

[AS INTRODUCED]

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# B I L L

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Make provision for a certificate to be issued to mothers in respect of miscarried and still-born children not eligible for registration under the Births and Deaths Registration Act 1953; to establish a database for archiving the certificate and recording information about the miscarriage or still-birth; and for connected purposes.

**B**E 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:—

## 1 Voluntary certificate of loss

- (1) The registrar must, upon receiving a written request from a person who has miscarried a child or given birth to a still-born child, issue a certificate (“certificate of loss”) to that person, where the miscarried or still-born child is not eligible to be registered under section 1 of the Births and Deaths Registration Act 1953 (particulars of births to be registered) and the criterion in subsection (2) is met. 5
- (2) The criterion is that a medical professional has confirmed that the person who requested a certificate was pregnant and miscarried that child or gave birth to a still-born child. 10
- (3) The certificate of loss issued under subsection (1) must contain the following information—
  - (a) if available, the age of the miscarried or still-born child, based on scans and medical dating;
  - (b) the name of the parent or parents of the miscarried or still-born child; 15
  - (c) the date on which the child was miscarried or the still-born child was born;
  - (d) any other information that the Secretary of State may by regulations made by statutory instrument specify.
- (4) The Secretary of State must, by regulations made by statutory instrument, set up a publicly accessible database for archiving certificates of loss issued under this section. 20
- (5) Where a person requests a certificate of loss under subsection (1), the registrar must archive the certificate of loss, and record the cause of the miscarriage

or still-birth if the cause is known, in the database established under subsection (4).

- (6) The Secretary of State must, by regulations made by statutory instrument, designate a body to fulfil the function of registrar under this section.
- (7) 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. 5

## 2 Interpretation

In this Act—

“miscarried child” means a child which, due to either natural causes or the mother’s choice, has passed away and been expelled by the mother’s body without any signs of life, or has passed away and been retained by the mother’s body and is then expelled by the mother’s body or removed by process of medication or surgery without signs of life, and the expressions “miscarriage” and “miscarried” shall be construed accordingly; 10 15

“still-born child” means a child which, due to either natural causes or the mother’s choice, has issued forth from its mother after a pregnancy and which did not at any time after being completely expelled from its mother breathe or show any other signs of life, and the expression “still-birth” shall be construed accordingly; 20

“written request”, in respect of a request for a certificate of loss, means a request made in writing using a form submitted by the person who has miscarried a child or given birth to a still-born child to the registrar, and confirmed by a registered medical professional. 25

## 3 Extent, commencement and short title

- (1) This Act extends to England and Wales only.
- (2) Section 1 of this Act comes into force at the end of the period of twelve months beginning with the day on which it is passed.
- (3) Section 2 and this section come into force on the day on which this Act is passed. 30
- (4) This Act may be cited as the Certificate of Loss Act 2021.



# Certificate of Loss Bill [HL]

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*Baroness Benjamin*

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