



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

1965 CHAPTER 49

PART III

REGISTRATION OF DEATHS

22 Particulars of deaths to be registered.

[^{F1}(1) The prescribed particulars of the death of every person dying in Scotland shall be registered in accordance with this Part of this Act and for that purpose the district registrar for each registration district shall keep a register of deaths.]

- (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.

Textual Amendments

- F1** S. 22(1) substituted for s. 22(1)-(3) (1.10.2006 for specified purposes) by [Local Electoral Administration and Registration Services \(Scotland\) Act 2006 \(asp 14\)](#), ss. 42(2), 63(2); S.S.I. 2006/469, art. 2, Sch. 1 (with art. 4)

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—
- any relative of the deceased;
 - any person present at the death;
 - the deceased's executor or other legal representative;

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- (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,

^{F2}..., 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, [^{F3}give] information to the best of his knowledge and belief of the particulars required to be registered concerning the death, [^{F4}to the district registrar for a registration district]:

Provided that the giving of that information ^{F5}... by any one of those persons shall constitute a discharge of any duty imposed by this subsection on any other person.

[^{F6}(1A) For the purposes of subsection (1), a person shall give information of the prescribed particulars concerning a death to the district registrar for a registration district by—

- (a) attending personally at the registration office for that district and—
 - (i) giving to the registrar information of the particulars required to be registered concerning the death, and
 - (ii) attesting, in the prescribed manner, the prescribed form (in this Part, the “death registration form”) concerning the death in the presence of the registrar, or
- (b) submitting to the registrar by a prescribed means a death registration form concerning the death which has been completed by the person and attested by him in the prescribed manner.]

(2) Nothing in this ^{F7}... 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.

Textual Amendments

- F2** Words in s. 23(1) repealed (1.10.2006 for specified purposes, 24.9.2022 in so far as not already in force) by [Local Electoral Administration and Registration Services \(Scotland\) Act 2006 \(asp 14\)](#), **ss. 42(3)(a)(i)**, 63(2); S.S.I. 2006/469, art. 2, sch. 1 (with art. 4); S.S.I. 2022/266, art. 2(d)
- F3** Word in s. 23(1) inserted (1.10.2006 for specified purposes, 24.9.2022 in so far as not already in force) by [Local Electoral Administration and Registration Services \(Scotland\) Act 2006 \(asp 14\)](#), **ss. 42(3)(a)(ii)**, 63(2); S.S.I. 2006/469, art. 2, sch. 1 (with art. 4); S.S.I. 2022/266, art. 2(d)
- F4** Words in s. 23(1) substituted (1.10.2006 for specified purposes) by [Local Electoral Administration and Registration Services \(Scotland\) Act 2006 \(asp 14\)](#), **ss. 42(3)(a)(iii)**, 63(2); S.S.I. 2006/469, art. 2, Sch. 1 (with art. 4)
- F5** Words in s. 23(1) repealed (1.10.2006 for specified purposes) by [Local Electoral Administration and Registration Services \(Scotland\) Act 2006 \(asp 14\)](#), **ss. 42(3)(a)(iv)**, 63(2); S.S.I. 2006/469, art. 2, Sch. 1 (with art. 4)
- F6** [S. 23\(1A\)](#) inserted (1.10.2006 for specified purposes, 14.1.2008 for specified purposes, 24.9.2022 in so far as not already in force) by [Local Electoral Administration and Registration Services \(Scotland\) Act 2006 \(asp 14\)](#), **ss. 42(3)(b)**, 63(2); S.S.I. 2006/469, art. 2, sch. 1 (with art. 4); S.S.I. 2007/566, art. 2 (with art. 3); S.S.I. 2022/266, art. 2(e)

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- F7** Words in s. 23(2) repealed (1.10.2006 for specified purposes) by [Local Electoral Administration and Registration Services \(Scotland\) Act 2006 \(asp 14\), ss. 42\(3\)\(c\), 63\(2\); S.S.I. 2006/469, art. 2, Sch. 1 \(with art. 4\)](#)

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 ^{F8}district registrar for a registration district], a certificate in the prescribed form ^{F9}attested, in the prescribed manner,] 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 subsection, such a certificate may be ^{F10}attested, in the prescribed manner,] 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 ^{F11}district registrar for a registration district].

