



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

## 1965 CHAPTER 49

### PART V

#### GENERAL

##### *Corrections and Changes of Name or Surname*

#### **42 Correction of errors in registers.**

- (1) No alteration shall be made in any register of births, still-births, deaths or marriages except as authorised by or under this or any other Act.
- [<sup>F1</sup>(2) Subject to subsection (3A) below, the district registrar for a registration district may correct a relevant error in an entry in a register of births, still-births, deaths or marriages kept or held by him.
- (3) In subsection (2) above, “relevant error” means—
  - (a) in respect of an entry relating to a birth or death—
    - (i) a clerical error arising from the faulty transcription of particulars provided by a qualified informant, or
    - (ii) an error of such other description as may be prescribed, and
  - (b) in respect of an entry relating to a marriage—
    - (i) a clerical error arising from the faulty transcription of particulars from a Marriage Schedule, or
    - (ii) an error of such other description as may be prescribed.
- (3A) Subsection (2) above does not apply if the entry is in a part which has been examined under section 34 of this Act.]

Status: Point in time view as at 06/04/2010.

Changes to legislation: There are currently no known outstanding effects for the Registration of Births, Deaths and Marriages (Scotland) Act 1965, Cross Heading: Corrections and Changes of Name or Surname. (See end of Document for details)

- (4) The Registrar General may authorise district examiners to correct any such type of error as he may specify which they may discover in entries [<sup>F2</sup>in a register] during the course of their examination <sup>F3</sup>... under section 34 of this Act.
- (5) The Registrar General may authorise the correction of any errors not dealt with under the preceding provisions of this section, by causing an appropriate entry to be made in the Register of Corrections Etc., and where the Registrar General refuses so to authorise such a correction the person who claims that an error has been made may appeal to the sheriff, whose decision in the matter shall be final.

**Subordinate Legislation Made**

P1 S. 42 for previous exercises of this power see Index to Government Orders

**Textual Amendments**

- F1 S. 42(2)-(3A) substituted for s. 42(2)(3) (1.10.2006) by Local Electoral Administration and Registration Services (Scotland) Act 2006 (asp 14), ss. 45(2), 63(2); S.S.I. 2006/469, art. 2, Sch. 1 (with art. 4)
- F2 Words in s. 42(4) inserted (1.10.2006) by Local Electoral Administration and Registration Services (Scotland) Act 2006 (asp 14), ss. 43(6)(a), 63(2); S.S.I. 2006/469, art. 2, Sch. 1 (with art. 4)
- F3 Words in s. 42(4) repealed (1.10.2006) by Local Electoral Administration and Registration Services (Scotland) Act 2006 (asp 14), ss. 43(6)(b), 63(2); S.S.I. 2006/469, art. 2, Sch. 1 (with art. 4)

**Modifications etc. (not altering text)**

- C1 S. 42(1) applied (4.4.2005) by Gender Recognition Act 2004 (c. 7), s. 26, Sch. 3 para. 18; S.I. 2005/54, art. 2
- C2 S. 42(5) applied (4.4.2005) by Gender Recognition Act 2004 (c. 7), s. 26, Sch. 3 para. 18; S.I. 2005/54, art. 2

**43 Recording of baptismal name or change of name or surname.**

- (1) The following provisions of this section, except subsection 6(b), shall apply only to persons whose births are registered in Scotland, and, without prejudice to the provisions of section 24 of the <sup>M1</sup>Adoption Act 1958 relating to the giving or taking of a new name, to persons in respect of whom there is an entry in the Adopted Children Register maintained by the Registrar General under section 22 of that Act.
- (2) In this section “change” in relation to a name or surname includes any change by way of substitution, addition, omission, spelling or hyphenation.
- (3) Where, within twelve months from the date of the birth of any child, the name by which it was registered is changed or, if it was registered without a name, a name is given to the child, the Registrar General <sup>F4</sup>...
  - <sup>F4</sup>(a) .....
  - <sup>F4</sup>(b) .....
 shall<sup>F5</sup>, where, within two years from the date of the birth of the child, an application in the prescribed form is made to the Registrar General in respect of that matter by the qualified applicant,] cause an entry containing the name mentioned in the [<sup>F6</sup>application] to be made in the Register of Corrections Etc., and only one such entry may be made under this subsection in respect of any one child.

<sup>F7</sup> . . . .

