

2007 No. 54

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

**The Registration of Births, Deaths and Marriages
(Re-registration) (Scotland) Regulations 2007**

Made - - - - *6th February 2007*
Laid before the Scottish Parliament *7th February 2007*
Coming into force - - *1st March 2007*

The Registrar General, in exercise of the powers conferred by sections 20(1A)(b) and 54(1)(b) of the Registration of Births, Deaths and Marriages (Scotland) Act 1965(a), and with the approval of the Scottish Ministers(b) in accordance with section 54(1) of that Act, makes the following Regulations:

Citation and commencement

1. These Regulations may be cited as the Registration of Births, Deaths and Marriages (Re-registration) (Scotland) Regulations 2007 and shall come into force on 1st March 2007.

Re-registration for the purposes of section 20(1A)(b) of the Registration of Births, Deaths and Marriages (Scotland) Act 1965

2.—(1) For the purposes of section 20(1A)(b) (re-registration in certain cases: prescribed cases or classes of case) of the Registration of Births, Deaths and Marriages (Scotland) Act 1965 a district registrar may re-register a birth without the written authority of the Registrar General only in the 3 classes of case described in paragraphs (2), (3) and (5) (which may be dealt with in the same application) and in accordance with the requirements of the Act and the Registration of Births, Deaths, Marriages (Miscellaneous Provisions) (Scotland) Regulations 1965(c).

(2) The first class of case is re-registration under section 20(1)(a) of the Act (birth entry affected by Register of Corrections Etc. respecting status, parentage or non-parentage) where the matter contained in the Register of Corrections Etc. is as respects the person's parentage, non-parentage or paternity.

(3) The second class of case is re-registration under section 20(1)(c) of the Act (birth entry implies that parents were not married to one another and they subsequently so marry) where the person who has subsequently married the mother has been registered as the father of the child in the birth entry concerned.

(a) 1965 c.49 ("the 1965 Act"). Section 20(1A)(b) was inserted by the Local Electoral Administration and Registration Services (Scotland) Act 2006 (asp 14), section 41(2). Section 1 contains a definition of "Registrar General" and section 56 contains a definition of "prescribed" relevant to the exercise of the statutory powers under which these Regulations are made.
(b) 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).
(c) S.I. 1965/1838, amended by 1984/267.

(4) An application for re-registration of a person's birth under paragraph (2) or (3) may be made—

- (a) if the person is under 16 years of age, by any person having parental responsibilities in relation to that person (whether or not the person with those responsibilities has attained the age of 16 years); or
- (b) if the person is of or over 16 years of age, by the person him or herself.

(5) The third class of case is re-registration where the person who is the subject of the birth entry has died or was a still-born child,—

- (a) under section 20(1)(a) of the Act where the matter contained in the Register of Corrections Etc. is as respects the person's parentage, non-parentage or paternity; or
- (b) under section 20(1)(c) of the Act.

(6) An application for re-registration of a person's birth under paragraph (5) may be made—

- (a) if the person's mother is married, by the mother or her husband; or
- (b) if the person's mother is not married, by the mother, or if the mother is dead, by a person who has been registered as the father of the child in the birth entry concerned,

unless the mother, husband or other person described in sub-paragraph (b) had been deprived of parental responsibilities prior to the death of the person who is the subject of the birth entry.

(7) For the purposes of paragraphs (4) and (6), a person has parental responsibilities (or not) or has been deprived (or not), notwithstanding that the person holds or has not been deprived of the right to agree or decline to agree to the making of an application under section 18 (freeing for adoption) or 55 (adoption abroad) of the Adoption Act 1976(a), section 18 or 49 of the Adoption (Scotland) Act 1978(b) or under Article 17, 18 or 57 of the Adoption (Northern Ireland) Order 1987(c) (corresponding provision for Scotland and Northern Ireland).

PAUL M PARR
Deputy Registrar General for Scotland

New Register House,
Edinburgh
6th February 2007

Approved by the Scottish Ministers

GEORGE LYON
Authorised to sign by the Scottish Ministers

St Andrew's House,
Edinburgh
6th February 2007

(a) 1976 c.36; there are amendments to sections 18 and 55 not relevant to these Regulations.
(b) 1978 c.28; there are amendments to sections 18 and 49 not relevant to these Regulations.
(c) S.I. 1987/2203 (N.I. 22), to which there are amendments not relevant to these Regulations.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations prescribe classes of case in which district registrars may re-register births under section 20 of the Registration of Births, Deaths and Marriages (Scotland) Act 1965 (“the 1965 Act”) without authorisation by the Registrar General for Scotland (regulation 2).

The re-registration so allowed must be in accordance with the restrictions in section 20(1)(a) or (c) of the 1965 Act and the Registration of Births, Deaths and Marriages (Miscellaneous Provisions) (Scotland) Regulations 1965 (“the 1965 Regulations”). For instance, under regulation 6 of the 1965 Regulations an unmarried father is not an informant qualified to provide information in relation to a birth (by reference to regulation 6 of the 1965 Regulations and section 14(2) of the 1965 Act), although they can apply for re-registration.

The amendments made to the 1965 Regulations by the Registration Services (Miscellaneous Provisions) (Scotland) Regulations 2007 (S.S.I. 2007/52) are also relevant to these Regulations.

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

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