



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

1965 CHAPTER 49

PART I

GENERAL ORGANISATION OF REGISTRATION SERVICE

Central Organisation

1 The Registrar General.

- (1) The office of the Registrar General of Births, Deaths and Marriages for Scotland shall continue, and any vacancy in that office shall be filled by an appointment made by the [^{F1}Scottish Ministers].
- (2) References in this Act to the Registrar General are references to the person for the time being holding the said office.
- (3) The Registrar General shall exercise the functions pertaining to the said office by virtue of this or any other Act; and subject to that general duty, shall have power to do all such things as appear to him necessary or expedient for maintaining the utility and efficiency of the registration service in Scotland.
- (4) The Registrar General shall send to the Secretary of State annually, in such form as the Secretary of State may from time to time require, a report containing the numbers of births, deaths and marriages registered in Scotland in the year to which the report relates and such other information as the Registrar General thinks expedient or the Secretary of State may require; and the Secretary of State shall lay every such report before each House of Parliament.

Changes to legislation: There are currently no known outstanding effects for the Registration of Births, Deaths and Marriages (Scotland) Act 1965, Part I. (See end of Document for details)

Textual Amendments

- F1** Words in s. 1(1) substituted (1.7.1999) by 1998 c. 46, s. 125, **Sch. 8 para. 12** (with s. 126(3)-(11)); S.I. 1998/3178, **art. 2(1)**

2 Registrar General's staff.

- (1) The Registrar General may appoint a Deputy Registrar General and ^{F2} . . . , such other officers including district examiners as he may determine.
- (2) Any officer employed at the commencement of this Act under the Registrar General for the purposes of any other enactment or of any enactment repealed by this Act shall be deemed to have been appointed in pursuance of the power conferred by the foregoing subsection.
- (3) Any act or thing required by or under any enactment to be done by, to or before the Registrar General may be done by, to, or before the Deputy Registrar General.

Textual Amendments

- F2** Words in s. 2(1) repealed (1.7.1999) by S.I. 1999/1820, arts. 1(2), 4, **Sch. 2 Pt. I para. 37(2)**, Pt. IV

3 General Register Office.

- (1) There shall be maintained for the purposes of this Act premises which shall be known as the General Register Office of Births, Deaths and Marriages in Scotland (in this Act referred to as “the General Register Office”).
- (2) Any registers in the custody of the Registrar General by virtue of this or any other Act shall be kept and preserved in the General Register Office.
- (3) The Registrar General may, with the approval of the [^{F3}Scottish Ministers], direct that any other premises shall be used for the deposit of any registers or records in the custody of the Registrar General by virtue of this or any other Act, and such premises, so long as they are so used, shall be deemed for the purposes of the last foregoing subsection to be part of the General Register Office.

Textual Amendments

- F3** Words in s. 3(3) substituted (1.7.1999) by S.I. 1999/1820, arts. 1(2), 4, **Sch. 2 Pt. I para. 37(3)**

^{F4}4

Textual Amendments

- F4** S. 4 repealed (1.7.1999) by S.I. 1999/1820, arts. 1(2), 4, **Sch. 2 Pt. I para. 37(4)**, Pt. IV

Changes to legislation: There are currently no known outstanding effects for the Registration of Births, Deaths and Marriages (Scotland) Act 1965, Part I. (See end of Document for details)

Local Organisation

[^{F5} Registration districts and local registration authorities

- (1) For the purposes of this Act, the area of each local authority shall be a registration district.
- (2) There shall be a local registration authority for each registration district.
- (3) The local registration authority for a registration district shall be the local authority whose area comprises that district.]

Textual Amendments

- F5** S. 5 substituted (1.1.2007) by [Local Electoral Administration and Registration Services \(Scotland\) Act 2006 \(asp 14\)](#), **ss. 37(2)**, 63(2); S.S.I. 2006/469, art. 3, Sch. 2 (with art. 4)

^{F6} Alteration of registration districts.

