



Registration of Births, Deaths and Marriages (Scotland) Act 1965

1965 CHAPTER 49

PART I

GENERAL ORGANISATION OF REGISTRATION SERVICE

Local Organisation

5 Registration districts and registration authorities

- (1) For the purposes of this Act Scotland shall be divided into districts (in this Act referred to as "registration districts").
- (2) Subject to the next following section, the said districts shall be the districts constituted as districts for registration purposes immediately before the commencement of this Act.
- (3) For each registration district there shall be a local registration authority which shall be the local authority responsible for the district immediately before the commencement of this Act.
- (4) References in this Act to the area of a local registration authority are references to the area consisting of all the registration districts for which that authority is the local registration authority.

6 Alteration of registration districts

- (1) If a local registration authority or two or more adjoining local registration authorities consider it expedient that the number, boundaries or titles of the registration districts within their area or areas, as the case may be, should be altered they may, after consultation with the Registrar General, prepare and submit to the Secretary of State a scheme for that purpose.

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- (2) A scheme under this section shall specify the date on which the scheme is to come into operation, and may specify different dates for different provisions of the scheme.
- (3) Before a scheme under this section is submitted to the Secretary of State the local registration authority or authorities, as the case may be, shall publish in at least two newspapers circulating in their area a notice—
 - (a) stating the general effect of the scheme ;
 - (b) specifying a place in the area where a copy of the scheme, and of any relevant map, may be inspected by any person free of charge at all reasonable hours during a period of one month from the date of the publication of the notice ; and
 - (c) stating that, within the said period, any person may by notice to the Secretary of State object to the approval of the scheme.
- (4) The Secretary of State may, if he thinks fit, cause a local inquiry to be held in respect of any scheme submitted to him under this section; and subsections (2) to (9) of section 355 of the Local Government (Scotland) Act 1947 shall apply in relation to any such inquiry, with the substitution for any reference to the local authority of a reference to the local registration authority and with any other necessary modifications.
- (5) The Secretary of State, after considering any representations duly made to him, and, where a local inquiry is held, the report of the person who held the inquiry, may approve, with or without modifications, any scheme submitted to him under this section; and the scheme as so approved shall have effect accordingly.
- (6) A scheme under this section may contain such incidental, consequential or supplemental provisions as may appear necessary or proper for the purposes of the scheme, and may be varied or revoked by a subsequent scheme under this section.

7 Senior and district registrars and other staff

- (1) Subject to the following provisions of this section a local registration authority shall appoint for each registration district in their area a registrar of births, deaths and marriages (in this Act referred to as a "district registrar"), and may appoint—
 - (a) such additional district registrars for any registration district in their area as they think necessary;
 - (b) one or more senior registrars of births, deaths and marriages (in this Act referred to as " senior registrars ");
 - (c) such assistant registrars of births, deaths and marriages (in this Act referred to as " assistant registrars ") for any registration district in their area or for the purposes of section 9(1) of this Act as they think necessary.

A senior registrar appointed under paragraph (b) of this subsection may be a person who already holds the appointment of district registrar.

- (2) A local registration authority shall not exercise the power conferred on them by paragraph (a) or (b) of the foregoing subsection except after consultation with the Registrar General, and on making an appointment under this section shall forthwith inform the Registrar General of the name and surname of the person appointed and the date when his appointment is to take effect.
- (3) No person shall be appointed to any office mentioned in subsection (1) or (8) of this section unless he possesses the appropriate qualifications.

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- (4) Any person who at the commencement of this Act holds the appointment of a registrar, interim registrar or an assistant registrar under any council which is a local registration authority shall be deemed to hold his appointment, as a district registrar, an additional district registrar, interim district registrar or an assistant registrar, as the case may be, under that local registration authority by virtue of this section, whether or not he possesses the appropriate qualifications.
- (5) Any person holding, or deemed to be holding, an appointment under this section shall have the functions set out in this Act and such functions as may be prescribed in relation to that appointment, and in exercising his functions under this or any other Act shall be subject to such instructions or directions as the Registrar General may give.
- (6) Without prejudice to the last foregoing subsection or to section 5 of the Local Government Superannuation (Scotland) Act 1937 any person holding, or deemed to be holding, an appointment under this section shall be deemed to be an employee of the local registration authority by whom he was appointed to that appointment.
- (7) Any person holding, or deemed to be holding, an appointment under this section may be removed from office by the local registration authority under which he holds the appointment:

Provided that, if he has not reached the age of compulsory retirement having effect under section 7 of the Local Government Superannuation (Scotland) Act 1937, he shall not be removed from office under this subsection except after consultation between the local registration authority and the Registrar General.

- (8) If a vacancy occurs in the office of district registrar for any registration district the local registration authority shall, if for any reason they are unable to fill the vacancy immediately,—
 - (a) forthwith appoint an interim district registrar, and
 - (b) proceed to fill the vacancy as soon as is reasonably practicable;

and if the local registration authority fail to fill the vacancy within a reasonable time, the Registrar General may require the authority to do so within such period, being not less than twenty-eight days from the date of the giving of the requirement, as may be specified in the requirement, and, if the authority fail to fill the vacancy within that period, the vacancy shall be filled by the Secretary of State on the application of the Registrar General.

Any person appointed by the Secretary of State under this subsection to fill a vacancy shall be deemed to have been appointed by the local registration authority concerned.

