S.I. No. 16 of 2013.


F129 Substituted (23.01.2013) by Civil Registration (Amendment) Act 2012 (48/2012), s. 2(b), S.I. No. 16 of 2013.

F130 Inserted (23.01.2013) by Civil Registration (Amendment) Act 2012 (48/2012), s. 2(c), S.I. No. 16 of 2013.

Editorial Notes:

E52 Previous affecting provision: section amended (1.01.2005) by Health Act 2004 (42/2004), s. 75 and sch. 6 part 26 item 17, S.I. No. 887 of 2004; substituted as per F-note above.

F131[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 Ard-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.]
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—

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

(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, \text{civil status}, age and nationality as may be specified by an \text{tArd-Chlárathoir}.

(8) An \text{tArd-Chláraithoisir} 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 \text{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 \text{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 \text{(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 \text{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 \text{(1)(b)}.

\begin{center}\textbf{Annotations}\end{center}

\textbf{Amendments:}

\begin{itemize}
    \item F132 Substituted (16.11.2015) by \text{Marriage Act 2015} (35/2015), s. 9, S.I. No. 504 of 2015.
    \item F133 Inserted (18.08.2015) by \text{Civil Registration (Amendment) Act 2014} (34/2014), s. 15(b), S.I. No. 357 of 2015.
    \item F134 Substituted (1.01.2011) by \text{Civil Partnership and Certain Rights and Obligations of Cohabitants Act 2010} (24/2010), s. 14, S.I. No. 648 of 2010.
    \item F135 Substituted by \text{Civil Registration (Amendment) Act 2014} (34/2014), s. 15(a), not commenced as of date of revision.
\end{itemize}

\textbf{Modifications (not altering text):}

\begin{itemize}
    \item C32 \text{Prospective affecting provision: subs. (3) amended by \text{Civil Registration (Amendment) Act 2014} (34/2014), s. 15(a), not commenced as of date of revision.}
\end{itemize}

\begin{itemize}
    \item (3) F135 \text{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 \text{tArd-Chláraithoisir}.}
\end{itemize}

\textbf{Editorial Notes:}

\begin{itemize}
    \item E53 \text{Power pursuant to section exercised (19.12.2016) by \text{Civil Registration (Births, Deaths, Marriages and Civil Partnerships) (Fees) (No. 2) Regulations 2016} (S.I. No. 605 of 2016), in effect as per reg. 2.}
    \item E54 \text{Power pursuant to section exercised (1.01.2011) by \text{Civil Registration (Delivery of Notification of Intention to Marry) (Prescribed Circumstances) Regulations 2010} (S.I. No. 667 of 2010), in effect as per reg. 1(2).}
\end{itemize}
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.
(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)(iii), 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.

Annotations

Editorial Notes:

E60 Power pursuant to section exercised (1.01.2011) by Civil Registration (Marriage Registration Form) Regulations 2010 (S.I. No. 670 of 2010), in effect as per reg. 1(2).
Reg. 3, in effect as per reg. 1(2).

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.

Annotations

Editorial Notes:

E62 Power pursuant to section exercised (1.01.2011) by Civil Registration (Register of Marriages) (Correction of Errors) Regulations 2010 (S.I. No. 672 of 2010), in effect as per reg. 1(2).

E63 Previous affecting provision: power pursuant to section exercised (5.11.2007) by Register of Marriages (Correction of Errors) Regulations 2007 (S.I. No. 739 of 2007), in effect as per reg. 1(2); revoked (1.01.2011) by Civil Registration (Register of Marriages) (Correction of Errors) Regulations 2010 (S.I. No. 672 of 2010), reg. 7, in effect as per reg. 1(2).
to give to him or her at that time or not later than 14 days from that date the relevant completed marriage registration form.

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

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

(a) both parties to the marriage are present,

(b) two persons professing to be 18 years or over are present as witnesses,

(c) the solemnisation takes place in a place 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 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).

F136[(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 F138[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 F139[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,

F139[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.

F139[(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.

Annotations

Amendments:


F137 Inserted (18.08.2015) by Civil Registration (Amendment) Act 2014 (34/2014), s. 16, S.I. No. 357 of 2015.

F138 Substituted (23.01.2013) by Civil Registration (Amendment) Act 2012 (48/2012), s. 4, S.I. No. 16 of 2013.

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 F140[the Executive], and the question whether to give or withhold such an approval shall be determined by F140[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 F140[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 F140[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.

F141[(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.

F142[(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).]

Annotations

Amendments:

F140 Substituted (1.01.2005) by Health Act 2004 (42/2004), s. 75 and sch. 6 part 26 item 18, S.I. No. 887 of 2004.

F141 Inserted (18.08.2015) by Civil Registration (Amendment) Act 2014 (34/2014), s. 17, S.I. No. 357 of 2015.


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 F143[the Executive]) is not F144[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.

Annotations

Amendments:

F143 Substituted (1.01.2005) by Health Act 2004 (42/2004), s. 75 and sch. 6 part 26 item 19, S.I. No. 887 of 2004.

F144 Substituted (23.01.2013) by Civil Registration (Amendment) Act 2012 (48/2012), s. 5, S.I. No. 16 of 2013.

Editorial Notes:

E64 Power pursuant to section exercised (5.11.2007) by Register of Solemnisers (Correction of Errors) Regulations 2007 (S.I. No. 741 of 2007), in effect as per reg. 1(2).

