

EXPLANATORY STATEMENT

REGISTRATION OF BIRTHS, DEATHS AND MARRIAGES

(AMENDMENT) ORDINANCE

1986

No. 8, 1986

The proposed Registration of Births, Deaths and Marriages (Amendment) Ordinance 1986 (the proposed Ordinance) will amend the Registration of Births, Deaths and Marriages Ordinance 1963 (the Principal Ordinance) to overcome a difficulty, in the administration of deceased persons' estates, caused by the interaction of the Principal Ordinance and the Coroners Ordinance 1956.

The difficulty arises because before the Registrar of Births, Deaths and Marriages may issue a death certificate in respect of a death which is the subject of an inquest, the inquest must have been concluded. Some inquests are not concluded for many years because the Coroner may not conclude an inquest where the relevant death is the subject of criminal proceedings until those proceedings have been concluded. The inability of the Registrar to issue a complete death certificate in such circumstances causes difficulties for the administration of deceased persons' estates because some assets, particularly life insurance policies, cannot be realised until a certificate is issued.

Details of the proposed Ordinance are:

Sections 1 and 2 will deal with interpretation.

Section 3 will amend section 31 of the Principal Ordinance which requires a Coroner to inform the Registrar that he has dispensed with an inquest and provide particulars of the death. The proposed Ordinance will add a requirement that where the Coroner is required not to proceed further with an inquest because the death which is the subject of the inquest is also the subject of criminal proceedings, the Registrar is to be provided with available particulars about the death.

Section 4 will amend section 32 of the Principal Ordinance, which forbids the entering of the cause of death in the Register until a Coroner has made formal findings, or has dispensed with an inquest, to provide that, where the Coroner is not permitted to proceed with his inquest, the available particulars of the cause of death may be entered. (There is already power, under section 52 of the Principal Ordinance, to correct or expand upon these particulars when more facts become known).