

Statutory Document No. 2020/0203



*Emergency Powers Act 1936*

# EMERGENCY POWERS (CORONAVIRUS) (BIRTHS AND DEATHS MODIFICATIONS) REGULATIONS 2020<sup>1</sup>

*Laid before Tynwald: 14 April 2020*  
*Approved by Tynwald: 14 April 2020*  
*Coming into Operation: in accordance with regulation 2*

The Governor in Council, by Order<sup>1</sup>, makes the following Regulations under section 4 of the Emergency Powers Act 1936.

**Editorial Note:** These Regulations are modified in their effect by the Emergency Powers (Coronavirus)(Continuation)(No.2) Regulations 2020 [SD 2020/0370].

The modifications are not shown in the text of these regulations. For details of the modifications please see the Emergency Powers (Coronavirus)(Continuation)(No.2) Regulations 2020.

## PART 1

### INTRODUCTORY

#### 1 Title

These Regulations are the Emergency Powers (Coronavirus) (Births and Deaths Modifications) Regulations 2020.

#### 2 Commencement

These Regulations come into operation immediately after they are made<sup>2</sup>.

<sup>1</sup> Section 4(1) specifies that “Where a proclamation of emergency has been made, and so long as such proclamation is in force, it shall be lawful for the Governor in Council, by Order, to make regulations...”.

<sup>2</sup> By virtue of section 4(2) of the Emergency Powers Act 1936, these Regulations made by Order of the Governor in Council must be laid before Tynwald within 7 days of being made and only continue in force beyond 7 days of being so laid if Tynwald passes a resolution to that effect.

### 3 Interpretation

In these Regulations —

“**the Act**” means the Civil Registration Act 1984;

“**the 2011 Regulations**” means the Registration of Births and Deaths Regulations 2011<sup>3</sup>.

“**Coronavirus**” means severe acute respiratory syndrome coronavirus 2 (SARS-CoV-2);

“**the Coronavirus Proclamation period**” means the period for which the following proclamations are in operation —

- (a) the Proclamation of Emergency dated 16 March 2020<sup>4</sup>; and
- (b) all subsequent consecutive Proclamations of Emergency that relate to the pandemic of Coronavirus (also known as COVID-19).<sup>2</sup>

## PART 2

### GENERAL

#### 4 Purpose

These Regulations contain temporary modification of legislation relating to the registration of births and deaths, and related provision.

#### 5 Expressions used

Expressions used in these Regulations and in the Act have the same meaning as in that Act.

## PART 3

### INFORMATION CONCERNING BIRTHS AND DEATHS

#### 6 Information concerning deaths

(1) During the Coronavirus Proclamation period, a funeral director is qualified for the purposes of section 19 or 20 of the Act to give information concerning the death of a person if the funeral director —

- (a) is responsible for the arrangement of the deceased’s funeral, and
- (b) is authorised by a relative of the deceased to give information concerning the death.

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<sup>3</sup> SD 0626/11

<sup>4</sup> SD 2020/0162

- (2) Section 40 of the Act (penalties for failure to give information) does not apply to a funeral director who provides information in reliance on paragraph (1).

## **7 Giving information other than in person and dispensing with signing the register**

- (1) During the Coronavirus Proclamation period, a qualified informant who is required under the Act to give information about a birth or death to the registrar may give the information to the registrar—
  - (a) by telephone; or
  - (b) by any other methods specified in guidance issued by the Registrar General,

if the informant is unable to attend before the registrar in person.

- (2) The duty of a qualified informant to sign the register in the presence of the registrar does not apply where information is provided in reliance on paragraph (1).
- (3) An entry in a register of deaths or a register of births for which, by virtue of paragraph (2), no signature is required is to be treated as an entry signed by a qualified informant for the purposes of the Act.
- (4) A person is to be treated as unable to give information for the purposes of paragraph (1) if it would be unreasonable for the person to do so (whether because of illness, the need to care for others, the risk of infection, staff shortages at the registrar’s office or any other reason).

## **8 Death certificates**

- (1) This regulation applies during the Coronavirus Proclamation period.
- (2) For the purposes of section 24(1) of the Act, a person (“D”) has been attended during D’s last illness by a registered medical practitioner if that practitioner attended D—
  - (a) a person at any time during the 28 days before D’s death, or
  - (b) where attendance in person within the 28 day period referred to in sub-paragraph (a) was not reasonably practicable, via a live audio-visual link at any time within 14 days before D’s death provided that link enabled an effective consultation with D, or assessment of D’s condition, to take place.<sup>3</sup>

### **8A Directions**

- (1) During the Coronavirus Proclamation period, the Department of Health and Social Care may, for the purpose of preventing, protecting against, controlling or providing a response to the incidence or spread of Coronavirus, give a direction imposing requirements on a registered

medical practitioner signing a certificate for the purposes of section 24(1) of the Act (including a registered medical practitioner signing a certificate in reliance on regulation 8(1)) and any other registered medical practitioner who is aware or becomes aware of the death of any person.

- (2) Those requirements may include a requirement to provide the Department of Health and Social Care, within a specified time, with particular information relating to a person's ("D") death including information –
- (a) about the cause of D's death;
  - (b) as to whether Coronavirus was the immediate or underlying or a contributory cause of D's death;
  - (c) as to whether D was infected with Coronavirus at the date of D's death but it was not the immediate or underlying or a contributory cause of D's death;
  - (d) as to whether D had previously contracted Coronavirus but was not infected with it at the date of D's death and it was not the immediate or underlying or a contributory cause of D's death.
- (3) A person commits an offence if the person fails without reasonable excuse to comply with a direction given under this regulation.