54.—F145(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.

F146(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 F147[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.

 Annotations

Amendments:

F145 Substituted (23.01.2013) by Civil Registration (Amendment) Act 2012 (48/2012), s. 6(a), S.I. No. 16 of 2013.

F146 Inserted (23.01.2013) by Civil Registration (Amendment) Act 2012 (48/2012), s. 6(b), S.I. No. 16 of 2013.

F147 Substituted (23.01.2013) by Civil Registration (Amendment) Act 2012 (48/2012), s. 6(c), S.I. No. 16 of 2013.

Editorial Notes:

E65 Subs. (2)(a) is substituted (1.01.2005) by Health Act 2004 (42/2004), s. 75 and sch. 6 part 26 item 20, S.I. No. 887 of 2004. The amendment cannot be implemented because there is no para. (a) in subs. (2). The substituted provision is now represented in subs. (1)(a) in identical terms.

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,

F148[(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.

Annotations

Amendments:

F148 Inserted (23.01.2013) by Civil Registration (Amendment) Act 2012 (48/2012), s. 7, S.I. No. 16 of 2013.

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 F149[the Executive]) is not or has F150[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—
(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.

Annotations

Amendments:

F149 Substituted (1.01.2005) by Health Act 2004 (42/2004), s. 75 and sch. 6 part 26 item 21(a), S.I. No. 887 of 2004.

F150 Substituted (23.01.2013) by Civil Registration (Amendment) Act 2012 (48/2012), s. 8, S.I. No. 16 of 2013.

Editorial Notes:

E66 Previous affecting provision: subs. (5)(i)-(iii) amended (1.01.2005) by Health Act 2004 (42/2004), s. 75 and sch. 6 part 26 item 21(b)-(d), S.I. No. 887 of 2004; substituted as per F-note above.

57.—(1) An tArd-Chláraitheoir may, on application in writing to him or her by 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.

F152[(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.

Annotations

Amendments:

F151 Substituted (23.01.2013) by Civil Registration (Amendment) Act 2012 (48/2012), s. 9(a), S.I. No. 16 of 2013.

F152 Inserted (23.01.2013) by Civil Registration (Amendment) Act 2012 (48/2012), s. 9(b), S.I. No. 16 of 2013.

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.

F153[(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 sub sections (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,

[153x486]F155[(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.

F156[(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.

F157[(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.

F158[(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) 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.

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

Annotations

Amendments:


F154 Substituted (18.08.2015) by Civil Registration (Amendment) Act 2014 (34/2014), s. 18(a), S.I. No. 357 of 2015.

F155 Inserted (18.08.2015) by Civil Registration (Amendment) Act 2014 (34/2014), s. 18(b), S.I. No. 357 of 2015.

F156 Inserted (18.08.2015) by Civil Registration (Amendment) Act 2014 (34/2014), s. 18(c), S.I. No. 357 of 2015.

F157 Inserted (18.08.2015) by Civil Registration (Amendment) Act 2014 (34/2014), s. 18(d), S.I. No. 357 of 2015.

F158 Inserted (18.08.2015) by Civil Registration (Amendment) Act 2014 (34/2014), s. 18(e), S.I. No. 357 of 2015.

F159 Substituted by Assisted Decision-Making (Capacity) Act 2015 (64/2015), s. 143(c)(i), not commenced as of date of revision.

F160 Substituted and inserted by Assisted Decision-Making (Capacity) Act 2015 (64/2015), s. 143(c)(ii), not commenced as of date of revision.

Modifications (not altering text):

C33 Prospective affecting provision: section amended by Assisted Decision-Making (Capacity) Act 2015 (64/2015), s. 143(c), not commenced as of date of revision.

58.— ... (9) (a) F159[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).

... 

F160[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).]


Construction of references to registered medical practitioner and Medical Council, etc.

108.— (1) Every reference to a registered medical practitioner contained in any enactment or any statutory instrument shall be construed as a reference to a registered medical practitioner within the meaning of section 2.

...
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
   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.

Editorial Notes:

E67 The section heading is taken from the amending section in the absence of one included in the
amendment.

PART 7

REGISTRATION OF DECREES OF DIVORCE AND DECREES OF NULLITY
Registation 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 [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 [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.

Annotations

Amendments:


F163 [PART 7A]

REGISTRATION OF CIVIL PARTNERSHIPS]

Annotations

Amendments:


F164 Definitions (Part 7A).

59A.—In this Part—

‘civil partnership registration form’ means a form prescribed under section 59C;

F165 [‘place that is open to the public’ has the meaning given by section 59D(1A);]

‘register’ means the register of civil partnerships.

Annotations

Amendments:


59B.—[F167]...

Annotations

Amendments:


Editorial Notes:

E68 Previous affecting provision: subs. (6) amended by Civil Registration (Amendment) Act 2014 (34/2014), s. 21(a), not commenced; section repealed as per F-note above.

E69 Previous affecting provision: subs. (6A) inserted (18.08.2015) by Civil Registration (Amendment) Act 2014 (34/2014), s. 21(b), S.I. No. 357 of 2015; section repealed as per F-note above.

E70 Power pursuant to subs. (5) exercised (1.01.2011) by Civil Registration (Delivery of Notification of Intention to Enter into a Civil Partnership) (Prescribed Circumstances) Regulations 2010 (S.I. No. 666 of 2010), in effect as per reg. 1(2).

