Local Electoral Administration and Registration Services (Scotland) Act 2006

2006 asp 14

PART 2 S

REGISTRATION SERVICES

Registration information

43 Registers kept by district registrars S

(1) The 1965 Act is amended in accordance with subsections (2) to (6).

(2) In section 32 (form and provision of registers etc.)—

(a) after subsection (1) there is inserted—

"(1A) A register of births, deaths, still-births or marriages or the Register of Corrections Etc. may, if the Registrar General so determines, be electronic rather than paper-based."; and

(b) in subsection (2), for "the foregoing subsection" there is substituted " subsection (1) above ".

(3) For section 34 (examination of registers by district examiners) there is substituted—

"**34 Examination and transmission of registers**

(1) The district examiner, or such other officer as may be nominated for the purpose by the Registrar General, shall, at such time or times and in such manner as the Registrar General may direct, examine the unexamined part of a relevant register kept or held by a district registrar within the district examiner's district.

(2) An examination under subsection (1) above shall include an examination of any entry in the Register of Corrections Etc. which relates to an entry in a part of a relevant register which is the subject of the examination.

(3) On completion of an examination under subsection (1) above—

Changes to legislation: *There are currently no known outstanding effects for the Local Electoral Administration and Registration Services (Scotland) Act 2006, Cross Heading: Registration information. (See end of Document for details)*

(a) the district registrar shall endorse the register so examined, and

(b) the district examiner shall—

(i) endorse that register, and

(ii) transmit to the Registrar General a report of any circumstances arising from the examination to which he considers that the attention of the Registrar General should be drawn.

(4) The district registrar for a registration district shall, at such time or times as the Registrar General may direct, transmit a relevant register to the Registrar General.

(5) In this section—

"the unexamined part" of a register is that part of the register which has not previously been examined under subsection (1) above, and

"the relevant registers" are—

(a) the registers of births, still-births, deaths and marriages, and

(b) any duplicate or copy registers kept in pursuance of directions given by the Registrar General under section 33 of this Act.".

(4) Section 35 (reproduction of registers following transmission) is repealed.

(5) In section 36 (replacement of lost registers etc.), in subsection (1), the words "or before reproduction in accordance with section 35 of this Act" are repealed.

(6) In section 42 (power of district examiner to correct registers), in subsection (4)—

(a) after "entries" there is inserted " in a register "; and

(b) the words "of the registers" are repealed.

44 Indexing of registers and provision of registration information S

(1) The 1965 Act is amended in accordance with subsections (2) to (8).

(2) Section 19 (free abbreviated certificate) is repealed.

(3) For section 37 (search of indexes kept by registrars), there is substituted—

"**37 Issuing of extracts of entries in current registers**

(1) Subject to subsection (2) below, where a person pays such fee as may be prescribed, the district registrar for a registration district shall, if the part of the registration office concerned is open for the purpose, issue to the person an extract of an entry in the register of births, still-births, deaths or marriages kept by the registrar.

(2) An extract from the register of still-births may be issued only with the consent of the Registrar General in the particular case.".

(4) In section 38(1) (search of indexes kept by Registrar General), for "kept in the General Register Office" there is substituted " keep ".

(5) For sections 39 (production of extracts by photography etc.) and 40 (abbreviated certificates of birth) there are substituted the following sections—

"**39A Notice of registration events to third parties**

(1) Where—

(a) the Registrar General receives an application for notice to be given to a person specified in the application of—

(i) a birth (other than a still-birth),

(ii) a death,

(iii) a marriage,

(iv) a change of name or surname or an alternative name,

(b) the application is in the prescribed form,

(c) such fee as may be prescribed has been paid, and

(d) subsection (2) below applies,

the Registrar General shall, if the Registrar General considers it appropriate to do so, give such notice to such person.

