



# Local Electoral Administration and Registration Services (Scotland) Act 2006

2006 asp 14

## PART 2

### REGISTRATION SERVICES

#### *Registration of births and deaths*

#### **39 Registration of births**

- (1) The 1965 Act is amended in accordance with subsections (2) to (8).
- (2) In section 13 (particulars of births to be registered), for subsections (1) to (3) there is substituted—
  - “(1) The prescribed particulars of the birth of every child born in Scotland shall be registered in accordance with this Part of this Act and for that purpose each district registrar for each registration district shall keep—
    - (a) a register of births, and
    - (b) a register of still-births.”.
- (3) In section 14 (duty to give information of particulars of birth)—
  - (a) in subsection (1)—
    - (i) for the words from “attend” to “registrar”, where secondly occurring, there is substituted “give to the district registrar for a registration district information of the prescribed particulars concerning the birth”; and
    - (ii) in the proviso, the words “and the signing of the register” are repealed;
  - (b) after subsection (1) there is inserted—
    - “(1A) For the purposes of subsection (1) above, a person shall give information of the prescribed particulars concerning a birth to the district registrar for a registration district by—
      - (a) attending personally at the registration office for that district and—

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- (i) giving to the registrar information of the particulars required to be registered concerning the birth, and
    - (ii) attesting, in the prescribed manner, the prescribed form (in this Part, the “birth registration form”) concerning the birth in the presence of the registrar, or
  - (b) submitting to the registrar by a prescribed means a birth registration form concerning the birth which has been completed by the person and attested by him in the prescribed manner.”; and
  - (c) in subsection (3), the words “or the last foregoing” are repealed.
- (4) In section 15 (duty to give information concerning finding of infant children)—
  - (a) in subsection (1)—
    - (i) for “registrar”, where first occurring, there is substituted “district registrar for the registration district in which the child was found”;
    - (ii) for the words “particulars required to be registered” there is substituted “prescribed particulars”; and
    - (iii) for “sign the register” there is substituted “attest, in the prescribed manner, the birth registration form concerning the birth”; and
  - (b) in subsection (2)—
    - (i) for “signed” there is substituted “attested in the prescribed manner”; and
    - (ii) for “register” there is substituted “birth registration form concerning the birth”.
- (5) In section 16 (registrar’s power to require information concerning birth to be given)—
  - (a) in subsection (1)—
    - (i) for “particulars required to be registered” there is substituted “prescribed particulars”;
    - (ii) for “registrar”, where first occurring, there is substituted “district registrar for a registration district”;
    - (iii) after “the”, where sixthly occurring, there is inserted “district”; and
    - (iv) in paragraph (c), for “sign the register” there is substituted “attest, in the prescribed manner, the birth registration form concerning the birth”;
  - (b) in subsection (2), after “the”, where fourthly occurring, there is inserted “said”; and
  - (c) in subsection (3), after “the”, where first occurring, there is inserted “said”.
- (6) After section 16 there is inserted—

**“16A Provision of birth particulars to Registrar General**

- (1) Each Health Board shall in respect of each birth that occurs in its area, provide to the Registrar General, in such manner and at such times as the Registrar General and that body may agree, the prescribed particulars.
- (2) The Registrar General shall, as soon as reasonably practicable after the prescribed particulars of a birth have been provided to the Registrar General

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under subsection (1) above, make those particulars available to the district registrar for each registration district.