E71 Previous affecting provision: power pursuant to section exercised (23.01.2013) by Civil Registration (Births, Deaths, Marriages and Civil Partnerships) (Fees) Regulations 2013 (S.I. No. 17 of 2013), in effect as per reg. 2; revoked (16.11.2015) by Civil Registration (Births, Deaths, Marriages and Civil Partnerships) (Fees) Regulations 2015 (S.I. No. 502 of 2015), reg. 9, in effect as per reg. 2.

E72 Previous affecting provision: power pursuant to subs. (6) exercised (1.01.2011) by Civil Registration (Civil Partnerships) (Fees) Regulations 2010 (S.I. No. 669 of 2010), in effect as per reg. 1(2); revoked (23.01.2013) by Civil Registration (Births, Deaths, Marriages and Civil Partnerships) (Fees) Regulations 2013 (S.I. No. 17 of 2013), reg. 9(c), in effect as per reg. 2.

E73 Previous affecting provision: section inserted (1.01.2011) by Civil Partnership and Certain Rights and Obligations of Cohabitants Act 2010 (24/2010), s. 16, S.I. No. 648 of 2010; repealed as per F-note above.

F168 Civil partnership registration form.

59C.—(1)...

(2)...

(3)...

(4)...

(5) The Minister may prescribe the civil partnership registration form.]
(1) As soon as practicable after the signatures and counter-signature, the registrar shall 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.]
Annotations

Amendments:


F172 Inserted (18.08.2015) by Civil Registration (Amendment) Act 2014 (34/2014), s. 23(a), S.I. No. 357 of 2015.

F173 Deleted (18.08.2015) by Civil Registration (Amendment) Act 2014 (34/2014), s. 23(b), S.I. No. 357 of 2015.

Editorial Notes:

E76 Power pursuant to subs. (8) exercised (1.01.2011) by Civil Registration (Register of Civil Partnerships) (Correction of Errors) Regulations 2010 (S.I. No. 668 of 2010), in effect as per reg. 1(2).

F174 Places and times for registration of civil partnerships.

F175 Previous affecting provision: subs. (5) inserted (18.08.2015) by Civil Registration (Amendment) Act 2014 (34/2014), s. 24, S.I. No. 357 of 2015; repealed as per F-note above.

F176 Objections.
Modifications (not altering text):

Editorial Notes:

E78 Previous affecting provision: section amended by Assisted Decision-Making (Capacity) Act 2015 (64/2015), s. 143(d), not commenced; repealed as per F-note above.

E79 Previous affecting provision: subss. (4)(cc), (4A)-(4C), (6A) and (8A) inserted (18.08.2015) by Civil Registration (Amendment) Act 2014 (34/2014), s. 25, S.I. No. 357 of 2015; repealed as per F-note above.

Annotations

Amendments:


F179 Repealed (16.11.2015) by Marriage Act 2015 (35/2015), s. 8(g), S.I. No. 504 of 2015.


F183 Repealed (16.11.2015) by Marriage Act 2015 (35/2015), s. 8(i), S.I. No. 504 of 2015.
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,
(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.

Editorial Notes:
E80 The section heading is taken from the amending section in the absence of one included in the amendment.

F185 PART 7B
REGISTRATION OF DECREES OF DISSOLUTION OF CIVIL PARTNERSHIP AND DECREES OF NULLITY OF CIVIL PARTNERSHIP

Annotations
Amendments:

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.

Annotations
Amendments:
Dissolution and Transitional

Annotations

Amendments:

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.

Annotations

Amendments:

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.

Annotations

Amendments:

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, 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 [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 [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 [by the Executive to such employee of the Executive] (not being the person in relation to whom the appeal is brought) [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.

Annotatons

Amendments:
F192 Substituted (1.01.2005) by Health Act 2004 (42/2004), s. 75 and sch. 6 part 26 item 23, S.I. No. 887 of 2004.

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, F193,…

(ii) a copy, F194[or]

F194(iii) a certified extract,]

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

(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, F193[…]

(ii) a copy, F194[or]

F194(iii) a certified extract,]

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

F195((2A) Subject to subsections (3) and (4), the Minister for Arts, Heritage and the Gaeltacht, on application by a person to that Minister in that behalf in electronic form and on payment to that Minister of any prescribed fee shall 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 Arts, Heritage and the Gaeltacht may keep an electronic record of the registers referred to at paragraphs (a), (b) and (c) of subsection (2A).

F196[(3) This section does not apply to the register of F197[stillbirths or gender recognition or an index to either 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) 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.

F194[(5) The Minister may make regulations specifying particulars to be included in a certified extract referred to in subsection (1) or (2).]

F198[(6) The Minister for Arts, Heritage and the Gaeltacht, in addition to an tArd-Chlárraitheoir, 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 an electronic record of an index to a register maintained under section 13 and for that purpose, that Minister may keep such an electronic record of such an index.]

Annotations

Amendments:

F193 Deleted (1.01.2005) by Health Act 2004 (42/2004), s. 75 and sch. 6 part 26 item 24, S.I. No. 887 of 2004.

F194 Inserted (1.01.2005) by Health Act 2004 (42/2004), s. 75 and sch. 6 part 26 item 24, S.I. No. 887 of 2004.