(2) This subsection applies—

(a) in the case of a birth, if—

(i) the birth has been registered in accordance with section 16B of this Act, and

(ii) the application is made by a qualified informant in relation to the birth,

(b) in the case of a death, if—

(i) the death has been registered in accordance with section 25B of this Act, and

(ii) the application is made by a qualified informant in relation to the death,

(c) in the case of a marriage, if—

(i) the marriage has been registered in accordance with section 15 or 19 of the Marriage (Scotland) Act 1977, and

(ii) the application is made by a party to the marriage, and

(d) in the case of a change of name or surname or an alternative name, if—

(i) the change or alternative has been recorded in pursuance of section 43 of this Act, and

(ii) the application is made by a relevant person.

(3) In subsection (2)(d)(ii) above, "relevant person" means—

(a) in the case of a change of name or surname recorded in pursuance of section 43(3) of this Act, the qualified applicant,

(b) in any other case, the person upon whose application the recording in pursuance of section 43 of this Act proceeded.

(4) An application for the giving of notice under subsection (1) above may be made to—

(a) the Registrar General, or

(b) the district registrar for any registration district.

(5) If such an application is made to a district registrar, the district registrar shall as soon as practicable submit the application to the Registrar General.

(6) For the purpose of subsection (1) above notice shall be given—
- (a) in such form as may be prescribed, and
- (b) by such means as the Registrar General may determine.

39B Application by third party for notification of death

(1) Where—
- (a) an application is made to the Registrar General for notice to be given of a death in Scotland to the applicant,
- (b) the application is in the prescribed form,
- (c) such fee as may be prescribed has been paid, and
- (d) the death has been registered in accordance with section 25B of this Act,

the Registrar General shall, if the Registrar General considers it appropriate to do so, give such notice to such person.

(2) For the purpose of subsection (1) above notice shall be given—
- (a) in such form as may be prescribed, and
- (b) by such means as the Registrar General may determine.

39C Provision of information to district registrars

(1) The Registrar General shall make arrangements for the district registrar for each registration district to have access to—
- (a) a copy of such of the entries in—
  - (i) the registers of births, deaths and marriages transmitted to the Registrar General under section 34(3) of this Act, or any enactment repealed by this Act, by any district registrar,
  - (ii) the Register of Divorces, and
  - (iii) the parochial registers in the custody of the Registrar General,

  as the Registrar General may determine,
- (b) an alphabetical index of those entries, and
- (c) a copy of any entry in the Register of Corrections Etc. which relates to an entry referred to in that index.

(2) For the purposes of subsection (1) above—
- (a) a copy may be made by such means as the Registrar General shall determine, and
- (b) different arrangements and determinations may be made in respect of different registration districts.

39D Searching of indexes and issuing of extracts by district registrars

(1) Where a person pays such fee as may be prescribed, the district registrar for a registration district shall, if the part of the registration office concerned is open for the purpose—
- (a) search the index to which the registrar has access by virtue of section 39C(1)(b) of this Act (or permit the person to do so), and

(b) issue to the person an extract of a copy of an entry to which the registrar has access by virtue of section 39C(1)(a) of this Act.

(2) Section 44(3) of this Act shall apply to the issue under this section of an extract of a copy of an entry as it applies to the issue of an extract of an entry.

39E Abbreviated extracts

(1) Where the district registrar for a registration district registers the particulars of a birth or death, that person shall without charge—

(a) immediately after so doing, give to the informant, or

(b) before the expiry of two working days beginning with the date of registration, send to the informant by post,

an abbreviated extract of the entry in the register of births or, as the case may be, deaths.

(2) Subsection (1) above shall not apply to—

(a) re-registration of a birth under section 20 of this Act, or

(b) registration of a still-birth under section 21 of this Act.

(3) Subject to subsection (5) below, where a person pays such fee as may be prescribed—

(a) the district registrar for a registration district shall issue to the person an abbreviated extract of—

(i) an entry in a register of births or deaths kept by the registrar; or

(ii) a copy of an entry in a register of births or deaths to which the registrar has access by virtue of section 39C of this Act,

(b) the Registrar General shall issue to the person an abbreviated extract of an entry in a register of births or deaths kept by the Registrar General.

(4) An abbreviated extract shall contain such particulars as may be prescribed.