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Textual Amendments

- F6** S. 6 repealed (1.1.2007) by [Local Electoral Administration and Registration Services \(Scotland\) Act 2006 \(asp 14\)](#), **ss. 37(3)**, 63(2); S.S.I. 2006/469, art. 3, Sch. 2 (with art. 4)

7 Senior and district registrars and other staff.

- (1) Subject to the following provisions of this section a local registration authority shall appoint for [^{F7}their registration district] 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 [^{F8}their registration district] 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 [^{F9}their registration district] 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 . . . ^{F10} 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:
^{F11} ...
- (8) If a vacancy occurs in the office of district registrar for [^{F12}their] 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 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 ^{F13}... or anything done in pursuance of this Act ^{F13}....

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- (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.

Textual Amendments

- F7** Words in s. 7(1) substituted (1.1.2007) by [Local Electoral Administration and Registration Services \(Scotland\) Act 2006 \(asp 14\), ss. 37\(4\)\(a\)](#), 63(2); S.S.I. 2006/469, art. 3, Sch. 2 (with art. 4)
- F8** Words in s. 7(1)(a) substituted (1.1.2007) by [Local Electoral Administration and Registration Services \(Scotland\) Act 2006 \(asp 14\), ss. 37\(4\)\(b\)](#), 63(2); S.S.I. 2006/469, art. 3, Sch. 2 (with art. 4)
- F9** Words in s. 7(1)(c) substituted (1.1.2007) by [Local Electoral Administration and Registration Services \(Scotland\) Act 2006 \(asp 14\), ss. 37\(4\)\(c\)](#), 63(2); S.S.I. 2006/469, art. 3, Sch. 2 (with art. 4)
- F10** Words repealed by [S.I. 1974/812, Sch. 17 Pt. II](#)
- F11** Words in s. 7(7) repealed (1.1.2007) by [Local Electoral Administration and Registration Services \(Scotland\) Act 2006 \(asp 14\), ss. 59\(1\)\(a\)](#), 63(2); S.S.I. 2006/469, art. 3, Sch. 2 (with art. 4)
- F12** Word in s. 7(8) substituted (1.1.2007) by [Local Electoral Administration and Registration Services \(Scotland\) Act 2006 \(asp 14\), ss. 37\(4\)\(d\)](#), 63(2); S.S.I. 2006/469, art. 3, Sch. 2 (with art. 4)
- F13** Words in s. 7(11)(a) repealed (1.1.2007) by [Local Electoral Administration and Registration Services \(Scotland\) Act 2006 \(asp 14\), ss. 37\(4\)\(e\)](#), 63(2); S.S.I. 2006/469, art. 3, Sch. 2 (with art. 4)

8 Registration offices.

- (1) Every local registration authority shall provide and maintain for [^{F14}their registration district] a registration office [^{F15}which may comprise principal premises and such subordinate premises as they may, with the approval of the Registrar General, consider appropriate], 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

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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.
- [^{F16}(3A) Different days and different hours may be fixed under subsection (3) above for each of the premises provided and maintained by the local registration authority as part of the registration office.]
- (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 [^{F17}their registration district] 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 [^{F18}those premises] under [^{F19}subsection (3) above].
- (5) Every local registration authority shall make arrangements for the custody . . . ^{F20}of duplicates of all necessary keys for each repository, safe or cabinet provided by them under subsection (1) of this section.
- [^{F21}(6) References in this Act to the registration office shall, unless the context otherwise requires, be construed as including all the premises provided and maintained by a local registration authority as parts of the registration office.]