F195 Inserted (11.07.2016) by Civil Registration (Amendment) Act 2014 (34/2014), s. 27(b), S.I. No. 359 of 2016.

F196 Substituted (1.11.2010) by Adoption Act 2010 (21/2010), s. 159(d), S.I. No. 511 of 2010.


F198 Substituted (11.07.2016) by Civil Registration (Amendment) Act 2014 (34/2014), s. 27(d), S.I. No. 359 of 2016.

F199 Inserted by Civil Registration (Amendment) Act 2014 (34/2014), s. 27(a), not commenced as of date of revision.

F200 Inserted by Civil Registration (Amendment) Act 2014 (34/2014), s. 27(c), not commenced as of date of revision.

Modifications (not altering text):

C37 Prospective affecting provision: subs. (1A) inserted by Civil Registration (Amendment) Act 2014 (34/2014), s. 27(a), not commenced as of date of revision.

61.—...
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.

Prospective affecting provision: subs. (4) amended by Civil Registration (Amendment) Act 2014 (34/2014), s. 27(c), not commenced as of date of revision.

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

Search of register of stillbirths.

No person other than an tÁrd-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.

Annotations

Editorial Notes:

E90 Power pursuant to section exercised (19.12.2016) by Civil Registration (Births, Deaths, Marriages and Civil Partnerships) (Fees) (No. 2) Regulations 2016 (S.I. No. 605 of 2016), in effect as per reg. 2.

E91 Previous affecting provision: power pursuant to section exercised (4.07.2016) by Civil Registration (Births, Deaths, Marriages and Civil Partnerships) (Fees) Regulations 2016 (S.I. No. 331 of 2016), in effect as per reg. 2; revoked (19.12.2016) by Civil Registration (Births, Deaths, Marriages and Civil Partnerships) (Fees) (No. 2) Regulations 2016 (S.I. No. 605 of 2016), reg. 9, in effect as per reg. 2.

E92 Previous affecting provision: power pursuant to section exercised (16.11.2015) by Civil Registration (Births, Deaths, Marriages and Civil Partnerships) (Fees) Regulations 2015 (S.I. No. 502 of 2015), in effect as per reg. 2; revoked (4.07.2016) by Civil Registration (Births, Deaths, Marriages and Civil Partnerships) (Fees) Regulations 2016 (S.I. No. 331 of 2016), reg. 9, in effect as per reg. 2.

E93 Previous affecting provision: power pursuant to section exercised (23.01.2013) by Civil Registration (Births, Deaths, Marriages and Civil Partnerships) (Fees) Regulations 2013 (S.I. No. 17 of 2013), in effect as per reg. 2; revoked (16.11.2015) by Civil Registration (Births, Deaths, Marriages and Civil Partnerships) (Fees) Regulations 2015 (S.I. No. 502 of 2015), reg. 9, in effect as per reg. 2.

63.—(1) An alteration shall not be made in a register maintained under paragraph (a), F201[(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.

Annotations

Amendments:

can be found, he or she may request an tArd-Chláraithoír to give a direction under subsection (5) in relation to the matter.

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

(6) Where an tArd-Chláraithoír 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-Chláraithoír 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-Chláraithoír 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,

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

an tArd-Chláraithoír 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.

F203[(8) If an tArd-Chláraithoír 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-Chláraithoír 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) of that section); and

(b) a civil partnership to which there was an impediment within the meaning of section 2(2A).]

Annotations

Amendments:

F202 Substituted (1.01.2005) by Health Act 2004 (42/2004), s. 75 and sch. 6 part 26 item 25, S.I. No. 887 of 2004.
(5) When an Ard-Chláraitheoir receives a request under subsection (3) or (4), he or she may, if he or she considers it appropriate to do so, direct the Superintendent Registrar, or the registrar, concerned to 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.

(5A) Where an Ard-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 Ard-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.]
(7) Where an Ard-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,

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

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

an Ard-Chláraitheoir shall—

Enquiries by Ard-Chláraitheoir.

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

(a) whether a birth, stillbirth, 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 Ard-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 Ard-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.

Annotations

Amendments:

66.—(1) Notwithstanding anything contained in any other enactment, but subject to the Data Protection Regulation and the Data Protection Act 2018, an tArd-Chláraitheoir may, after consultation with the Minister for Social and Family Affairs, give such information as may be prescribed in relation to births, 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 entitlement 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 Social Welfare Consolidation Act 2005, or

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

(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) the Executive for the purpose of determining entitlement to a service provided for, by or under section 45 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.

F213[(2) In this section—

‘Data Protection Regulation’ means Regulation (EU) 2016/679 of the European
Parliament and of the Council of 27 April 201628 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.]
66.—(1) Notwithstanding anything contained in the Data Protection Acts 1988 to 2003 or any other enactment, an tArd-Chláraitheoir may give such information as may be prescribed in relation to births, 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—

(f) the Road Safety Authority and any person, being a person with whom that Authority has an agreement under section 5 of the Road Safety Authority Act 2006, to whom the Authority requests the Minister to give the information for the purpose of the grant of driving licences and learner permits under Part III of the Road Traffic Act 1961,

...

C41 Prospective affecting provision: subs. (1)(j)(iii) substituted by Housing (Miscellaneous Provisions) Act 2009 (22/2009), s. 8 and sch. 2 part 8 item 1, not commenced as of date of revision.

