



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.
- (2) Any clerical errors in entries relating to births or deaths arising from the faulty transcription of particulars provided by a qualified informant, and such other errors as may be prescribed, may be corrected by the district registrar:

Provided that—

- (a) the error is noted before the entry is signed, or
 - (b) if it is noted after the entry is signed, it is corrected within seven days from the date of signing, in the presence of the informant.
- (3) Any clerical errors in entries relating to marriages, arising from the faulty transcription of particulars from a Marriage Schedule may be corrected by the district registrar within a period of one month from the date of registration of the marriage if the error is discovered and corrected before any extract containing the incorrect information has been issued.
 - (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 during the course of their examination of the registers 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.

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 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 upon delivery to him, within two years from the date of the birth of the child, of a certificate in the prescribed form signed—
- (a) if the name was changed or given in baptism, by the person who performed the ceremony of baptism or his successor in office, or
 - (b) if the name was changed or given otherwise than in baptism, by the qualified applicant,

shall cause an entry containing the name mentioned in the certificate 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.

In this and the next following subsection "the qualified applicant" means the father and mother of the child or, if either of the parents is deceased, the surviving parent, or, in the case of an illegitimate child, the mother of the child or, if both parents are deceased or, in the case of an illegitimate child, the mother is deceased, the guardian of the child or other person who has determined that the name, or, as the case may be, surname, of the child should be changed or given; in this definition, in the case of an adopted child, the references to the father and mother or to the parents of a child shall be construed as references to the adoptive parents of the child.

- (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.—
- (a) if evidence to the satisfaction of the Registrar General is produced that the name or surname which the qualified applicant wishes to have recorded has been in use by or in respect of the child to whom the application relates for a period of not less than two years prior to the date of application, and
 - (b) if the Registrar General is not satisfied with the evidence so produced, there is also produced to him a copy of a notice inserted in a newspaper circulating in the area of the child's usual residence specifying the qualified applicant's intention to apply to the Registrar General for the recording of the name or surname proposed and specifying also that such name or surname has been in

use by the child for a period of not less than two years prior to the date of the insertion of the notice in the newspaper.

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) 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 and under twenty-one years of age, by that person with the consent of his parent or guardian, or, in the case of a person over twenty-one 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.—
- (a) if evidence to the satisfaction of the Registrar General is produced that the name or surname which the applicant wishes to have recorded has been in use by him for a period of not less than two years prior to the date of application, and
 - (b) if the Registrar General is not satisfied with the evidence so produced, there is also produced to him a copy of a notice inserted in a newspaper circulating in the area of the applicant's usual residence specifying the applicant's intention to apply to the Registrar General for the recording of the name or surname proposed and specifying also that such name or surname has been in use by him for a period of not less than two years prior to the date of the insertion of the notice in the newspaper.

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 the parent or guardian of that child, in the case of a person over sixteen years of age and under twenty-one years of age, by that person with the consent of his parent or guardian, or in the case of a person over twenty-one years of age, 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

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child under sixteen years of age, by the parent or guardian of that child, in the case of a person over sixteen years of age and under twenty-one years of age, by that person with the consent of his parent or guardian, or in the case of a person over twenty-one years of age, 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.
- (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.

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., and in issuing an abbreviated certificate of birth in respect of such entry, 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, or in any abbreviated certificate of birth, shall be as prescribed.