Textual Amendments

- F14** Words in s. 8(1) substituted (1.1.2007) by [Local Electoral Administration and Registration Services \(Scotland\) Act 2006 \(asp 14\), ss. 37\(5\)\(a\)](#), 63(2); S.S.I. 2006/469, art. 3, Sch. 2 (with art. 4)
- F15** Words in s. 8(1) inserted (4.1.1995) by 1994 c. 39, [s. 51\(3\)\(a\)](#) (with s. 7(2)); S.I. 1994/2850, art. 3(a), [Sch. 2](#)
- F16** [S. 8\(3A\)](#) inserted (1.1.2007) by [Local Electoral Administration and Registration Services \(Scotland\) Act 2006 \(asp 14\), ss. 38](#), 63(2); S.S.I. 2006/469, art. 3, Sch. 2 (with art. 4)
- F17** Words in s. 8(4) substituted (1.1.2007) by [Local Electoral Administration and Registration Services \(Scotland\) Act 2006 \(asp 14\), ss. 37\(5\)\(b\)\(i\)](#), 63(2); S.S.I. 2006/469, art. 3, Sch. 2 (with art. 4)
- F18** Words in s. 8(4) substituted (1.1.2007) by [Local Electoral Administration and Registration Services \(Scotland\) Act 2006 \(asp 14\), ss. 37\(5\)\(b\)\(ii\)](#), 63(2); S.S.I. 2006/469, art. 3, Sch. 2 (with art. 4)
- F19** Words in s. 8(4) substituted (1.1.2007) by [Local Electoral Administration and Registration Services \(Scotland\) Act 2006 \(asp 14\), ss. 37\(5\)\(b\)\(iii\)](#), 63(2); S.S.I. 2006/469, art. 3, Sch. 2 (with art. 4)
- F20** Words repealed by [Local Government \(Scotland\) Act 1973 \(c. 65\), Sch. 29](#)
- F21** [S. 8\(6\)](#) inserted (4.1.1995) by 1994 c. 39, [s. 51\(3\)\(b\)](#) (with s. 7(2)); S.I. 1994/2850, art. 3(a), [Sch. 2](#)

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 [^{F22}registration district] 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

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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 [F23] sections 56 to 58 of the M1 Local Government (Scotland) Act 1973] (voluntary combination of local authorities) shall apply accordingly subject to such approval.

Textual Amendments

F22 Words in s. 9(1) substituted (1.1.2007) by [Local Electoral Administration and Registration Services \(Scotland\) Act 2006](#) (asp 14), ss. 37(6), 63(2); S.S.I. 2006/469, art. 3, Sch. 2 (with art. 4)

F23 Words substituted by [Local Government \(Scotland\) Act 1973](#) (c. 65), s. 166(2)(d)

Marginal Citations

M1 1973 c. 65.

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 [F24] level 3 on the standard scale].
- (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.

Textual Amendments

F24 Words substituted by virtue of [Criminal Procedure \(Scotland\) Act 1975](#) (c. 21, SIF 39:1), ss. 289F, 289G

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 [F25] or the M2 Marriage (Scotland) Act 1977] until the appropriate fee, if any, provided for by [F26] or

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under this Act or the ^{M3}Marriage (Scotland) Act 1977] is paid to him; and any such fee, if not prepaid, shall be recoverable by the registrar to whom it is payable.

Textual Amendments

F25 Words inserted by [Marriage \(Scotland\) Act 1977 \(c. 15\)](#), **Sch. 2 para. 6(a)**

F26 Words substituted by [Marriage \(Scotland\) Act 1977 \(c. 15\)](#), **Sch. 2 para. 6(b)**

Marginal Citations

M2 [1977 c. 15](#).

M3 [1977 c. 15](#).

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 [^{F27F28}... the ^{M4}Marriage (Scotland) Act 1977 [^{F29}and Part 2 of the Local Electoral Administration and Registration Services (Scotland) Act 2006 (asp 14)].]

Textual Amendments

F27 Words added by [Marriage \(Scotland\) Act 1977 \(c. 15\)](#), **Sch. 2 para. 7**

F28 Word in [s. 12](#) repealed (1.10.2006) by [Local Electoral Administration and Registration Services \(Scotland\) Act 2006 \(asp 14\)](#), **ss. 59(1)(b)(i)**, 63(2); S.S.I. 2006/469, art. 2, Sch. 1 (with art. 4)

F29 Words in [s. 12](#) inserted (1.10.2006) by [Local Electoral Administration and Registration Services \(Scotland\) Act 2006 \(asp 14\)](#), **ss. 59(1)(b)(ii)**, 63(2); S.S.I. 2006/469, art. 2, Sch. 1 (with art. 4)

Marginal Citations

M4 [1977 c. 15](#).

Changes to legislation:

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