F224(ii) the determination of a rent or other payment under section 31 of the Housing (Miscellaneous Provisions) Act 2009, or

Editorial Notes:


E95 Previous affecting provision: subs. (1)(g) amended (1.01.2005) by Health Act 2004 (42/2004), s. 75 and sch. 6 part 26 item 26(a), S.I. No. 887 of 2004; substituted as per F-note above.

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).

(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.

F225(5) There shall be payable to the Minister for Arts, Heritage and the Gaeltacht fees of such amounts (if any) as may be prescribed in respect of any performance by that Minister of his or her functions under subsection (2A) or (6) of section 62.]
Annot ations

Amendments:

F225 Inserted (11.07.2016) by Civil Registration (Amendment) Act 2014 (34/2014), s. 30(b), S.I. No. 359 of 2016..

F226 Inserted by Civil Registration (Amendment) Act 2014 (34/2014), s. 30(a), not commenced as of date of revision.

C42 Prospective affecting provision: subs. (1A) inserted by Civil Registration (Amendment) Act 2014 (34/2014), s. 30(a), not commenced as of date of revision.

67. — ...

F226[(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.]

C43 Function under subs. (4) transferred and reference to "Minister for Finance" construed (29.07.2011) by Finance (Transfer of Departmental Administration and Ministerial Functions) Order 2011 (S.I. No. 418 of 2011), arts. 3, 5 and sch. 1 part 2, in effect as per art. 1(2), subject to transitional provisions in arts. 6-9.

3. The functions conferred on the Minister for Finance by or under the provisions of —

(a) the enactments specified in Schedule 1, and

(b) the statutory instruments specified in Schedule 2,

are transferred to the Minister for Public Expenditure and Reform.

...

5. References to the Minister for Finance contained in any Act or instrument under an Act and relating to any functions transferred by this Order shall, from the commencement of this Order, be construed as references to the Minister for Public Expenditure and Reform.

...

Schedule 1
Enactments

Part 2
1922 to 2011 Enactments

<table>
<thead>
<tr>
<th>Number and Year (1)</th>
<th>Short Title (2)</th>
<th>Provision (3)</th>
</tr>
</thead>
<tbody>
<tr>
<td>...</td>
<td>...</td>
<td>...</td>
</tr>
<tr>
<td>No. 3 of 2004</td>
<td>Civil Registration Act 2004</td>
<td>Section 67(4)</td>
</tr>
<tr>
<td>...</td>
<td>...</td>
<td>...</td>
</tr>
</tbody>
</table>
Editorial Notes:

E96 Power pursuant to section exercised (19.12.2016) by Civil Registration (Births, Deaths, Marriages and Civil Partnerships) (Fees) (No. 2) Regulations 2016 (S.I. No. 605 of 2016), in effect as per reg. 2.

E97 Power pursuant to section exercised (7.09.2015) by Civil Registration (Gender Recognition) (Fees) Regulations 2015 (S.I. No. 377 of 2015), in effect as per reg. 2.

E98 Power pursuant to section exercised (5.11.2007) by Civil Registration (Fees and Allowances) (Revocation) Regulations 2007 (S.I. No. 743 of 2007), in effect as per reg. 1(2).

E99 Power pursuant to section exercised (5.11.2007) by Civil Registration (Fees and Allowances) Regulations 2007 (S.I. No. 740 of 2007), in effect as per reg. 1(2).

E100 Power pursuant to section exercised (5.12.2005) by Civil Registration (Short Birth Certificate Regulations 2005 (S.I. No. 766 of 2005), in effect as per reg. 2.

E101 Power pursuant to section exercised (5.12.2005) by Civil Registration (Reduced Fees Regulations 2005 (S.I. No. 768 of 2005), in effect as per reg. 2.

E102 Previous affecting provision: power pursuant to section exercised (4.07.2016) by Civil Registration (Births, Deaths, Marriages and Civil Partnerships) (Fees) Regulations 2016 (S.I. No. 331 of 2016), in effect as per reg. 2; revoked (19.12.2016) by Civil Registration (Births, Deaths, Marriages and Civil Partnerships) (Fees) (No. 2) Regulations 2016 (S.I. No. 605 of 2016), reg. 9, in effect as per reg. 2.

E103 Previous affecting provision: power pursuant to section exercised (16.11.2015) by Civil Registration (Births, Deaths, Marriages and Civil Partnerships) (Fees) Regulations 2015 (S.I. No. 502 of 2015), in effect as per reg. 2; revoked (4.07.2016) by Civil Registration (Births, Deaths, Marriages and Civil Partnerships) (Fees) Regulations 2016 (S.I. No. 331 of 2016), reg. 9, in effect as per reg. 2.

E104 Previous affecting provision: power pursuant to section exercised (23.01.2013) by Civil Registration (Births, Deaths, Marriages and Civil Partnerships) (Fees) Regulations 2013 (S.I. No. 17 of 2013), in effect as per reg. 2; revoked (16.11.2015) by Civil Registration (Births, Deaths, Marriages and Civil Partnerships) (Fees) Regulations 2015 (S.I. No. 502 of 2015), reg. 9, in effect as per reg. 2.