### **16B Registration of births**

- (1) Subject to subsection (2) below, the district registrar for a registration district shall register the particulars of a birth where, in accordance with this Part of this Act, the registrar has an attested birth registration form concerning the birth.
  - (2) The registrar is not to register a birth in respect of which he obtained the attested birth registration by virtue of section 14(1A)(b) of this Act until the registrar is satisfied that the prescribed particulars of the birth have been—
    - (a) provided to the Registrar General under section 16A of this Act; or
    - (b) provided to the relevant district registrar under section 50 of this Act.
  - (3) For the purposes of this Part of this Act, particulars of a birth are registered by entering the birth registration form concerning the birth in the relevant register kept by the district registrar performing the registration.
  - (4) In subsection (3) above, the “relevant register” means the register of births or, as the case may be, still-births.”.
- (7) In section 17 (prohibition on late registration of births)—
- (a) in subsection (1), for “a registrar” there is substituted “the district registrar for a registration district”; and
  - (b) after that subsection there is inserted—

“(1A) For the purposes of subsection (1) above, authority which is given by electronic means is to be treated as if in writing if it is received in a form which is legible and capable of being used for subsequent reference.”.
- (8) In section 18 (births of children to unmarried parents)—
- (a) in subsection (1)—
    - (i) for “registrar” there is substituted “district registrar for the registration district”;
    - (ii) for “register” there is substituted “birth registration form concerning the birth”; and
    - (iii) in paragraph (a), for “sign the register” there is substituted “attest, in the prescribed manner, the birth registration form”;
  - (b) in subsection (1A)—
    - (i) for “registrar”, where first occurring, there is substituted “district registrar for the registration district”; and
    - (ii) for “signing of the register” there is substituted “attesting of the birth registration form concerning the birth”; and
  - (c) in subsection (2), for “register” there is substituted “birth registration form concerning the birth”.

**40 Registration of still-births**

- (1) Section 21 of the 1965 Act (registration of still-births) is amended in accordance with subsections (2) to (4).
- (2) In subsection (2)—
- (a) for “registrar” there is substituted “district registrar for a registration district”; and
  - (b) in paragraph (a)—
    - (i) for “deliver” there is substituted “produce”; and
    - (ii) for “signed”, in both places where it occurs, there is substituted “attested in the prescribed manner”.
- (3) In subsection (3)—
- (a) the words from “give” to the end become paragraph (a); and
  - (b) after that paragraph there is inserted “; or
    - (b) deliver such a certificate on that person’s behalf to a district registrar for a registration district nominated by that person”.
- (4) In subsection (4)—
- (a) for “registrar” there is substituted “district registrar for a registration district”; and
  - (b) after “registered” there is inserted “or, if the person so requests, deliver such a certificate on that person’s behalf to a keeper or other person having charge of a place of interment nominated by that person”.

**41 Re-registration of births**

- (1) The 1965 Act is amended in accordance with subsections (2) and (3).
- (2) In section 20 (re-registration of birth)—
- (a) in subsection (1)—
    - (i) in paragraph (c), after “another”, where secondly occurring, there is inserted “and subject to subsection (1B) below”;
    - (ii) for the words from “Registrar”, where first occurring, to “birth”, where first occurring, there is substituted “birth may, where subsection (1A) below applies, be re-registered”;
    - (iii) for the words from “Provided” to “birth”, where secondly occurring, there is substituted—
      - “(1A) This subsection applies—
        - (a) where the Registrar General authorises the re-registration, and
        - (b) in such other cases or classes of case as may be prescribed.
      - (1B) A birth may not be re-registered”; and
      - (iv) for “this subsection” there is substituted “subsection (1) above”; and
    - (b) subsection (3) is repealed.
- (3) In section 54 (parliamentary procedure), in subsection (2)—

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- (a) the words “prescribing fees for the purposes of this Act” become paragraph (a) of that subsection; and
- (b) after “Act” there is inserted—
  - “(b) prescribing cases or classes of case for the purpose of section 20(1A)(b) of this Act,”.

