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Make provision

BE IT ENACTED by the Queen’s most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

PART 1

CIVIL REGISTRATION INFORMATION

1 Disclosure of information by civil registration officials [j900]

- (1) - A civil registration official may, subject to this section, disclose any information held in connection with any of the official’s functions to—
 - (a) - a specified public authority (see section 2), or
 - (b) - any other civil registration official.
- (2) - A civil registration official may disclose information under this section only if the official is satisfied that the authority or civil registration official to whom it is disclosed (the “recipient”) requires the information to enable the recipient to exercise one or more of the recipient’s functions.
- (3) - A disclosure under this section does not breach any obligation of confidence owed by the civil registration official making the disclosure.
- (4) - The power to disclose information under this section is subject to any express restriction on disclosure imposed by another enactment (ignoring any restriction which allows disclosure if authorised by an enactment).
- (5) - This section does not limit the circumstances in which information may be disclosed apart from this section.
- (6) - “Civil registration official” means—
 - (a) - the Registrar General;
 - (b) - a superintendent registrar of births, deaths and marriages (see section 5 of the Registration Service Act 1953);

- (c) - a registrar of births and deaths and a registrar of marriages (see section 5 of that Act);
- (d) - each of the following in its capacity as a registration authority within the meaning of Chapter 1 of Part 2 of the Civil Partnership Act 2004 (see section 28 of that Act) –
 - (i) - a county council in England;
 - (ii) - the council of any district in England comprised in an area for which there is no county council;
 - (iii) - a London borough council;
 - (iv) - the Common Council of the City of London;
 - (v) - the Council of the Isles of Scilly;
 - (vi) - a county council in Wales;
 - (vii) a county borough council in Wales.

2 Specified public authorities [j901]

- (1) - Each of the following public authorities is a “specified public authority” for the purposes of section 1 –
 - (a) - a Minister of the Crown;
 - (b) - a government department, including the Welsh Assembly Government but not including a Northern Ireland department or any part of the Scottish Administration;
 - (c) - the Greater London Authority;
 - (d) - a county council in England;
 - (e) - a district council in England;
 - (f) - a London borough council;
 - (g) - the Common Council of the City of London in its capacity as a local authority;
 - (h) - the Council of the Isles of Scilly;
 - (i) - a county council in Wales;
 - (j) - a county borough council in Wales;
 - (k) - an NHS body within the meaning of the National Health Service Act 2006 (see section 275 of that Act).
- (2) - The Secretary of State may by regulations amend subsection (1) so as to add, modify or remove a reference to a public authority or description of public authority.
- (3) - Regulations under this section are to be made by statutory instrument.
- (4) - Regulations under this section –
 - (a) - may make different provision for different purposes;
 - (b) - may contain consequential, incidental, supplemental, transitional or transitory provision or savings.
- (5) - The provision that may be made by virtue of subsection (4)(b) includes provision amending, repealing or revoking any provision of an enactment passed or made before or in the same Session as this Act.
- (6) - A statutory instrument containing regulations under this section may not be made unless a draft of the instrument has been laid before and approved by a resolution of each House of Parliament.

3 Fees [j904]

- (1) - The Secretary of State may by regulations provide for fees to be payable to a civil registration official in respect of the disclosure by the official of information under section 1.
- (2) - The regulations may –
 - (a) - specify the amount of any fee payable under the regulations, or
 - (b) - set out how a fee is to be determined.
- (3) - The regulations may provide for the reduction, waiver or refund of part or all of a fee whether by conferring a discretion or otherwise.
- (4) - Regulations under this section must be made by statutory instrument.
- (5) - Regulations under this section may –
 - (a) - make different provision for different purposes;
 - (b) - provide for exemptions from any of the provisions of the regulations;
 - (c) - contain consequential, incidental, supplemental, transitional or transitory provision or savings.
- (6) - A statutory instrument containing regulations under this section is subject to annulment in pursuance of a resolution of either House of Parliament.

4 Code of practice [j903]

- (1) - The Registrar General must issue a code of practice about the disclosure of information under section 1.
- (2) - A civil registration official must have regard to the code of practice in disclosing information under section 1.
- (3) - The Registrar General may from time to time revise and re-issue the code of practice.
- (4) - Before issuing or revising the code of practice the Registrar General must consult –
 - (a) - the Secretary of State,
 - (b) - the Information Commissioner, and
 - (c) - such other persons as the Registrar General thinks fit.
- (5) - As soon as reasonably practicable after issuing or reissuing the code of practice the Registrar General must arrange for a copy of it to be laid before Parliament.

5 Interpretation: other [j902]

In sections 1 to 4 –

“civil registration official” has the meaning given in section 1;

“enactment” includes –

- (a) - an enactment contained in subordinate legislation within the meaning of the Interpretation Act 1978;
- (b) - an enactment contained in, or in an instrument made under, an Act of the Scottish Parliament;
- (c) - an enactment contained in, or in an instrument made under, a Measure or Act of the National Assembly for Wales;

- (d) - an enactment contained in, or in an instrument made under,
Northern Ireland legislation;
- “public authority” means a person who exercises functions of a public
nature;
- “Registrar General” means the Registrar General for England and Wales.