E105 Previous affecting provision: power pursuant to section exercised (5.11.2007) by Delivery of Notification of Intention to Marry (Prescribed Circumstances) Regulations 2007 (S.I. No. 744 of 2007), in effect as per reg. 1(2); revoked (1.01.2011) by Civil Registration (Delivery of Notification of Intention to Marry) (Prescribed Circumstances) Regulations 2010 (S.I. No. 667 of 2010), reg. 6, in effect as per reg. 1(2).

E106 Previous affecting provision: power pursuant to section exercised (5.11.2007) by Marriage Registration Form Regulations 2007 (S.I. No. 738 of 2007), in effect as per reg. 1(2); revoked (1.01.2011) by Civil Registration (Marriage Registration Form) Regulations 2010 (S.I. No. 670 of 2010), reg. 3, in effect as per reg. 1(2).

E107 Previous affecting provision: power pursuant to section exercised (5.11.2007) by Civil Registration (Marriages) (Fees) Regulations 2007 (S.I. No. 737 of 2007), in effect as per reg. 1(2); revoked (23.01.2013) by Civil Registration (Births, Deaths, Marriages and Civil Partnerships) (Fees) Regulations 2013 (S.I. No. 17 of 2013), reg. 9(b), in effect as per reg. 2.

E108 Previous affecting provision: power pursuant to section exercised (5.12.2005) by Civil Registration (Births and Deaths) (Fees) Regulations 2005 (S.I. No. 769 of 2005), in effect as per reg. 2; revoked (23.01.2013) by Civil Registration (Births, Deaths, Marriages and Civil Partnerships) (Fees) Regulations 2013 (S.I. No. 17 of 2013), reg. 9(a), in effect as per reg. 2.

E109 Previous affecting provision: power pursuant to section exercised (5.12.2005) by Civil Registration (Fees and Allowances) Regulations 2005 (S.I. No. 768 of 2005), in effect as per reg. 2; revoked (5.11.2007) by Civil Registration (Fees and Allowances) (Revocation) Regulations 2007 (S.I. No. 743 of 2007), reg. 2, in effect as per reg. 1(2).
F227(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.

Annotations

Amendments:


Editorial Notes:

E110 Power pursuant to section exercised (5.11.2007) by Civil Registration (Fees and Allowances) (Revocation) Regulations 2007 (S.I. No. 743 of 2007), in effect as per reg. 1(2).

E111 Power pursuant to section exercised (5.11.2007) by Civil Registration (Fees and Allowances) Regulations 2007 (S.I. No. 740 of 2007), in effect as per reg. 1(2).

E112 The section heading is taken from the content of the section in the absence of one included in the amendment.

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.

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

Annotations

Amendments:

F228 Substituted (1.01.2005) by Health Act 2004 (42/2004), s. 75 and sch. 6 part 26 item 27, S.I. No. 887 of 2004.

F229 Inserted by Civil Registration (Amendment) Act 2014 (34/2014), s. 31, not commenced as of date of revision.

Modifications (not altering text):

C44 Prospective affecting provision: subs. (2A) inserted by Civil Registration (Amendment) Act 2014 (34/2014), s. 31, not commenced as of date of revision.

F229(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.

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 or death or to include in the relevant entry in the appropriate register any of the particulars required by this Act to be
entered in the register in relation to the occurrence and given to him or her by a person required so to do by this Act or the repealed enactments, is guilty of an offence.

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

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

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

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

(9) A registrar who, without reasonable cause, fails or refuses to give a marriage registration form to one of the parties to an intended marriage in respect of which he or she has received, pursuant to section 46, a notification under subsection (1)(a)(i) of that section or a copy of an order under section 47 granting an exemption from the application of the said subsection (1)(a)(i) is guilty of an offence.

F231[(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,

F232[(f) 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 F233[or 59F] that he or she knows to be without foundation,

(i) makes and signs a declaration under section 46(1)(b) F234[, or 59B(1)(b)] or makes a declaration specified in section 51(4)(a) which he or she knows to be F235false or misleading,

(j) not being a registrar, deletes or alters information in relation to the parties to a marriage on a marriage registration F236form, or

F237(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.

Annotations

Amendments:


F231 Inserted (1.01.2011) by Civil Partnership and Certain Rights and Obligations of Cohabitants Act 2010 (24/2010), s. 22(b), S.I. No. 648 of 2010.


F234 Inserted (1.01.2011) by Civil Partnership and Certain Rights and Obligations of Cohabitants Act 2010 (24/2010), s. 22(c)(iii), S.I. No. 648 of 2010.


F236 Substituted (1.01.2011) by Civil Partnership and Certain Rights and Obligations of Cohabitants Act 2010 (24/2010), s. 22(c)(v), S.I. No. 648 of 2010.


F238 Inserted by Civil Registration (Amendment) Act 2014 (34/2014), s. 32, not commenced as of date of revision.

Modifications (not altering text):

C45 Prospective affecting provision: subs. (5A) inserted and (8) amended by Civil Registration (Amendment) Act 2014 (34/2014), s. 32, not commenced as of date of revision.

F238(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.]
(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), F238[22(1B)(ii), 22(3A),] 24(5), 37(2), 50(2), 64(2) or 65(2) is guilty of an offence.

Modifications (not altering text):


References to Adoption Board in enactments made before establishment day.

143.— …

(2) Subject to this Act, on and after the establishment day, references to An Bord Uchtála or the Adoption Board—

(a) in any Act passed before the establishment day, or

(b) in any statutory instrument made before that day under an Act,

are to be read as references to the Authority, unless the context otherwise requires.