## **42 Registration of deaths**

- (1) The 1965 Act is amended in accordance with subsections (2) to (8).
- (2) In section 22 (particulars of deaths to be registered), for subsections (1) to (3) there is substituted—
  - “(1) The prescribed particulars of the death of every person dying in Scotland shall be registered in accordance with this Part of this Act and for that purpose the district registrar for each registration district shall keep a register of deaths.”.
- (3) In section 23 (duty to give information of particulars of death)—
  - (a) in subsection (1)—
    - (i) the words “to attend personally at a registration office and give to the registrar” are repealed;
    - (ii) after “finding,” there is inserted “give”;
    - (iii) for “and to sign the register in the presence of the registrar” there is substituted “to the district registrar for a registration district”; and
    - (iv) in the proviso, the words “and the signing of the register” are repealed;
  - (b) after subsection (1) there is inserted—
    - “(1A) For the purposes of subsection (1), a person shall give information of the prescribed particulars concerning a death to the district registrar for a registration district by—
      - (a) attending personally at the registration office for that district and—
        - (i) giving to the registrar information of the particulars required to be registered concerning the death, and
        - (ii) attesting, in the prescribed manner, the prescribed form (in this Part, the “death registration form”) concerning the death in the presence of the registrar, or
      - (b) submitting to the registrar by a prescribed means a death registration form concerning the death which has been completed by the person and attested by him in the prescribed manner.”; and
    - (c) in subsection (2), the words “or the last foregoing” are repealed.
  - (4) In section 24 (certificate of cause of death)—
    - (a) in subsection (1)—
      - (i) for “registrar” there is substituted “district registrar for a registration district”; and
      - (ii) for “signed” there is substituted “attested, in the prescribed manner.”; and
    - (b) in subsection (2)—

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- (i) for “signed” there is substituted “attested, in the prescribed manner,”; and
  - (ii) for “registrar” there is substituted “district registrar for a registration district”.
- (5) In section 25 (registrar’s power to require information concerning death to be given)—
- (a) in subsection (1)—
    - (i) for “particulars required to be registered” there is substituted “prescribed particulars”;
    - (ii) for “registrar”, where first occurring, there is substituted “district registrar for a registration district”;
    - (iii) after “the”, where ninthly occurring, there is inserted “district”; and
    - (iv) in paragraph (c), for “sign the register” there is substituted “attest, in the prescribed manner, the death registration form concerning the death”;
  - (b) in subsection (2), after “the”, where fourthly occurring, there is inserted “said”; and
  - (c) in subsection (3), after “the”, where first occurring, there is inserted “said”.
- (6) After section 25 there is inserted—

**“25A Provision of death particulars to Registrar General**

- (1) Each Health Board shall in respect of each death that occurs in its area, provide to the Registrar General, in such manner and at such times as the Registrar General and that body may agree, the prescribed particulars.
- (2) The Registrar General shall, as soon as reasonably practicable after the prescribed particulars of a death have been provided to the Registrar General under subsection (1) above, make those particulars available to the district registrar for each registration district.

**25B Registration of deaths**

- (1) Subject to subsection (2) below, the district registrar for a registration district shall register the particulars of a death where, in accordance with this Part of this Act, the registrar has an attested death registration form concerning the death.
  - (2) The registrar is not to register a death in respect of which he obtained the attested death registration form by virtue of section 23(1A)(b) of this Act unless the registrar is satisfied that the prescribed particulars of the death have been—
    - (a) provided to the Registrar General under section 25A of this Act, or
    - (b) provided to the relevant district registrar under section 50 of this Act.
  - (3) For the purposes of this Part of this Act, particulars of a death are registered by entering the death registration form concerning the death in the register of deaths kept by the district registrar performing the registration.”
- (7) In section 26 (prohibition on late registration of deaths)—

- (a) in subsection (1), for “a registrar” there is substituted “the district registrar for a registration district”; and
  - (b) after that subsection there is inserted—
    - “(1A) For the purposes of subsection (1) above, authority which is given by electronic means is to be treated as if in writing if it is received in a form which is legible and capable of being used for subsequent reference.”.
- (8) In section 27 (free certificate of registration of death)—
- (a) in subsection (1), for “registrar” there is substituted “district registrar for a registration district”; and
  - (b) in subsection (3), for “registrar of the registration district in which the death occurred” there is substituted “district registrar for a registration district”.