Maximum Penalty (summary) - 3 months' custody and a fine not exceeding level 5 on the standard scale.<sup>4</sup>

## **9 Signing and delivery of documents by alternative methods**

- (1) During the Coronavirus Proclamation period, any relevant document may be –
- (a) (subject to regulation 7(1)), signed electronically, and
  - (b) delivered by –
    - (i) any electronic means, or
    - (ii) any other means specified in guidance issued by the Registrar General.
- (2) "Relevant document" means a document relating to a birth or death that is required by or under the Act.

## **PART 4**

### **FURTHER MODIFICATIONS OF THE 2011 REGULATIONS**

## **10 Further modifications of the 2011 Regulations**

- (1) During the Coronavirus Proclamation period the 2011 Regulations have effect with the following modifications.

- (2) Regulation 10 (entry of particulars of registration within 3 months of date of birth) has effect as if—
  - (a) in paragraph (1) “in the presence of the informant” were omitted, and
  - (b) in paragraph (12) “in the presence of the informant,” were omitted.
- (3) Regulation 12 (registration between 3 and 12 months from date of birth) has effect as if—
  - (a) in paragraph (2)(a) “in the presence of the informant,” were omitted, and
  - (b) in paragraph (3) “in the presence of the informant” were omitted.
- (4) Regulation 13(2) (registration after 12 months from date of birth) has effect as if “in his presence” were omitted.
- (5) Regulation 16 (re-registration of birth) has effect as if —
  - (a) paragraph (2)(b) read —
    - (b) in accordance with the authority of the Registrar General call upon the mother and the father to verify the particulars entered; ~~22~~, and
  - (b) in paragraph (3)(a) “in her or his presence” were omitted.
- (6) Regulation 19 (re-registration where parents attend) is to be treated as suspended.
- (7) Regulation 32(1) (registration where no reference to the coroner) has effect as if—
  - (a) in sub-paragraph (c) “personally” were omitted, and
  - (b) in the words after sub-paragraph (c) “in the presence of the informant” were omitted.
- (8) Regulation 33(1) (registration on coroner’s notification where no inquest is held) has effect as if “in the presence of a qualified informant” were omitted.
- (9) Regulation 40 (registration within 12 months from date of death where no report to coroner) has effect as if—
  - (a) in paragraph (1)—
    - (i) in sub-paragraph (c) “personally” were omitted, and
    - (ii) in the words after sub-paragraph (c) “in the presence of the informant” were omitted;
  - (b) in paragraph (6) “,in the presence of the informant,” were omitted.<sup>5</sup>
- (10) Regulation 41(1) (registration of death where no inquest held) has effect as if “in the presence of a qualified informant” were omitted.
- (11) Regulation 45(3) (registration after 12 months) has effect as if—

- (a) the words “shall arrange for that informant to attend at his office and” were omitted, and
  - (b) “in his presence” were omitted.
- (12) Regulation 54 (correction of minor clerical errors after completion) has effect as if—
- (a) in paragraph (1) “in the presence of an informant” were omitted,
  - (b) in paragraph (2) “in the presence of ...” were omitted, and
  - (c) in paragraph (3) “in the presence of ...” were omitted.
- (13) Regulation 55(4) (correction of clerical error after completion) has effect as if “available to witness” were read as “available or able to witness”.<sup>6</sup>

## PART 5

### AFTER THE END OF THE CORONAVIRUS PROCLAMATION PERIOD: TRANSITIONAL PROVISION

#### **11 Transitional: matters commenced**

Anything relating to the registration of a birth or death that, immediately before the end of the Coronavirus Proclamation period, is in the process of being done in reliance on any provision of these Regulations may continue to be done after the end of that period in reliance on that provision.

#### **12 Transitional: documents**

- (1) This regulation applies where, during the Coronavirus Proclamation period, a person delivers a relevant document in reliance on regulation 9.
- (2) The person must give, deliver or send the document in accordance with the applicable legislation as soon as reasonably practicable after the end of the Coronavirus Proclamation period.
- (3) The Registrar General may give a direction dispensing with the duty under paragraph (2).
- (4) A direction under paragraph (3) may be expressed as having effect generally, in relation to persons within a description specified in the direction, or in relation to a particular case.
- (5) A direction under paragraph (3) may vary or revoke previous directions given under that paragraph.
- (6) A registrar may, in relation to a relevant document that is required to be given, delivered or sent to the registrar, give a direction in a particular case dispensing with the duty under paragraph (2).
- (7) In this regulation, “relevant document” has the same meaning as in regulation 9.

**MADE 09:55 8<sup>TH</sup> APRIL 2020**

## ENDNOTES

### Table of Endnote References

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<sup>1</sup> The format of this legislation has been changed as provided for under section 75 of, and paragraph 2 of Schedule 1 to, the Legislation Act 2015. The changes have been approved by the Attorney General after consultation with the Clerk of Tynwald as required by section 76 of the Legislation Act 2015.

<sup>2</sup> Definition of “the Coronavirus Proclamation period” substituted by SD2020/0249 with effect from 14/04/2020 at 14:48.

<sup>3</sup> Reg 8 substituted by SD2020/0310 with effect from 19/05/2020 at 11:40.

<sup>4</sup> Reg 8A inserted by SD2020/0310 with effect from 19/05/2020 at 11:40.

<sup>5</sup> Para (9) substituted by SD2020/0310 with effect from 19/05/2020 at 11:40.

<sup>6</sup> Para (13) inserted by SD2020/0310 with effect from 19/05/2020 at 11:40.