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), (6), (7), (8), F239[(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.

Annotatons

Amendments:


F240 Inserted by Civil Registration (Amendment) Act 2014 (34/2014), s. 33, not commenced as of date of revision.

Modifications (not altering text):

C47 Prospective affecting provision: subs. (2) amended by Civil Registration (Amendment) Act 2014 (34/2014), s. 33, not commenced as of date of revision.

(2) A person guilty of an offence under subsection (4), (5), (6), (7), (8), F239[(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 F241[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 F241[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 [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.

Annotations

Amendments:

F241 Substituted (1.01.2005) by Health Act 2004 (42/2004), s. 75 and sch. 6 part 26 item 28, S.I. No. 887 of 2004.

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,

F242[(dd) civil partnerships,]

(e) decrees of divorce,

F243[(ff) decrees of nullity F242[of marriage], or

F242[(fff) decrees of dissolution,]

(ffff) decrees of nullity of civil partnership.]

(g) any other prescribed matters.]

(h) F244[...]

[2004.]
(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, F245{decrees of divorce or decree of nullity} F242{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, F245{decrees of divorce or decree of nullity} F242{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, provisions requiring 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 F246{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, F247{decrees of divorce or decree of nullity} F242{of marriage, civil partnership, decree of dissolution, decree of nullity of civil partnership} or any other matter.

Annotations

Amendments:


F244 Deleted (1.11.2010) by Adoption Act 2010 (21/2010), s. 159(e)(i), S.I. No. 511 of 2010.


F246 Substituted (1.01.2005) by Health Act 2004 (42/2004), s. 75 and sch. 6 part 26 item 29, S.I. No. 887 of 2004.
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.
Civil status[248] 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[248] of father.
Personal public service number of father.
Birth surname of father’s mother.
Forename(s), surname, qualification, address and signature of informant.
Date of registration.
Signature of registrar.

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

(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).
PART 1

PARTICULARS TO BE ENTERED IN REGISTER OF BIRTHS

... 

F249[Forename(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.]

... 

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.

* 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).
### Annotations

#### Amendments:

**F250** Deleted (1.01.2005) by Health Act 2004 (42/2004), s. 75 and sch. 6 part 26 item 30, S.I. No. 887 of 2004.

**F251** Substituted (1.01.2011) by Civil Partnership and Certain Rights and Obligations of Cohabitants Act 2010 (24/2010), s. 25(a), S.I. 648 of 2010.

**F252** Inserted by Children and Family Relationships Act 2015 (9/2015), s. 99(b), not commenced as of date of revision.

#### Modifications (not altering text):

**C49** Prospective affecting provision: part amended by Children and Family Relationships Act 2015 (9/2015), s. 99(b), not commenced as of date of revision.

---

**PART 2**

**PARTICULARS TO BE ENTERED IN REGISTER OF STILLBIRTHS**

*Section 28.*

... 

**F252** Forename(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.
...

**PART 2A**

**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.

**Annotations**

**Amendments:**

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 adoptor or adopters.
Date of adoption order.
Date of registration.
Signature of an tArd-Chláraitheoir.

Annotations

Amendments:


PART 3

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

Section 32.

F255[...]

Annotations

Amendments:


PART 4

PARTICULARS OF FOREIGN ADOPTIONS TO BE ENTERED IN REGISTER OF ADOPTIONS

Section 33.

F256[...]

123
Amendments:


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.

F257 Civil status of deceased.

Date of birth or age last birthday of deceased.

Profession or occupation of deceased.

F258 [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.

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.
PART 5

PARTICULARS OF DEATHS TO BE ENTERED IN REGISTER OF DEATHS

Section 37.

...  

F259 [Forename(s) and birth surname of parent of deceased]

...

C51  Prospective affecting provision: part amended by Civil Registration (Amendment) Act 2014 (34/2014), s. 34(1), not commenced as of date of revision, with transitional provision in subs. (2).

PART 5

PARTICULARS OF DEATHS TO BE ENTERED IN REGISTER OF DEATHS

Section 37.

...  

Date of birth F260 [...] of deceased.

...


Construction of references to registered medical practitioner and Medical Council, etc.

108. — (1) Every reference to a registered medical practitioner contained in any enactment or any statutory instrument shall be construed as a reference to a registered medical practitioner within the meaning of section 2.

...

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).

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.

Annotations

Amendments:
F261 Inserted (1.01.2011) by Civil Partnership and Certain Rights and Obligations of Cohabitants Act 2010 (24/2010), s. 25(c), S.I. 648 of 2010.

PART 7
PARTICULARS OF DECREES OF NULLITY OF MARRIAGE TO BE ENTERED IN REGISTER OF DECREES OF NULLITY 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.
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.