- (9) A local registration authority shall provide such officers and servants as are, in their opinion, required to enable any person holding, or deemed to be holding, an appointment under this section to exercise his functions.
- (10) Any person holding, or deemed to be holding, an appointment under this section and any person employed by virtue of the last foregoing subsection shall receive from the local registration authority such remuneration and allowances as that authority after consultation with the Registrar General may determine.
- (11) (a) The Secretary of State may by regulations provide for the payment by a local registration authority, subject to such exceptions or conditions as may be specified in the regulations, of compensation to or in respect of any person holding or deemed to be holding an appointment under this section or any officer or servant provided under subsection (9) of this section, or any person

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who, but for such service of his as may be so specified, would be such a person, officer or servant as aforesaid, who suffers loss of employment or loss or diminution of emoluments which is attributable to any provision contained in this Act or in a scheme under the last foregoing section or anything done in pursuance of this Act or of any such scheme.

- (b) Different regulations may be made under this subsection in relation to different classes of persons.
 - (c) Regulations made under this subsection may include provision as to the manner in which and the persons to whom any claim for compensation by virtue of this subsection is to be made, and for the determination of all questions arising under the regulations.
 - (d) Regulations made under this subsection shall be made by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (12) Any reference in this Act or any other Act to the district registrar for a registration district includes, unless the context otherwise requires, a reference to any additional district registrar or interim district registrar for that district; and anything required by this Act or any other Act to be done by or before the district registrar for a registration district may be done by or before any assistant registrar for that district.
- (13) In this section " appropriate qualifications ", in relation to any appointment, means such qualifications as the Registrar General may from time to time determine, and " appointment under this section " means an appointment under subsection (1) or (8) of this section.

8 Registration offices

- (1) Every local registration authority shall provide and maintain for each registration district in their area a registration office, shall defray the running expenses thereof, and shall provide therein to the satisfaction of the Registrar General a suitable fireproof repository or fireproof safes or cabinets for the safe custody of the records in the custody of the district registrar or registrars.
- (2) For avoidance of doubt it is declared that a registration office for any registration district need not be situated within the district, and may consist of accommodation in the dwelling house of the district registrar for the district or in an office used by any such registrar for other purposes, subject to agreement as to terms between the authority and the registrar.
- (3) It shall be a duty of the district registrar for a registration district to arrange that either he or any additional district registrar or an assistant registrar for the district is in attendance at the registration office for the district on such days and at such hours as may be fixed by the local registration authority with the approval of the Registrar General, for the purpose of registering births, deaths and marriages.
- (4) Every local registration authority shall cause to be displayed in a conspicuous position on or near the outside of the main entrance to the registration office for each registration district in their area a notice stating, in characters which can conveniently be read by the public, the name of the registration district and the hours fixed for attendance at the office under the last foregoing subsection.
- (5) Every local registration authority shall make arrangements for the custody by their county clerk or, as the case may be, their town clerk of duplicates of all necessary

keys for each repository, safe or cabinet provided by them under subsection (1) of this section.

9 Area repositories

- (1) A local registration authority may, with the approval of the Registrar General, provide and maintain a suitable repository or repositories for the deposit of such registers and other documents connected with the registration service in their area as may be agreed from time to time between the authority and the Registrar General; and all registers and documents so deposited shall be placed in the custody of a senior registrar or a district registrar who shall in relation thereto carry out the functions assigned by or under this Act to a district registrar in relation to registers and documents kept in a registration office for a registration district.

Anything required by this subsection to be done by a senior registrar or district registrar may be done by an assistant registrar designated for the purpose.

- (2) Two or more local registration authorities may combine for the purpose of executing their functions under this section but shall not so combine without the approval of the Registrar General; and section 119 of the Local Government (Scotland) Act 1947 (voluntary combination of local authorities) shall apply accordingly subject to such approval.

10 Delivery up of books etc. on ceasing to hold office

- (1) When any person ceases to hold the office of senior registrar, district registrar, additional district registrar, interim district registrar or assistant registrar, all registers, safes, cabinets, keys, books and documents in his possession as holder of that office shall be delivered up to his successor in office or, if there is no successor, to such person as the Registrar General may designate.
- (2) If any person who has in his custody or control any such article as aforementioned wilfully fails to deliver it up to, or account for it to the satisfaction of, the person in whose custody it should be, he shall be guilty of an offence, and on summary conviction shall be liable to a fine not exceeding £100.
- (3) If, on an application by the Registrar General or some other person appointed by him for the purpose, a sheriff or justice of the peace is satisfied by evidence on oath that there is reasonable cause to believe that any article withheld in contravention of this section is in any specified premises or place, he may grant a warrant authorising any constable to enter and search those premises or that place at any time and seize any such article found therein, and any article so seized shall be delivered to the person in whose custody it should be.

11 General provision as to fees

Subject to such exceptions as may be prescribed, a district registrar may refuse to comply with any application voluntarily made to him under this Act until the appropriate fee, if any, provided for by this Act is paid to him; and any such fee, if not prepaid, shall be recoverable by the registrar to whom it is payable.

12 Fees to be accounted for

Every district registrar shall, at such times and in such manner as the local registration authority may require, account to the local registration authority under whom he is employed for all fees received by, or payable to, him in respect of the execution of his duties under this Act.