



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

1965 CHAPTER 49

PART III

REGISTRATION OF DEATHS

22 Particulars of deaths to be registered.

- (1) For every registration district there shall be kept by the district registrar a register of deaths containing such particulars as may be prescribed, which particulars shall include the cause of death; and the prescribed particulars of the death of every person dying in Scotland shall, subject to the following provisions of this Part of this Act, be registered by the registrar in the register of deaths kept for the appropriate district, or, if there are two appropriate districts, in the register of deaths kept for either of them.
- (2) In the foregoing subsection, and in the following provisions of this Part of this Act, “the registrar” in relation to the death of any person means the district registrar for the appropriate district, or, if there are two appropriate districts, the district registrar for either of them; and any reference in the following provisions of this Part of this Act to the register of deaths in relation to the death of any person shall be construed as a reference to the register in which the particulars of the death are, or may be, registered in pursuance of the said subsection.
- (3) For the purposes of the foregoing subsections the appropriate districts in relation to the death of any person shall be—
 - (a) the registration district in which the death took place; and
 - (b) any other registration district in which the deceased was ordinarily resident immediately before his death; and
 - (c) in a case where the body of a dead person is found and the place in which the death took place is unknown, either the registration district in which the body was found or any other registration district which is appropriate by virtue of the preceding paragraph.

Status: Point in time view as at 01/02/1991.

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

- (4) Where a person dies (whether within or out of Scotland) in a ship, aircraft or land vehicle during the course of a journey, and the body of that person is brought by such ship, aircraft or land vehicle to any place in Scotland, the death shall, unless the Registrar General otherwise directs, be deemed for the purposes of the last foregoing subsection to have occurred at that place.

23 Duty to give information of particulars of death.

- (1) Subject to the subsequent provisions of this Part of this Act, in the case of every death it shall be the duty of—
- (a) any relative of the deceased;
 - (b) any person present at the death;
 - (c) the deceased's executor or other legal representative;
 - (d) the occupier, at the time of death, of the premises where the death took place; or
 - (e) if there is no such person as is mentioned in the foregoing paragraphs, any other person having knowledge of the particulars to be registered,
- to attend personally at the registration office and give to the registrar, within eight days, or such other period, not being less than three days, as may be prescribed, from the date of the death or, in a case where the body of a dead person has been found, from the date of the finding, information to the best of his knowledge and belief of the particulars required to be registered concerning the death, and to sign the register in the presence of the registrar:
- Provided that the giving of that information and the signing of the register by any one of those persons shall constitute a discharge of any duty imposed by this subsection on any other person.
- (2) Nothing in this or the last foregoing section shall authorise the registration of the particulars of any death in two or more registers, or more than once in any one register.
- (3) If it appears to the Registrar General that the particulars of the death of any person have been registered in two or more registers, or more than once in any one register, he may give directions for the cancellation of all those registrations except such one of them as may be specified in the directions.

24 Certificate of cause of death.

- (1) For the purpose of enabling information to be given, in pursuance of the last foregoing section, of the cause of death of any person, any registered medical practitioner who was in attendance on the deceased during his last illness shall, within seven days, or such other period, not being less than two days, as may be prescribed, after the death of the person, transmit to any person who is a qualified informant in relation to the death, or to the registrar, a certificate in the prescribed form signed by the medical practitioner stating to the best of his knowledge and belief the cause of death.
- Different forms of certificate may be prescribed in respect of persons of different ages, and in the case of the death of a child under one year of age such forms may provide for the giving of particulars of the condition of the mother before the death of the child.
- (2) If there was no registered medical practitioner in attendance on the deceased during his last illness, or if any registered medical practitioner, having been in attendance as aforesaid, is unable to provide a certificate such as is required by the last foregoing

Status: Point in time view as at 01/02/1991.

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

subsection, such a certificate may be signed by any medical practitioner who is able to do so, and may be transmitted by him to any person who is a qualified informant in relation to the death, or to the registrar.

