

2006 No. 597

**REGISTRATION OF BIRTHS, DEATHS, MARRIAGES,
ETC.**

MARRIAGE

**The Registration Services (Attestation and Authentication)
(Scotland) Regulations 2006**

Made - - - - *12th December 2006*

Coming into force - - *1st January 2007*

The Registrar General, in exercise of the powers conferred by sections 15(1) and (2), 16(1)(c), 18(1)(a), 21(2)(a), 24, 25(1)(c), 41, 54(1)(b) and 54A of the Registration of Births, Deaths and Marriages (Scotland) Act 1965(a), sections 3(3A), 5(1) and 24A(2) of the Marriage (Scotland) Act 1977(b) and of all other powers enabling him in that behalf, and with the approval of the Scottish Ministers(c) in accordance with section 54(1) of the 1965 Act and section 25(1) of the 1977 Act, makes the following Regulations:

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Registration Services (Attestation and Authentication) (Scotland) Regulations 2006 and shall come into force on 1st January 2007.

(2) In these Regulations, “the 1965 Act” means the Registration of Births, Deaths and Marriages (Scotland) Act 1965.

Manner of attestation

2. Manuscript signature is the manner of attestation prescribed for the purposes of—

- (a) sections 15(1) and (2), 16(1)(c), 18(1)(a), 21(2)(a), 24 and 25(1)(c) of the 1965 Act; and
- (b) sections 3(3A) and 5(1) of the Marriage (Scotland) Act 1977.

(a) 1965 c.49 (“the 1965 Act”). Section 18(1) was substituted by the Law Reform (Parent and Child) (Scotland) Act 1986 (c.9), Schedule 1, paragraph 8(2). Section 21(2)(a) was amended by the Nurses, Midwives and Health Visitors Act 1979 (c.36), section 24(2), Schedule 7, paragraph 12. Section 54(1) was amended by the Children Act 1975 (c.72), Schedule 4, Part III and the Marriage (Scotland) Act 1977 (c.15), Schedule 3. The powers to prescribe means of attestation and authentication by which these Regulations are made were inserted by the Local Electoral Administration and Registration Services (Scotland) Act 2006 (asp 14) (“the 2006 Act”), sections 39(4)(a)(iii) and (b)(i), (5)(a)(iv) and (8)(a)(iii), 40(2)(b)(ii), 42(4)(a)(ii) and (b)(i), (5)(a)(iv), 44(6) and 47(3). Section 56 of the 1965 Act contains a definition of “prescribed” relevant to the exercise of the statutory powers under which these Regulations are made.

(b) 1977 c.15 (“the 1977 Act”). The powers to prescribe means of attestation by which these Regulations are made were inserted by the 2006 Act, sections 50(2)(c), (3)(a)(ii) and (10). Section 26 contains a definition of “prescribed” relevant to the exercise of the statutory powers under which these Regulations are made.

(c) The functions of the Secretary of State under the 1965 and 1977 Acts were transferred to the Scottish Ministers by virtue of section 53 of the Scotland Act 1998 (c.46).

Authentication of extracts

3. An extract issued under the 1965 Act is–

- (a) if such an extract is issued from the General Register Office, to be sealed and stamped with the seal of that office; and
- (b) if issued from a local registration office, to be signed by the district registrar.

New Register House,
Edinburgh
12th December 2006

PAUL MPARR
Deputy Registrar General for Scotland

Approved by the Scottish Ministers

St Andrew's House,
Edinburgh
12th December 2006

GEORGE LYON
Authorised to sign by the Scottish Ministers

EXPLANATORY NOTE

(This note is not part of the Regulations)

Part 2 of the Local Electoral Administration and Registration Services (Scotland) Act 2006 made amendments to the Registration of Births, Deaths and Marriages (Scotland) Act 1965 and the Marriage (Scotland) Act 1977 which enable the Registrar General to prescribe the manner of attestation for certain things done, and authentication of extracts issued, under those Acts.

These Regulations re-prescribe the existing manuscript signature for attestation (regulation 2), and sealing or stamping with the seal of the General Register Office or signature of the district registrar for authentication (regulation 3).

A Regulatory Impact Assessment has not been produced for this instrument as it has no impact on costs to business.

2006 No. 597

**REGISTRATION OF BIRTHS, DEATHS, MARRIAGES,
ETC.**

MARRIAGE

The Registration Services (Attestation and Authentication)
(Scotland) Regulations 2006

£3.00

© Crown Copyright 2006

Printed in the UK by The Stationery Office Limited
under the authority and superintendence of Carol Tullo, the Queen's Printer for Scotland