*Status: Point in time view as at 06/04/2010.*

**Changes to legislation:** *There are currently no known outstanding effects for the Registration of Births, Deaths and Marriages (Scotland) Act 1965, Cross Heading: Corrections and Changes of Name or Surname. (See end of Document for details)*

- (4) Where an application in the prescribed form is made to the Registrar General by the qualified applicant in respect of the change of name or surname of a child under sixteen years of age the Registrar General may record that change of name or surname by causing an appropriate entry to be made in the Register of Corrections Etc.—

<sup>F8</sup>(a) .....  
<sup>F9</sup>(b) .....

Only one change of name and one change of surname in respect of any one child may be recorded under this subsection, but no change of name shall be recorded under this subsection in the case of a child in respect of whom a change of name has been recorded by virtue of the last foregoing subsection.

- (5) <sup>F10</sup>Where an application in the prescribed form is made to the Registrar General in respect of a change of name or surname, in the case of a person over sixteen years of age . . . , by that person, the Registrar General may record that change of name or surname by causing an appropriate entry to be made in the Register of Corrections Etc.—

<sup>F11</sup>(a) .....  
<sup>F12</sup>(b) .....

Only one change of name and three changes of surname in respect of any one person may be recorded under this subsection, and a period of five years must elapse after one change of surname is recorded before another such change may be recorded.

- (6) Notwithstanding the foregoing provisions of this section, where an application is made to the Registrar General in respect of a change of name or surname—

- (a) in the case of a child under sixteen years of age, by [<sup>F13</sup>the qualified applicant] of that child, in the case of a person over sixteen years of age <sup>F10</sup> . . . , by that person, and there is produced to the Registrar General—

- (i) a decree or certificate of change of name or surname pronounced or, as the case may be, granted by or on behalf of the Lyon King of Arms, or  
(ii) a certified copy of a will, settlement, or deed of trust containing a condition that the person concerned shall take a name or surname different from that in which his birth was registered, together with evidence to the satisfaction of the Registrar General that the name or surname has thereafter been so changed, or

- (b) in the case of a male person who has married in Scotland and who has changed his name or surname following his marriage, by that person, and there is produced to the Registrar General a decree or certificate as described in the foregoing paragraph,

the Registrar General may record that change of name or surname by causing an appropriate entry to be made in the Register of Corrections Etc.

- (7) Where an application is made to the Registrar General in respect of the recording of an alternative name, being the English equivalent of a non-English name, in the case of a child under sixteen years of age, by [<sup>F13</sup>the qualified applicant] of that child, in the case of a person over sixteen years of age <sup>F10</sup> . . . , by that person, the Registrar General may record that name as an alternative name by causing an appropriate entry to be made in the Register of Corrections Etc.

- (8) On making an application under any of the provisions of this section the applicant shall pay such fees as may be prescribed.

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(9) Nothing in this section shall affect any rule of law as respects change of name or surname, and in particular, without prejudice to that generality, the validity as evidence of change of name or surname of a decree or certificate pronounced or, as the case may be, granted by or on behalf of the Lyon King of Arms.

[<sup>F14</sup>(9A) In this section “ qualified applicant ” means—

- (a) where only one parent has parental responsibilities in relation to the child, that parent;
- (b) where both parents have such responsibilities in relation to the child, both parents; and
- (c) where neither parent has such responsibilities, any other person who has such responsibilities.

(9B) A person may be a qualified applicant for the purposes of this section whether or not he has attained the age of sixteen years]

<sup>F15</sup>(10) . . . . .

#### Subordinate Legislation Made

- P2** S. 43: for previous exercises of this power see Index to Government Orders.
- P3** S. 43(8): s. 54(1) (with ss. 28A(4), 37(2)(3), 38(2)(3), 43(8), 47 and 56) power exercised by [S.I. 1991/2817](#).

