

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

LOCAL ELECTORAL ADMINISTRATION AND REGISTRATION SERVICES (SCOTLAND) ACT 2006

EXPLANATORY NOTES

THE ACT

Part 2: Registration Services

Registration information

Section 46 Recording change of name or surname

108. Section 43(3)(a) of the 1965 Act previously allowed the registration of a new baptismal name if, within 12 months of the birth, the child's name were changed, or given, in baptism. That had the unintended side effect of allowing a mother or father to change a child's name through baptism without the knowledge or agreement of the other parent. This had the effect of allowing the ceremony of baptism to take precedence over parental responsibilities in a way which is incompatible with the Children (Scotland) Act 1995. Section 46(a) makes amendments to section 43(3) which mean that only persons who have parental responsibilities for a child may apply to the Registrar General to change the name of the child.
109. [Section 46\(b\)](#) amends section 43 of the 1965 Act to remove the 2 year time limit which applied to an official change of name (forenames and/or surname). Previously, during that 2 year period the new name had to be in use. This means that it is now possible for anyone whose birth has been registered in Scotland to apply immediately to the Registrar General to record a change of forename or surname. Any new birth certificate, issued after the change will show the new name, together with the former name, for purposes of continuity.
110. [Section 46](#) came into force and was implemented by regulation 6 of [S.S.I. 2006/598](#) with effect from 1st January 2007.