

LOCAL ELECTORAL ADMINISTRATION AND REGISTRATION SERVICES (SCOTLAND) ACT 2006

EXPLANATORY NOTES

THE ACT

Part 2: Registration Services

Registration information

Section 44 Indexing of registers and provision of registration information

93. This section takes advantage of the flexibility of electronically-available registration information to provide for new registration services.
94. Subsection (2) repeals section 19 of the 1965 Act, which is superseded by new section 39E of the 1965 Act (added by section 44(5) of the Act - see paragraph 102 below). Subsection (3) substitutes a new section 37 of the 1965 Act. This section restates the powers for a district registrar to issue, on payment of a fee prescribed by regulations, an extract of an entry in the registers currently operated by the registrar. The new section is similar to the existing section 37 of the 1965 Act, except that the requirement on district registrars to keep and search indexes of the current registers is no longer required because district registrars can also use section 39D of the 1965 Act (added by section 44(5) of the Act - see paragraph 101 below). Subsection (2) also ensures that the current statutory restrictions on access to the register of still-births are retained.
95. Subsection (4) amends section 38 of the 1965 Act, to delete a requirement on the Registrar General to keep alphabetical indexes in the General Register Office – which is redundant with the introduction of electronic indexes.
96. Subsection (5) replaces sections 39 and 40 of the 1965 Act with 5 new sections. Section 39 is concerned with the process of producing paper extracts from the register, which is redundant now that extracts are produced electronically, and section 40 with the issuing of abbreviated birth certificates (which is superseded by new section 39E).
97. New section 39A allows the Registrar General, for a fee to be prescribed by regulations, to give official notification of a birth, death, marriage or change of name to nominated private-sector bodies (insurance firms, banks, solicitors, utility firms etc). This is a new service. It will require to be triggered by a qualified informant (in the case of a birth or death), a party to a marriage or, in the case of a change of name, the person concerned or (for a child) a person who has parental responsibilities. The request for this service will most likely be made to the district registrar when registering a birth or death or when submitting notice of intention to marry.
98. New section 39B allows third parties to ask the Registrar General to notify them of the death of a person if and when it occurs in Scotland, in return for a fee to be prescribed

These notes relate to the Local Electoral Administration and Registration Services (Scotland) Act 2006 (asp 14) which received Royal Assent on 1 August 2006

by regulations. Such requests might be made individually or relate to batches of names. This will enable for instance pensions or insurance firms to check whether pensioners or annuitants had died. The provision makes the existing “particular search” process, which is open to any member of the public on payment of a prescribed fee, more automatic.

99. New section 39C authorises the operation of electronic arrangements to provide information to district registrars. It requires the Registrar General to provide to district registrars throughout Scotland the images of the main Scottish register entries (including divorce records, pre-1855 parish registers not currently available to them and pre-1965 register entries), together with an alphabetical index. It gives the Registrar General flexibility to provide copies in the way which best suits the needs of the area concerned – on paper or in digitised form.
100. New section 39D similarly updates the powers under which district registrars search the indexes and issue extracts of events in return for payment of a fee. Any correction must also be taken into account in issuing such a copy extract. It also paves the way for local authorities to provide family history research centres.
101. New section 39E makes provision for issuing abbreviated extracts, replacing section 40 of the 1965 Act. In addition, it introduces an abbreviated extract from the death register. The 1965 Act did not allow the issue of an abbreviated extract from the death register, as can be issued for births under section 19 of that Act. A paper extract from the register of deaths shows the full entry on the page of the public register, omitting nothing. In some circumstances, the deceased’s executors may wish to have an official document attesting to the fact and date of the death, but leaving out (possibly embarrassing) details of the cause of death. The new abbreviated extract from the death register could be used for purposes such as closing a bank account where the bank manager has no need to know the cause of death of the account-holder. The new section 39E was implemented by regulations 3 to 5 of [S.S.I. 2006/598](#) with effect from 1st January 2007 and by [S.S.I. 2007/52](#).
102. Subsection (6) replaces section 41 of the 1965 Act (which deals with the authentication of extracts and their admissibility as evidence) with 2 new sections 41 and 41A. The changes are consequential on the repeal of section 39 and on the new sections 39A and 39B. [S.S.I. 2006/597](#) re-prescribed under these powers the existing law for the form and authentication requirements for extracts of register entries. Subsection (7) makes a similar consequential change to section 44 of the 1965 Act, removing wording superseded by new section 39E. Subsection (8) similarly amends section 53 of the 1965 Act, removing words superseded by the replacement of section 41.
103. [Section 44](#) was brought into force on 1st October 2006 and 1st January 2007 by [S.S.I. 2006/469](#) except for subsection (5) for the purpose of adding the new section 39A to the 1965 Act (although its regulation-making powers were commenced).