



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

1965 CHAPTER 49

PART V

GENERAL

Miscellaneous

48 Decrees of court altering status

Where a decree altering the status of any person has been granted by any competent court the clerk of court shall, where no appeal has been made against such decree, on the expiration of the time within which such an appeal may be made, or where an appeal has been made against such a decree, on the conclusion of any appellate proceedings, notify the import of such decree in the prescribed form to the Registrar General who shall thereupon cause an appropriate entry to be made in the Register of Corrections Etc.

49 Signing by mark by persons unable to write

If any person whose signature is necessary under this Act is unable to write, it shall be lawful for him to adhibit a cross or other mark in the presence of the district registrar or two witnesses who shall also adhibit their signatures and designations, and such cross or mark shall be in all respects as binding and effectual as the signature of such person would have been if he had been capable of writing.

50 Events occurring in institutions

The chief officer, matron or other person in charge of a hospital, nursing home or other such institution who has been so requested by the Registrar General, shall, at such times and in such manner as the Registrar General may require, transmit to the district

registrar of the registration district in which the institution is situate, a list containing particulars of births and deaths occurring in such institution.

51 Returns to be made by registrar

Every district registrar shall—

- (a) at such times and in such manner as the Registrar General may direct, furnish to the Registrar General returns relating to the entries of births, deaths and marriages and any other information obtained by the registrar in the execution of his duties which the Registrar General may require, and
- (b) supply to the medical officer of health for the local authority in whose area the registration office is situate such periodical returns of births and deaths as may be required by the Secretary of State.

52 Sending of documents by post

Any notice, information, declaration, certificate, requisition, return or other document required to be served, sent or issued by a district registrar by or under this Act may, unless the context otherwise requires, be sent by post or in accordance with any directions which may be given by the Registrar General.

53 Offences

(1) If any person commits any of the following offences, that is to say—

- (a) if he knowingly gives to a district registrar information which is false in a material particular;
- (b) if he falsifies or forges any extract, certificate or declaration issued or made, or purporting to be issued or made, under this Act; or
- (c) if he knowingly uses, or gives or sends to any person, as genuine any false or forged extract, certificate or declaration issued or made, or purporting to be issued or made, under this Act,

he shall be liable.

- (i) on conviction on indictment, to a fine or to imprisonment for a term not exceeding 2 years or to both;
- (ii) on summary conviction, to a fine not exceeding £100 or to imprisonment for a term not exceeding 3 months or to both.

(2) If any person commits any of the following offences, that is to say—

- (a) if he wilfully or negligently destroys, obliterates, erases or injures any entry in any register kept under this Act, or causes or permits the register or any part thereof to be destroyed, obliterated, erased or injured ; or
- (b) if he knowingly gives to a district registrar, for the purpose of registration in a register, particulars of a birth or of a death which have already been registered in that or any other register,

he shall be liable on summary conviction to a fine not exceeding £100.

(3) If any person commits any of the following offences, that is to say—

- (a) if being required by or under this Act to give information concerning any birth or death or any dead body, he wilfully refuses to answer any question put to him by a district registrar relating to the particulars required to be registered

concerning the birth or death, or save as provided in this Act, fails to comply with any requirement of a district registrar made thereunder ;

- (b) if he refuses or fails without reasonable cause to give, deliver or send any certificate which he is required by this Act to give, deliver or send ;
- (c) if, being a parent, and save as provided in this Act, he fails to give information concerning the birth of his child as required by this Act;
- (d) if, being a person upon whom duty to give information concerning a death is imposed by section 23(1) of this Act, he fails to give that information and that information is not given ; or
- (e) if he passes as genuine any reproduction of an extract or certificate if such reproduction has not been authenticated in accordance with section 41(1) of this Act,

he shall be liable on summary conviction to a fine not exceeding £20."

