

LGS 10 Statutory offences

General

1. Registration officers are personally responsible for the proper performance of their duties under the Registration Acts (namely the Births and Deaths Registration Act 1953, the Marriage Act 1949 and the Registration Service Act 1953).
2. Details of offences under the provisions of those Acts, and associated legislation, are given in the following table. Details of offences under the provisions of those Acts, and associated legislation, are given in the following table

Procedure in connection with offences

3. If it appears to a registration officer that any offence or breach of the Registration Acts or the other Acts mentioned has been committed, he should report the matter to the relevant section at the General Register Office, with such documents he has relating to the offence or breach, and await instructions before any further action is taken (regulation 72 of the Registration of Births and Deaths Regulations 1987 and regulation 20 of the Registration of Marriages Regulations 1986 refer).
4. Section 38(1) of the Births and Deaths Registration Act 1953 and section 76 of the Marriage Act 1949, and the allied regulations, provide that when so directed by the Registrar General, a superintendent registrar may take legal action against any person for an alleged offence under those Acts committed within his district. Any costs incurred by him in any such prosecution, being costs which are not otherwise provided for, will be reimbursed by the Registrar General. The superintendent registrar will be given full instructions in each individual case.

Legislation	Offence
Surrender of official papers on vacating office	
Registration Service Act 1953, s15	When an officer ceases to hold office he is required to hand over all keys, books and documents in his possession as holder of the office to his successor.
Offences in connection with registration of births and deaths	
Registration officers	
Births and Deaths Registration Act 1953, s8	Any officer who registers the birth of any child after the expiration of three months from the date of birth, other than as provided for by ss 6 and 7 of the Act, is liable on summary conviction to a fine.
Births and Deaths Registration Act 1953, s21	Any officer who registers a death, or causes a death to be registered, other than as provided for by that section, is liable on summary conviction to a fine.
Births and Deaths Registration Act 1953, s35(a)	Any officer who refuses or without reasonable cause omits to register any birth or death which it is his duty to register, or any particulars required to be registered regarding such a birth or death, is liable on summary conviction to a fine.
Births and Deaths Registration Act 1953, s35(b)	An officer having custody of a register of births or deaths carelessly loses or injures the register or allows it to be injured is liable on summary conviction to a fine.
Population (Statistics) Act 1938, s4(2)	Any officer who discloses, except so far as may be necessary for his duties under the Act, any information obtained for the purposes of the Act is liable on summary conviction or on conviction on indictment to a fine and/or imprisonment.
Other persons	
Births and Deaths Registration Act 1953, s36	A person commits an offence – (a) if, being required by or under this Act to give information concerning any birth or death or any dead body, he wilfully refuses to answer any question put to him by the registrar relating to the particulars required to be registered concerning the birth or death, or except as provided in this Act, fails to comply with any requirement of the registrar made under the Act; (b) if he refuses or fails without reasonable excuse to give, deliver or send any certificate which he is required by this Act to give, deliver or send; (c) if, being a parent and save as provided in this Act, he fails to give information concerning the birth of his child as required by this Act; (d) if, being a parent of a legitimated person, he fails to comply with any requirement of the Registrar General made under or by virtue of section fourteen of this Act; or

	(e) if, being a person upon whom a duty to give information concerning a death is imposed by paragraph (a) of subsection (3) of section sixteen or seventeen of this Act, he fails to give that information and that information is not given; and is liable on summary conviction to a fine.
Births and Deaths Registration Act 1953, s37	If any person falsifies any certificate, declaration or order under this Act, or knowingly uses, or gives or sends to any person, as genuine any false certificate, declaration or order for the purposes of this Act, is liable on summary conviction to a fine.
Perjury Act 1911, s4	If any person – (a) wilfully makes any false answer to any question put to him by any registrar of births or deaths relating to the particulars required to be registered concerning any birth or death, or, wilfully gives to any such registrar any false information concerning any birth or death or the cause of any death; or (b) wilfully makes any false certificate or declaration under or for the purposes of any Act relating to the registration of births or deaths, or, knowing any such certificate or declaration to be false, uses the same as true or gives or sends the same as true to any person; or (c) wilfully makes, gives or uses any false statement or declaration as to a child born alive as having been born still-born, or as to the body of a deceased person or a still-born child in any coffin, or falsely pretends that any child born alive was still-born; or (d) makes any false statement with intent to have the same inserted in any register of births or deaths; he is liable on summary conviction to a fine or on conviction on indictment to imprisonment or a fine.
Population (Statistics) Act 1938, s4	If any person – (a) refuses or neglects to furnish in accordance with this Act any information which he is required under the Act; or (b) in giving such information makes any statement which he knows to be false; he is liable on summary conviction to a fine.