25 Registrar's power to require information concerning death to be given.

- (1) Where after the expiration of eight days, or such other period, not being less than three days, as may be prescribed, from the date of the death of any person, or the finding of the dead body of any person, information of the particulars required to be registered concerning the death of that person has not been given to the registrar in accordance with section 23 of this Act, the registrar for the registration district in which the death occurred may serve a notice in the prescribed form on any person who is a qualified informant in relation to the death requiring him—
 - (a) to attend personally at the registration office for the registration district before such date (being not less than eight days nor more than fifteen days after the date of service of the notice) as may be specified in the notice;
 - (b) to give information to the best of that person's knowledge and belief of the particulars required to be registered concerning the death; and
 - (c) to sign the register in the presence of the registrar.
- (2) If any person on whom a notice has been served in pursuance of the foregoing subsection fails to comply with the notice before the date specified therein the registrar may serve on that person a second notice in the prescribed form requiring him to attend personally as aforesaid within eight days from the date of service of the second notice.
- (3) If on summary application by the registrar it appears to the sheriff that any person on whom a second notice has been served in pursuance of the last foregoing subsection has failed without reasonable cause to comply therewith within the period specified therein, the sheriff may grant decree ordaining the person to comply with the notice within such further period as may be specified in the decree; and any such decree may be enforced in like manner as a decree *ad factum praestandum*.
- (4) Any notice served under subsection (1) or subsection (2) of this section shall cease to have effect if, before it is complied with, particulars of the death are duly registered.

26 Registration after expiration of three months from date of death or finding of body.

- (1) In no case shall the particulars of the death of any person be registered by a registrar after the expiration of three months from the date of the death or, in the case of a person whose dead body has been found, from the date of finding, without the authority in writing of the Registrar General.
- (2) The Registrar General may authorise the registration of the particulars of the death of a person after the expiration of the said period although the information required for the registration of the particulars has not been given by a qualified informant: Provided that the Registrar General shall not exercise his power under this subsection unless he is satisfied, after such inquiry as he thinks necessary, that the correct particulars concerning the death are available.

Status: Point in time view as at 01/02/1991.

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

27 Free certificate of registration of death.

- (1) At the time of registering the death of any person, the registrar shall without charge give to the informant a certificate in the prescribed form that such death has been registered.
- (2) The person to whom a certificate is given under the foregoing subsection shall transmit it either directly or by the hand of the undertaker to the person having charge of the place of interment or cremation previous to the interment or cremation taking place.
- (3) In the case of a death in Scotland where the body is buried in a place of interment and no such certificate shall have been so delivered, the person having charge of the place of interment shall, within three days from the date of burial, give notice thereof in the prescribed form to the registrar of the registration district in which the death occurred.

28 Intimation of certain deaths by registrar to Procurator-Fiscal and vice-versa.

- (1) Where in accordance with any instruction or direction given by the Registrar General under section 7(5) of this Act any particulars concerning a death have been communicated by a registrar to a procurator-fiscal—
 - (a) if the procurator-fiscal obtains a precognition as to the death, and that precognition shows that the particulars so communicated appear to him to be correct and complete, the procurator-fiscal shall forthwith send a notice to that effect to the Registrar General;
 - (b) if the procurator-fiscal obtains such a precognition and that precognition does not confirm that the said particulars are correct and complete, the procurator-fiscal shall forthwith send to the Registrar General a notice indicating the result of the precognition, and the Registrar General shall thereupon cause to be made such entry in the Register of Corrections Etc. as he thinks proper;
 - (c) if the procurator-fiscal decides to obtain no such precognition, he shall send a notice of that decision to the Registrar General.
- (2) Where a procurator-fiscal receives, otherwise than from a registrar, information concerning any death which the registrar would, if he had knowledge thereof, be required to communicate to him, he shall send the registrar a notice containing the information.

Status:

Point in time view as at 01/02/1991.

Changes to legislation:

There are currently no known outstanding effects for the Registration of Births, Deaths and Marriages (Scotland) Act 1965, Part III.