54 Regulations

- (1) The Registrar General may, with the approval of the Secretary of State, by statutory instrument make regulations—
 - (a) prescribing the circumstances, of hardship or otherwise, in which fees prescribed under this Act may be remitted by the Registrar General;
 - (b) prescribing anything which by this Act is required to be prescribed;
 - (c) substituting another Schedule of Marriage for that set out in the First Schedule to the Marriage (Scotland) Act 1939;
 - (d) substituting another form of entry for that set out in the Second Schedule to the Adoption Act 1958.
- (2) Any statutory instrument containing regulations made under paragraph (c) or (d) of the foregoing subsection or prescribing fees for the purposes of this Act shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (3) The Statutory Instruments Act 1946 shall apply to a statutory instrument containing regulations made under this section as if the regulations had been made by a Minister of the Crown.

55 Expenses

There shall be paid out of moneys provided by Parliament any increase attributable to this Act in the sums payable out of moneys so provided by way of Exchequer Equalisation Grant under the enactments relating to local government in Scotland.

56 Interpretation

- (1) In this Act, except where the context otherwise requires, the following expressions have the meanings respectively assigned to them, that is to say—
 - " birth ", except in relation to registers of births, includes a still-birth;
 - " district registrar" has the meaning assigned to it in section 7(12) of this Act;
 - " function " includes power and duty;
 - " local authority " means a county council or the council of a large burgh within the meaning of the Local Government (Scotland) Act 1947;
 - " name " means Christian name or forename ;

Status: This is the original version (as it was originally enacted).

" occupier", in relation to any institution, includes the governor, keeper, matron, superintendent, or other person in charge thereof, and, in relation to a house, includes any person residing therein ;

" prescribed " means prescribed by regulations made under section 54 of this Act;

" qualified informant", in relation to any birth or death, means a person who is by this Act required or stated to be qualified to give information concerning that birth or death;

" relative " includes a relative by marriage, and in relation to a person in respect of whom an adoption order has been made under the Adoption Act 1958, or under any enactment repealed by that Act, also includes any person who would be a relative if the adopted person were the .child of the adopter born in lawful wedlock;

" still-born child " means a child which has issued forth from its mother after the twenty-eighth week of pregnancy and which did not at any time after being completely expelled from its mother breathe or show any other signs of life, and the expression " still-birth " shall be construed accordingly.

- (2) Except in so far as the context otherwise requires, any reference in this Act to any other enactment shall be construed as a reference to that enactment as amended by or under any other enactment, including this Act.

57 Savings etc.

- (1) Any registration effected, extract or certificate issued, notice or information given, order, regulations or return made or other thing done under any enactment repealed by this Act shall, if in force at the commencement of this Act, continue in force, and have effect as if effected, issued, given, made or done under the corresponding provision of this Act.
- (2) Any form used and any requirement as to the particulars to be entered in any form used, for the purposes of any enactment repealed by this Act in force immediately before the commencement of this Act shall continue in force as though prescribed under this Act until other forms or particulars are so prescribed.
- (3) Where a period of time specified in any enactment repealed by this Act is current at the commencement of this Act, this Act shall have effect as if the corresponding provision thereof had been in force when that period began to run.
- (4) Any document referring to an enactment repealed by this Act shall, unless the contrary intention appears, be construed as referring to the corresponding provision of this Act.
- (5) Nothing in this Act shall affect any provision of the Population Statistics Act 1938 requiring particulars to be furnished for the purposes of that Act.
- (6) Nothing in the foregoing provisions of this section or in the provisions of the next following section shall be taken as prejudicing the operation of section 38 of the Interpretation Act 1889 which relates to the effect of repeals.

58 Consequential amendments and repeals

- (1) The enactments mentioned in Schedule 1 to this Act shall have effect subject to the amendments respectively specified in that Schedule, being amendments consequential on the provisions of this Act.

- (2) The enactments set out in Schedule 2 to this Act are hereby repealed to the extent specified in column 3 of that Schedule.

59 Short title, extent and commencement

- (1) This Act may be cited as the Registration of Births, Deaths and Marriages (Scotland) Act 1965.
- (2) This Act shall extend to Scotland only.
- (3) This Act shall come into force on 1st January 1966.