(5) An abbreviated extract based on information contained in the Adopted Children Register maintained under section 45(1) of the Adoption Act 1978 (c. 28)—

(a) shall not include any reference to adoption, and

(b) may be obtained only from the Registrar General.”.

(6) For section 41 (authentication and admissibility of extracts), there are substituted the following sections—

“**41 Form and authentication of registration information**

(1) The documents mentioned in subsection (2) below shall be—

(a) in such form as may be prescribed, and

(b) authenticated in such manner as may be prescribed.

(2) Those documents are—

(a) extracts issued under this Act, and

(b) notices given under section 39A or 39B of this Act.

41A Admissibility of registration information as evidence

(1) A document mentioned in subsection (2) below shall be sufficient evidence of the birth, still-birth, death, marriage, civil partnership, divorce, dissolution of civil partnership, change of name or surname, alternative name or declarator of nullity of marriage to which, as the case may be, it relates.

(2) Those documents are—

(a) an extract issued under this Act,

(b) a notice given under section 39A or 39B of this Act.".

(7) In section 44 (extracts etc. to take account of corrections), the following are repealed—

(a) in subsection (3), the words "and in issuing an abbreviated certificate in respect of such entry"; and

(b) in subsection (4), the words "or in any abbreviated certificate of birth".

(8) In section 53 (offences), in subsection (3)(e), the words "or certificate" are repealed.

Commencement Information

I1 S. 44 partly in force; s. 44 not in force at Royal Assent see s. 63(2); s. 44(1)(5)(6) in force for specified purposes and s. 44(3)(4) in force at 1.10.2006 and s. 44(1)(5) in force for further specified purposes and s. 44(2)(6)(7)(8) in so far as not already in force at 1.1.2007 by S.S.I. 2006/469, **arts. 2**, **3**, Schs. 1, 2 (with art. 4)

45 Correction of errors in registers S

(1) The 1965 Act is amended in accordance with subsections (2) and (3).

(2) In section 42 (correction of errors in registers), for subsections (2) and (3) there is substituted—

"(2) Subject to subsection (3A) below, the district registrar for a registration district may correct a relevant error in an entry in a register of births, still-births, deaths or marriages kept or held by him.

(3) In subsection (2) above, "relevant error" means—

(a) in respect of an entry relating to a birth or death—

(i) a clerical error arising from the faulty transcription of particulars provided by a qualified informant, or

(ii) an error of such other description as may be prescribed, and

(b) in respect of an entry relating to a marriage—

(i) a clerical error arising from the faulty transcription of particulars from a Marriage Schedule, or

(ii) an error of such other description as may be prescribed.

(3A) Subsection (2) above does not apply if the entry is in a part which has been examined under section 34 of this Act.".

(3) Section 45 (correction of errors in parochial registers) is amended as follows—

(a) the existing provision becomes subsection (1) of that section; and

(b) after that subsection there is inserted—

"(2) The reference in subsection (1) above to written evidence includes evidence which is submitted by electronic means if it is received in a form which is legible and capable of being used for subsequent reference.".

46 Recording change of name or surname S

In section 43 of the 1965 Act (recording of baptismal name or change of name or surname)—

(a) in subsection (3)—

(i) the words from "upon" to "applicant" are repealed;

(ii) after "shall" there is inserted " , where, within two years from the date of the birth of the child, an application in the prescribed form is made to the Registrar General in respect of that matter by the qualified applicant, "; and

(iii) for "certificate", where secondly occurring, there is substituted " application "; and

(b) in each of subsections (4) and (5), the following are repealed—

(i) paragraph (a);

(ii) the word "and" where it occurs immediately after that paragraph; and

(iii) paragraph (b).

Commencement Information

I2 S. 46 wholly in force at 1.1.2007; s. 46 not in force at Royal Assent see s. 63(2); s. 46 in force for specified purposes at 1.10.2006 and s. 46 in force in so far as not already in force at 1.1.2007 by S.S.I. 2006/469, **arts. 2**, **3**, Schs. 1, 2 (with art. 4)

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