#### Textual Amendments

- F4** Words in s. 43(3) repealed (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. 46(a)(i), 63(2)**; [S.S.I. 2006/469](#), arts. 2, 3, Schs. 1, 2 (with art. 4)
- F5** Words in s. 43(3) inserted (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. 46(a)(ii), 63(2)**; [S.S.I. 2006/469](#), arts. 2, 3, Schs. 1, 2 (with art. 4)
- F6** Word in s. 43(3) 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. 46(a)(iii), 63(2)**; [S.S.I. 2006/469](#), arts. 2, 3, Schs. 1, 2 (with art. 4)
- F7** Words in s. 43(3) repealed (1.11.1995) by [1995 c. 36, s. 105\(4\)\(5\)](#), [Sch. 4 para. 12\(3\)\(a\)](#), **Sch. 5**; [S.I. 1995/2787](#), art. 3, **Sch.** Table
- F8** S. 43(4)(a) and word repealed (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. 46(b)(i)(ii), 63(2)**; [S.S.I. 2006/469](#), arts. 2, 3, Schs. 1, 2 (with art. 4)
- F9** S. 43(4)(b) repealed (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. 46(b)(iii), 63(2)**; [S.S.I. 2006/469](#), arts. 2, 3, Schs. 1, 2 (with art. 4)
- F10** Words in s. 43(5)(6)(7) repealed (25.9.1991) by [Age of Legal Capacity \(Scotland\) Act 1991 \(c. 50, SIF 49:8\)](#), ss. 10(2), 11(2), **Sch. 2**
- F11** S. 43(5)(a) and word repealed (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. 46(b)(i)(ii), 63(2)**; [S.S.I. 2006/469](#), arts. 2, 3, Schs. 1, 2 (with art. 4)
- F12** S. 43(5)(b) repealed (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. 46(b)(iii), 63(2)**; [S.S.I. 2006/469](#), arts. 2, 3, Schs. 1, 2 (with art. 4)
- F13** Words in s. 43(6)(a)(7) substituted (1.11.1995) by [1995 c. 36, s. 105\(4\)](#), [Sch. 4 para. 12\(3\)\(b\)](#); [S.I. 1995/2787](#), art. 3, **Sch.**

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**F14** S. 43(9A)(9B) inserted (1.11.1995) by 1995 c. 36, s. 105(4), **Sch. 4 para. 12(3)(c)**; S.I. 1995/2787, art. 3, **Sch.**

**F15** S. 43(10) repealed (1.11.1995) by 1995 c. 36, s. 105(4)(5), Sch. 4 para. 12(3)(d), **Sch. 5**; S.I. 1995/2787, art. 3, **Sch.** Table

#### Modifications etc. (not altering text)

**C3** S. 43(1) applied (4.4.2005) by Gender Recognition Act 2004 (c. 7), s. 26, **Sch. 3 para. 18**; S.I. 2005/54, art. 2

**C4** S. 43(1) modified (6.4.2010) by The Human Fertilisation and Embryology (Parental Orders) Regulations 2010 (S.I. 2010/985), regs. 1(1), 5, **Sch. 4**

**C5** S. 43(2) applied (4.4.2005) by Gender Recognition Act 2004 (c. 7), s. 26, **Sch. 3 para. 18**; S.I. 2005/54, art. 2

**C6** S. 43(5)-(9) applied (4.4.2005) by Gender Recognition Act 2004 (c. 7), s. 26, **Sch. 3 para. 18**; S.I. 2005/54, art. 2

#### Marginal Citations

**M1** 1958 c. 5. (7 & 8 Eliz. 2).

## 44 Register of Corrections Etc.

- (1) There shall be established a Register of Corrections Etc., which shall be used to record in relation to any entries in the registers any matters for which provision is so made under this Act and such further corrections, amendments and particulars of events occurring subsequent to registration as the Registrar General may from time to time direct.
- (2) All existing registers of corrected entries shall have effect as if they were part of the Register of Corrections Etc.
- (3) In issuing an extract of any entry in respect of which an insertion relating to an error has been made in the Register of Corrections Etc., <sup>F16</sup> ..., effect shall be given to the amended particulars contained in such an insertion.
- (4) The extent to which and the manner in which any other class of insertions in the Register of Corrections Etc., shall be given effect in any extract, <sup>F17</sup> ..., shall be as prescribed.

#### Textual Amendments

**F16** Words in s. 44(3) repealed (1.1.2007) by Local Electoral Administration and Registration Services (Scotland) Act 2006 (asp 14), **ss. 44(7)(a)**, 63(2); S.S.I. 2006/469, art. 3, Sch. 2 (with art. 4)

**F17** Words in s. 44(4) repealed (1.1.2007) by Local Electoral Administration and Registration Services (Scotland) Act 2006 (asp 14), **ss. 44(7)(b)**, 63(2); S.S.I. 2006/469, art. 3, Sch. 2 (with art. 4)

#### Modifications etc. (not altering text)

**C7** S. 44 applied (4.4.2005) by Gender Recognition Act 2004 (c. 7), s. 26, **Sch. 3 para. 18**; S.I. 2005/54, art. 2

**C8** S. 44 applied (5.12.2005) by Civil Partnership Act 2004 (c. 33), **ss. 98**, 263(3); S.S.I. 2005/604, art. 2(b)

**C9** S. 44 applied by 2004 c. 33, s. 98(1) (as 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. 52(6)**, 63(2); S.S.I. 2006/469, arts. 2, 3, Schs. 1, 2 (with art. 4))

**Status:**

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**Changes to legislation:**

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