SECOND SCHEDULE

ENACTMENTS REPEALED

<table>
<thead>
<tr>
<th>Session and Chapter or Number and Year</th>
<th>Short Title</th>
<th>Extent of Repeal</th>
</tr>
</thead>
<tbody>
<tr>
<td>(1)</td>
<td>(2)</td>
<td>(3)</td>
</tr>
<tr>
<td>7 &amp; 8 Vict., c. 81</td>
<td>Marriages (Ireland) Act 1844</td>
<td>The whole Act.</td>
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<tr>
<td>9 &amp; 10 Vict., c. 72</td>
<td>Marriages (Ireland) Act 1846</td>
<td>The whole Act.</td>
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<tr>
<td>Session and Chapter or Number and Year</td>
<td>Short Title</td>
<td>Extent of Repeal</td>
</tr>
<tr>
<td>--------------------------------------</td>
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<td>-----------------------------------------------------</td>
</tr>
<tr>
<td>(1)</td>
<td>(2)</td>
<td>(3)</td>
</tr>
<tr>
<td>26 Vict., c. 11</td>
<td>Registration of Births and Deaths (Ireland) Act 1863</td>
<td>The whole Act.</td>
</tr>
<tr>
<td>26 Vict., c. 27</td>
<td>Marriage Law (Ireland) Amendment Act 1863</td>
<td>The whole Act.</td>
</tr>
<tr>
<td>26 &amp; 27 Vict., c. 90</td>
<td>Registration of Marriages (Ireland) Act 1863</td>
<td>The whole Act other than sections 7, 8, 12, 21 and 25.</td>
</tr>
<tr>
<td>33 &amp; 34 Vict., c. 110</td>
<td>Matrimonial Causes and Marriage Law (Ireland) Amend-</td>
<td>Sections 32 to 40 and 42.</td>
</tr>
<tr>
<td></td>
<td>ment Act 1870</td>
<td></td>
</tr>
<tr>
<td>34 &amp; 35 Vict., c. 49</td>
<td>Matrimonial Causes and Marriage Law (Ireland) Amend-</td>
<td>Sections 21 to 29.</td>
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<tr>
<td></td>
<td>ment Act 1871</td>
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<tr>
<td>36 &amp; 37 Vict., c. 16</td>
<td>Marriage Law (Ireland) Amendment Act 1873</td>
<td>The whole Act.</td>
</tr>
<tr>
<td>57 &amp; 58 Vict., c. 60</td>
<td>Merchant Shipping Act 1894</td>
<td>Section 254.</td>
</tr>
<tr>
<td>43 &amp; 44 Vict., c. 13</td>
<td>Births and Deaths Registration Act (Ireland) 1880</td>
<td>The whole Act.</td>
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<tr>
<td>No. 13 of 1931</td>
<td>Legitimacy Act 1931</td>
<td>Section 1(4) and the Schedule.</td>
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<tr>
<td>No. 34 of 1936</td>
<td>Registration of Births and Deaths Act 1936</td>
<td>The whole Act.</td>
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<tr>
<td>No. 35 of 1936</td>
<td>Registration of Marriages Act 1936</td>
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<tr>
<td>No. 47 of 1936</td>
<td>Marriages Act 1936</td>
<td>The whole Act.</td>
</tr>
<tr>
<td>No. 8 of 1952</td>
<td>Vital Statistics and Births, Deaths and Marriages Reg-</td>
<td>The whole Act.</td>
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<tr>
<td></td>
<td>istration Act 1952</td>
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</tr>
<tr>
<td>F264[...])</td>
<td>F264[...]</td>
<td>F264[...]</td>
</tr>
<tr>
<td>No. 44 of 1960</td>
<td>Defence (Amendment) (No. 2) Act 1960</td>
<td>Section 6.</td>
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<tr>
<td>No. 9 of 1962</td>
<td>Coroners Act 1962</td>
<td>Sections 50 and 51.</td>
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<tr>
<td>No. 25 of 1972</td>
<td>Births, Deaths and Marriages Registration Act 1972</td>
<td>The whole Act.</td>
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<td>F264[...]</td>
<td>F264[...]</td>
<td>F264[...]</td>
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<tr>
<td>No. 26 of 1995</td>
<td>Family Law Act 1995</td>
<td>Section 32; In section 33(1), the words “or section</td>
</tr>
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<td></td>
<td></td>
<td>32(1)(a) or both of those provisions”.</td>
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<tr>
<td>No. 36 of 1996</td>
<td>Registration of Births Act 1996</td>
<td>The whole Act other than subsections (4) and (4A) of</td>
</tr>
<tr>
<td></td>
<td></td>
<td>section 1.</td>
</tr>
</tbody>
</table>
F265[THIRD SCHEDULE

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.

<table>
<thead>
<tr>
<th>A man may not enter a civil partnership with his:</th>
<th>A woman may not enter a civil partnership with her:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Grandfather</td>
<td>Grandmother</td>
</tr>
<tr>
<td>Grandparent’s brother</td>
<td>Grandparent’s sister</td>
</tr>
<tr>
<td>Father</td>
<td>Mother</td>
</tr>
<tr>
<td>Father’s brother</td>
<td>Mother’s sister</td>
</tr>
<tr>
<td>Mother’s brother</td>
<td>Father’s sister</td>
</tr>
<tr>
<td>Brother</td>
<td>Sister</td>
</tr>
<tr>
<td>Nephew</td>
<td>Niece</td>
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<tr>
<td>Son</td>
<td>Daughter</td>
</tr>
<tr>
<td>Grandson</td>
<td>Granddaughter</td>
</tr>
<tr>
<td>Grandnephew</td>
<td>Grandniece</td>
</tr>
</tbody>
</table>

Annotations

Amendments:

F264 Deleted (1.11.2010) by Adoption Act 2010 (21/2010), s. 159(g) and sch. 4, S.I. No. 511 of 2010.