



STATUTORY INSTRUMENTS.

S.I. No. 47 of 2013



FOREIGN BIRTHS REGULATIONS 2013

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I, EAMON GILMORE, Minister for Foreign Affairs and Trade, in exercise of the powers conferred on me by section 27(5) (as amended by section 7 of the Irish Nationality and Citizenship Act 2001 (No. 15 of 2001)) of the Irish Nationality and Citizenship Act 1956 (No. 26 of 1956) (as adapted by the Foreign Affairs (Alteration of Name of Department and Title of Minister) Order 2011 (S.I. No. 246 of 2011)) and with the consent of the Minister for Public Expenditure and Reform make the following regulations: hereby order the following Regulations:

1. These Regulations may be cited as the Foreign Births Regulations 2013.
2. These Regulations shall come into operation on 1 March 2013.
3. In these Regulations—

“the Act” means the Irish Nationality and Citizenship Act 1956 (No. 26 of 1956);

“career consular officer” and “honorary consular officer” shall be construed in accordance with section 1 of the Diplomatic and Consular Officers (Provision of Services) Act 1993;

“head of mission” and “member of the diplomatic staff” shall have the meaning they have in section 1 of the Diplomatic and Consular Officers (Provision of Services) Act 1993;

“the Minister” means the Minister for Foreign Affairs and Trade.

4. The foreign births register may be kept in electronic form and shall include the particulars set out in the Schedule.

5. The birth of a person whose birth is registrable under subsection (2) of section 27 of the Act may be registered in the foreign births register—

(a) at the Department of Foreign Affairs and Trade by—

- (i) the Secretary General of the Department of Foreign Affairs and Trade, or
- (ii) any officer of the Minister who performs functions as an officer of the Minister in relation to the rendering of consular services;

(b) at an Irish diplomatic mission or consular office by—

- (i) the head of the mission,

Notice of the making of this Statutory Instrument was published in “Iris Oifigiúil” of 19th February, 2013.

- (ii) a member of the diplomatic staff,
- (iii) a career consular officer, or
- (iv) an honorary consular officer appointed by the Minister.

6. An entry in the foreign births register shall not be made save at the request of the person whose birth is registrable or, where such person is not of full age, of either parent of that person or of any person present at the birth of or having charge of the person whose birth is registrable and on production of such evidence as may be required.

7. Where an entry is made in the foreign births register at an Irish diplomatic mission or consular office, the person authorised to make the entry under these Regulations shall also enter the particulars of the diplomatic mission or consular office at which the entry is made.

8. The fee to be charged for registration in the foreign births register shall be €125 in the case of the registration of a person under eighteen years of age and €250 in the case of every other registration.

9. Any person may inspect the foreign births register at the Department of Foreign Affairs and Trade or at any diplomatic mission or consular office during business hours on payment of a fee of €20.

10. (1) Any person may request the issue of a copy of an entry in the foreign births register on payment of a fee of €20.

(2) Where a copy of an entry in the foreign births register is issued pursuant to paragraph (1), such copy shall be authenticated by being certified to be a true copy of the entry by a person authorised under these Regulations to make entries of births in the foreign births register.

11. Subject to Regulation 12, the Minister may amend or delete an incorrect entry in the foreign births register.

12. (1) The Minister shall, not less than 3 months before amending or deleting an incorrect entry in the foreign births register, serve a notice in writing of the proposed amendment or deletion on any person—

- (a) likely to be affected by the proposed amendment or deletion concerned, and
- (b) whose whereabouts are known and who can readily be found.

(2) A notice under paragraph (1) shall—

- (a) specify the text of the proposed amendment or that it is proposed to delete the entry concerned, as the case may be,
- (b) state the reasons for the proposed amendment or deletion,

(c) state that the person to whom the notice is addressed may make representations in writing in respect of the proposed amendment or deletion not later than 3 months after the service of the notice, and

(d) state the name and address of the person to whom any such representations shall be made.

(3) A notice under paragraph (1) shall be addressed to the person concerned by name, and may be served on or given to him in one of the following ways:

(a) by delivering it to the person;

(b) by leaving it at the address at which the person ordinarily resides or, in a case in which an address for service has been furnished, at that address; or

(c) by sending it by post in a prepaid registered letter to the address at which the person ordinarily resides or, in a case in which an address for service has been furnished, to that address.