Offences in connection with marriages	
Registration officers	
Marriage Act 1949, s75	A superintendent registrar who knowingly and wilfully– (a) solemnizes a marriage at any other time than between 8.00am and 6.00pm (not being a marriage by Registrar General's licence); (b) solemnizes a marriage in any place other than the superintendent registrar's office, approved premises or person's residence specified in the notices of marriage and certificates; (c) solemnizes a marriage purporting to be in approved premises that are not approved premises; (d) solemnizes a marriage of a person who is house-bound or is a detained person in the absence of a registrar of the district in which place where the marriage is solemnized is situated; (e) solemnizes a marriage in a superintendent registrar's office in the absence of a registrar of the district in which the office is situated; (f) solemnizes a marriage on approved premises in the absence of a registrar of the district in which the premises are situated; (g) solemnizes a marriage before the expiry of the waiting period in relation to each notice of marriage; (h) solemnizes a marriage after the expiration of the period which is in relation to that marriage, the applicable period for the purpose of section 33 of the Marriage Act 1949; (i) issues any certificate for marriage before the expiration of 15 days from the day on which the notice of marriage was entered in the marriage notice book; (j) issues any certificate for marriage after the expiration of the period which is, in relation to that marriage, the applicable period for the purposes of section 33 of the Marriage Act 1949; (k) issues any certificate the issue of which has been forbidden under section 30 of the Marriage Act 1949 by any person entitled to forbid the issue of such a certificate;

	(l) solemnizes or permits to be solemnized in his office or at an approved premises, or in the case of a marriage of a house-bound or detained person, in any other place any marriage which is void by virtue of any of the provisions of Part III of the Marriage Act 1949; is liable to imprisonment.
Marriage (Registrar General's Licence) Act 1970, s16	A superintendent registrar is guilty of an offence if he knowingly and wilfully – (a) solemnizes a marriage by Registrar General's licence in any place other than the place specified in the licence; (b) solemnizes a marriage by Registrar General's licence without the presence of a registrar; (c) solemnizes a marriage by Registrar General's licence after the expiration of one month from the date of entry of the notice in the marriage notice book; (d) solemnizes or permits to be solemnized in his presence any marriage by Registrar General's licence which is void by virtue of Part III of the Marriage Act 1949 as amended by the Marriage (Registrar General's Licence) Act 1970; is liable to a fine and/or imprisonment.
Marriage Act 1949, s76	A registrar commits an offence if – (a) he refuses or without reasonable cause omits to register any marriage which he is required to register; (b) he carelessly loses, injures or allows to be injured any marriage register in his custody; (c) he fails to make and deliver to the superintendent registrar at the proper time, certified copies of any entries made in a marriage register book kept by him or a certificate that no entries have been made therein since the date of the last certified copy; or (d) he knowingly or wilfully registers a marriage which is void by virtue of any of the provisions of Part III of the Marriage Act 1949; and is liable to a fine in respect of (a)-(c) and, in respect of (d), imprisonment.
Marriage (Registrar General's Licence) Act	A registrar is guilty of an offence if he knowingly or