Textual Amendments

- F8** Words in s. 24(1) substituted (1.10.2006 for specified purposes) by [Local Electoral Administration and Registration Services \(Scotland\) Act 2006 \(asp 14\), ss. 42\(4\)\(a\)\(i\), 63\(2\); S.S.I. 2006/469, art. 2, Sch. 1 \(with art. 4\)](#)
- F9** Words in s. 24(1) substituted (1.10.2006 for specified purposes) by [Local Electoral Administration and Registration Services \(Scotland\) Act 2006 \(asp 14\), ss. 42\(4\)\(a\)\(ii\), 63\(2\); S.S.I. 2006/469, art. 2, Sch. 1 \(with art. 4\)](#)
- F10** Words in s. 24(2) substituted (1.10.2006 for specified purposes) by [Local Electoral Administration and Registration Services \(Scotland\) Act 2006 \(asp 14\), ss. 42\(4\)\(b\)\(i\), 63\(2\); S.S.I. 2006/469, art. 2, Sch. 1 \(with art. 4\)](#)
- F11** Words in s. 24(2) substituted (1.10.2006 for specified purposes) by [Local Electoral Administration and Registration Services \(Scotland\) Act 2006 \(asp 14\), ss. 42\(4\)\(b\)\(ii\), 63\(2\); S.S.I. 2006/469, art. 2, Sch. 1 \(with art. 4\)](#)

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 ^{F12}prescribed particulars] concerning the death of that person has not been given to the ^{F13}district registrar for a registration district] in accordance with section 23 of this Act, the ^{F14}district] 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—

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- (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 ^{F15}attest, in the prescribed manner, the death registration form concerning the death] 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 ^{F16}said] 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 ^{F17}said] 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.

Textual Amendments

- F12** Words in s. 25(1) substituted (1.10.2006 for specified purposes) by [Local Electoral Administration and Registration Services \(Scotland\) Act 2006 \(asp 14\), ss. 42\(5\)\(a\)\(i\), 63\(2\); S.S.I. 2006/469, art. 2, Sch. 1 \(with art. 4\)](#)
- F13** Words in s. 25(1) substituted (1.10.2006 for specified purposes) by [Local Electoral Administration and Registration Services \(Scotland\) Act 2006 \(asp 14\), ss. 42\(5\)\(a\)\(ii\), 63\(2\); S.S.I. 2006/469, art. 2, Sch. 1 \(with art. 4\)](#)
- F14** Word in s. 25(1) inserted (1.10.2006 for specified purposes) by [Local Electoral Administration and Registration Services \(Scotland\) Act 2006 \(asp 14\), ss. 42\(5\)\(a\)\(iii\), 63\(2\); S.S.I. 2006/469, art. 2, Sch. 1 \(with art. 4\)](#)
- F15** Words in s. 25(1)(c) substituted (1.10.2006 for specified purposes) by [Local Electoral Administration and Registration Services \(Scotland\) Act 2006 \(asp 14\), ss. 42\(5\)\(a\)\(iv\), 63\(2\); S.S.I. 2006/469, art. 2, Sch. 1 \(with art. 4\)](#)
- F16** Word in s. 25(2) inserted (1.10.2006 for specified purposes) by [Local Electoral Administration and Registration Services \(Scotland\) Act 2006 \(asp 14\), ss. 42\(5\)\(b\), 63\(2\); S.S.I. 2006/469, art. 2, Sch. 1 \(with art. 4\)](#)
- F17** Word in s. 25(3) inserted (1.10.2006 for specified purposes) by [Local Electoral Administration and Registration Services \(Scotland\) Act 2006 \(asp 14\), ss. 42\(5\)\(c\), 63\(2\); S.S.I. 2006/469, art. 2, Sch. 1 \(with art. 4\)](#)

^{F18}25A Provision of death particulars to Registrar General

- (1) Each Health Board shall in respect of each death that occurs in its area, provide to the Registrar General, in such manner and at such times as the Registrar General and that body may agree, the prescribed particulars.
- (2) The Registrar General shall, as soon as reasonably practicable after the prescribed particulars of a death have been provided to the Registrar General under subsection (1)

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above, make those particulars available to the district registrar for each registration district.