(4) A person to whom a notice under paragraph (1) is addressed may, not later than 3 months after the service of the notice, make representations in writing in accordance with the notice in respect of the proposed amendment or deletion.

(5) The Minister may, at his or her discretion, invite a person who has made representations in accordance with a notice under paragraph (1) to make further representations, orally or in writing, in respect of the proposed amendment or deletion concerned.

(6) The Minister shall, in deciding whether or not to amend or delete an incorrect entry in the foreign births register, have regard to any representations made by a person in accordance with this Regulation.

13. Where the Minister amends or deletes an incorrect entry in the foreign births register—

(a) he or she shall cause to be entered in the register—

(i) a statement that an amendment or deletion in respect of the entry concerned has been made, and

(ii) the date of the making of the amendment or deletion, and

(b) the amendment or deletion shall be authenticated by the signature (beneath or alongside the said statement) of the officer of the Minister who made that amendment or deletion.

14. (1) The Foreign Births Regulations 1956 (S.I. No. 224 of 1956) and the Foreign Births (Amendment) Regulations 2009 (S.I. No. 408 of 2009) are hereby revoked.

(2) Notwithstanding the revocation of the Foreign Births Regulations 1956, where prior to the coming into operation of these Regulations, a birth was registered in a foreign births entry book in a diplomatic mission or consular office in accordance with the Foreign Births Regulations 1956 the particulars of which had not at the date of such coming into operation been transmitted to the Department of Foreign Affairs and Trade in accordance with those Regulations, such particulars shall be sent to that Department by the diplomatic mission or consular office concerned not later than 12 months after the coming into operation of these Regulations and registered in the foreign births register in accordance with the Foreign Births Regulations 1956.

(3) Notwithstanding the revocation of the Foreign Births (Amendment) Regulations 2009, the Minister may amend or delete an incorrect entry in a foreign births entry book before or after its particulars have been transmitted to the Department of Foreign Affairs and Trade in accordance with subsection (2) and in amending or deleting such entry shall follow the procedures specified in Regulations 12 and 13, and for that purpose a reference in Regulations 12 or 13 to the foreign births register shall be construed as including the foreign births entry book.

SCHEDULE

Particulars of foreign births to be entered in foreign births register

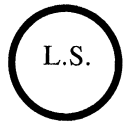
1. Number of entry.
2. Date of entry.
3. Surname and Forename(s).
4. Sex.
5. Date of birth.
6. Place of birth.
7. Names in full of parent(s) through whom citizenship is derived.
8. Details of how citizenship of parent(s) referred to at paragraph 7 was acquired.
9. Date and place of birth of parent(s) referred to at paragraph 7.
10. Details of place where parent is a naturalised citizen and the number and date of certificate of naturalisation.
11. Surname and Forename(s) of person requesting registration.
12. Full postal address of person requesting registration.
13. Where the foreign birth was originally registered in a foreign births entry book:
 - (a) number of foreign births entry book;
 - (b) number of the entry in foreign births entry book;
 - (c) date of entry in foreign births entry book;
 - (d) diplomatic mission or consular office in which foreign births entry book was made.
14. Name of person making entry in the foreign births register.

The Minister for Public Expenditure and Reform consents to the making of the foregoing Regulations in so far as they relate to fees.



GIVEN under the Official Seal of the Minister for Public Expenditure and Reform,
14 February 2013.

BRENDAN HOWLIN,
Minister for Public Expenditure and Reform.



GIVEN under my Official Seal,
14 February 2013.

EAMON GILMORE,
Minister for Foreign Affairs and Trade.

EXPLANATORY NOTE

(This note is not part of the instrument and does not purport to be a legal interpretation)

These Regulations revoke and replace the Foreign Births Regulations 1956 (S.I. No. 224 of 1956) and the Foreign Births (Amendment) Regulations 2009 (S.I. No. 408 of 2009) and provide for increases in the Foreign Birth Registration fees with effect from 1st March 2013.

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