1970, s16(2)	wilfully registers a marriage by Registrar General's licence which is void by virtue of Part III of the Marriage Act 1949 as amended by the Marriage (Registrar General's Licence) Act 1970, and is liable to a fine and/or imprisonment.
Other persons	
Marriage Act 1949, s75(1)	Any person who knowingly and wilfully – (a) solemnizes a marriage at any other time than between the hours of eight in the forenoon and six in the afternoon (not being a marriage by special licence, a marriage according to the usages of the Society of Friends or a marriage between two persons professing the Jewish religion according to the usages of the Jews); (b) solemnizes a marriage according to the rites of the Church of England without banns of matrimony having been duly published (not being a marriage solemnized on the authority of a special licence, a common licence or certificates of a superintendent registrar); (c) solemnizes a marriage according to the said rites (not being a marriage by special licence or a marriage in pursuance of section 26(1)(dd) of this Act) in any place other than a church or other building in which banns may be published; (d) solemnizes a marriage according to the said rites falsely pretending to be in Holy Orders; is guilty of felony and liable to imprisonment.
Marriage Act 1949, s75(2)	Any person who knowingly and wilfully – (a) solemnizes a marriage (not being a marriage by special licence, a marriage according to the usages of the Society of Friends or a marriage between two persons professing the Jewish religion according to the usages of the Jews) in any place other than- (i) a church or other building in which marriages may be solemnized according to the rites of the Church of England, or (ii) the registered building, office, approved premises or person's residence specified as the place where the marriage was to be solemnized in the notices of marriage and certificates required under Part III of this Act; (b) solemnizes a marriage purporting to be in pursuance of section 26(1)(bb) of this Act on premises that are not approved premises;

	(c) solemnizes a marriage in any such registered building as aforesaid (not being a marriage in the presence of an authorised person) in the absence of a registrar of the district in which the registered building is situated; (d) solemnizes a marriage in pursuance of section 26(1)(dd) of this Act, otherwise than according to the rites of the Church of England, in the absence of a registrar of the registration district in which the place where the marriage is solemnized is situated; (e) solemnizes a marriage in the office of a superintendent registrar in the absence of a registrar of the district in which the office is situated; (f) solemnizes a marriage on approved premises in pursuance of section 26(1)(bb) of this Act in the absence of a registrar of the district in which the premises are situated; and (g) solemnizes a marriage on the authority of certificates of a superintendent registrar before the expiry of the waiting period in relation to each notice of marriage; or (h) solemnizes a marriage on the authority of certificates of a superintendent registrar after the expiration of the period which is, in relation to that marriage, the applicable period for the purposes of section 33 of this Act; is guilty of felony and liable to imprisonment.
Marriage Act 1949, s76	Any person who – (a) refuses or without reasonable cause omits to register any marriage which he is required to register; or (b) carelessly loses, injures or allows to be injured any marriage register in his custody; or (c) fails to make and deliver to the superintendent registrar at the proper time, certified copies of any entries made in a marriage register book kept by him or a certificate that no entries have been made therein since the date of the last certified copy; is liable on summary conviction to a fine.

Marriage (Registrar General's Licence) Act 1970, s16	Any person who – (a) solemnizes a marriage by Registrar General's licence in any place other than the place specified in the licence; (b) solemnizes a marriage by Registrar General's licence (not being a marriage according to the usages of the Society of Friends or a marriage between two persons professing the Jewish religion according to the usages of the Jews) without the presence of a registrar; (c) solemnizes a marriage by Registrar General's licence after the expiration of one month from the date of entry of the notice of marriage in the marriage notice book; (d) for the purpose of a marriage by Registrar General's licence gives false information by way of evidence as required by section 3 of the Marriage (Registrar General's Licence) Act 1970 or who gives a false certificate as provided for in section 3(1)(d) of that Act; is liable to a fine.
Offences in connection with registration documents	
Forgery and Counterfeiting Act 1981, ss1-4, applicable to entries of births, still-births, deaths, adoptions and marriages and other registration documents	A person – (a) who makes, copies or uses a false instrument with the intention of he or another shall use it to induce somebody to accept it as genuine, and by reason of so accepting it to do or not to do some act to his own or any other person's prejudice, (b) who possesses the following documents which a person knows or believes to be false, with the intention that he or another shall use them to induce somebody to accept them as genuine, and by reason of so accepting them to do or not to do some act to his own or any other person's prejudice - (i) certified copies relating to an entry in a register of births, adoptions, marriages or deaths an disused by the Registrar General, a registration officer or a person lawfully authorised to register marriages; and (ii) short certificates of birth and adoption, is liable on summary conviction to a fine and/or imprisonment or on conviction on indictment to imprisonment.