Textual Amendments

F18 Ss. 25A, 25B inserted (1.10.2006 for specified purposes, 14.1.2008 for the insertion of s. 25B so far as not already in force) by [Local Electoral Administration and Registration Services \(Scotland\) Act 2006](#) (asp 14), **ss. 42(6)**, 63(2); S.S.I. 2006/469, art. 2, Sch. 1 (with art. 4); S.S.I. 2007/566, art. 2

25B Registration of deaths

- (1) Subject to subsection (2) below, the district registrar for a registration district shall register the particulars of a death where, in accordance with this Part of this Act, the registrar has an attested death registration form concerning the death.
- (2) The registrar is not to register a death in respect of which he obtained the attested death registration form by virtue of section 23(1A)(b) of this Act unless the registrar is satisfied that the prescribed particulars of the death have been—
 - (a) provided to the Registrar General under section 25A of this Act, or
 - (b) provided to the relevant district registrar under section 50 of this Act.
- (3) For the purposes of this Part of this Act, particulars of a death are registered by entering the death registration form concerning the death in the register of deaths kept by the district registrar performing the registration.]

Textual Amendments

F18 Ss. 25A, 25B inserted (1.10.2006 for specified purposes, 14.1.2008 for the insertion of s. 25B so far as not already in force) by [Local Electoral Administration and Registration Services \(Scotland\) Act 2006](#) (asp 14), **ss. 42(6)**, 63(2); S.S.I. 2006/469, art. 2, Sch. 1 (with art. 4); S.S.I. 2007/566, art. 2

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 [^{F19}the district registrar for a registration district] 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.
- [^{F20}(1A) For the purposes of subsection (1) above, authority which is given by electronic means is to be treated as if in writing if it is received in a form which is legible and capable of being used for subsequent reference.]
- (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.

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Textual Amendments

- F19** Words in s. 26(1) substituted (1.10.2006 for specified purposes) by [Local Electoral Administration and Registration Services \(Scotland\) Act 2006 \(asp 14\), ss. 42\(7\)\(a\), 63\(2\); S.S.I. 2006/469, art. 2, Sch. 1 \(with art. 4\)](#)
- F20** S. 26(1A) inserted (1.10.2006 for specified purposes) by [Local Electoral Administration and Registration Services \(Scotland\) Act 2006 \(asp 14\), ss. 42\(7\)\(b\), 63\(2\); S.S.I. 2006/469, art. 2, Sch. 1 \(with art. 4\)](#)

27 Free certificate of registration of death.

- (1) At the time of registering the death of any person, the [^{F21}district registrar for a registration district] 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 [^{F22}district registrar for a registration district].

Textual Amendments

- F21** Words in s. 27(1) substituted (1.10.2006 for specified purposes, 1.1.2007 in so far as not already in force) by [Local Electoral Administration and Registration Services \(Scotland\) Act 2006 \(asp 14\), ss. 42\(8\)\(a\), 63\(2\); S.S.I. 2006/469, arts. 2, 3, Schs. 1, 2 \(with art. 4\)](#)
- F22** Words in s. 27(3) substituted (1.10.2006 for specified purposes) by [Local Electoral Administration and Registration Services \(Scotland\) Act 2006 \(asp 14\), ss. 42\(8\)\(b\), 63\(2\); S.S.I. 2006/469, art. 2, Sch. 1 \(with art. 4\)](#)

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.

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- (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 01/10/2006.

Changes to legislation:

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