



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

## 1965 CHAPTER 49

### PART V

#### GENERAL

##### *Registers*

#### **32 Provision of registers etc. by Registrar General**

- (1) Registers of births, still-births, deaths and marriages and the Register of Corrections Etc. shall be in such form as may be respectively prescribed and the Registrar General shall provide the district registrar of every registration district with a sufficient number of such registers and of such certificates, schedules, notices, forms and other documents as he may require for the performance of his functions under this Act.
- (2) All registers and documents provided by virtue of the foregoing subsection shall remain the property of the Registrar General.

#### **33 Duplicate and copy registers**

- (1) The Registrar General may from time to time direct any district registrar to make in respect of his district a duplicate or copy of any register of births, deaths or marriages, and any entry in a duplicate or copy so made shall be of the same legal force and effect as the corresponding entry in the appropriate register.
- (2) Any duplicate or copy register so made shall be retained in the custody of the district registrar.

**34 Examination of registers by district examiners**

- (1) It shall be the duty of the district examiner, or such other officer as may be nominated for the purpose by the Registrar General, at such time or times and in such manner as the Registrar General may direct, to examine, along with the several district registrars within the district examiner's district, the registers of births, still-births, deaths and marriages and the Register of Corrections Etc., kept or held by such registrars, and also any duplicate or copy registers kept by them in pursuance of directions given to them by the Registrar General under the last foregoing section.
- (2) On completion of the examination under the foregoing subsection the district examiner shall, in accordance with directions given him by the Registrar General, endorse each register so examined and shall thereafter transmit to the Registrar General the registers of births, still-births, deaths and marriages, together with a report of any circumstances relating to the registers (including the Register of Corrections Etc., and the duplicate or copy registers) to which he considers that the attention of the Registrar General should be drawn.

**35 Reproduction of registers**

- (1) On receipt of the registers transmitted to him under the last foregoing section the Registrar General may cause entries in the registers to be reproduced by photography, xerography or any other convenient process.
- (2) Reproduced entries shall be transmitted by the Registrar General to the appropriate district registrar, and any such entry shall be of the same legal force and effect as the corresponding entry in the appropriate register.
- (3) The foregoing provisions of this section are without prejudice to any other power exercisable by the Registrar General as respects reproduction or recording by any means of the particulars of entries in any registers or documents held by him.

**36 Replacement of lost registers etc.**

- (1) If any register in the custody of a district registrar, or before reproduction in accordance with section 35 of this Act, shall be lost, destroyed or mutilated or shall have become illegible, in whole or in part, such fact shall be forthwith communicated to the Registrar General, and the register in the custody of a district registrar which shall have been mutilated or become illegible shall be immediately transmitted to the Registrar General.
- (2) The Registrar General shall cause any such register to be corrected or completed or a new register to be made by any process which to him seems fit, and any such corrected, completed or new register which is duly authenticated by the signature of the Registrar General shall be of the same legal force and effect as the original register.

*Searches and Extracts, etc.*

**37 Search of indexes kept by registrars**

- (1) On the completion of each annual register of births, deaths and marriages each district registrar shall forthwith cause to be made alphabetical indexes of the entries in those registers.

- (2) On payment to him of such fee or fees as may be prescribed, the district registrar shall, at any time when the registration office is open for that purpose—
  - (a) search the said indexes on behalf of any person or permit that person to search the indexes himself, and
  - (b) issue to any person an extract of any entry in the said registers which that person may require.
- (3) A district registrar may not permit an extract to be issued from a register of still-births except with the consent of the Registrar General in any particular case, and on payment of such fee or fees as may be prescribed.

### **38 Search of indexes kept by Registrar General**

- (1) The Registrar General shall cause to be made and kept in the General Register Office alphabetical indexes of the entries in the registers of births, deaths and marriages sent to him under this Act or any enactment repealed by this Act.
- (2) On payment to him of such fee or fees as may be prescribed, the Registrar General shall, at any time when the General Register Office is open for that purpose—
  - (a) cause a search to be made of the said indexes on behalf of any person or permit that person to search the indexes himself, and
  - (b) issue to any person an extract of any entry in the said registers which that person may require.
- (3) The Registrar General may, if he sees fit in any particular case, and on payment to him of such fee or fees as may be prescribed, cause a search to be made for, and allow any person to have an extract of, any entry in a register of still-births which has been transmitted to him.

### **39 Production of extracts by photography etc.**

Extracts to be supplied under section 38 of this Act may take the form of reproductions made by photography, xerography or any other convenient process, and so may extracts to be supplied under section 37 of this Act if the district registrar is authorised in that regard by the Registrar General.

### **40 Abbreviated certificates of birth**

- (1) Subject to the following subsection, any person shall, on payment of the prescribed fee, be entitled to obtain from the Registrar General or the appropriate district registrar an abbreviated certificate of the birth of any person, and such certificate shall be as described in section 19 of this Act.
- (2) An abbreviated certificate based on information contained in the Adopted Children Register maintained under section 22(1) of the Adoption Act 1958 shall be in such form as may be prescribed, shall not include any reference to adoption, and may be obtained only from the Registrar General.

### **41 Authentication of extracts etc. and their admissibility as evidence**

- (1) Every extract of any entry in the registers kept under the provisions of this Act or any enactment repealed thereby and every abbreviated certificate of birth shall, if such

extract or certificate be issued from the General Register Office, be sealed or stamped with the seal of that office, and, if issued from a local registration office, shall be signed by the district registrar.

- (2) An extract of an entry in a register shall be deemed to be a true extract, notwithstanding that it is made on a form different from that on which the original entry was made, if any differences in the column heading under which the particulars appear in the original entry and the extract respectively are differences of form only and not of substance.
- (3) Every extract (but not extracts from parochial registers under section 47 of this Act) and every abbreviated certificate of birth, in either case duly authenticated as aforesaid, shall be sufficient evidence of the birth, death or marriage, as the case may be.

### *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

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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 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.

#### *Parochial Registers*

#### **45 Correction of entries in parochial registers**

If any error shall be discovered in an entry relating to a birth or baptism, death or burial, proclamation of banns or marriage in any parochial register kept and in use prior to 1st January 1855, the Registrar General may, on the application of any person having an interest and after inspection of any written evidence, authorise the correction of the entry, which shall be done by making an appropriate insertion in a Register of Corrections Etc., kept for the purpose by the Registrar General.

#### **46 Parochial registers to be transmitted to Registrar General**

- (1) Subject to the following subsection, all such parochial registers as aforesaid shall, so far as they are not already in the custody of the Registrar General, be transmitted to him for custody in the General Register Office.
- (2) Where a parochial register forms part of any other record or document or where for any other reason it would be inappropriate so to transmit the register, the duty to do so shall be discharged if there is transmitted to the Registrar General a copy of the register reproduced by photography, xerography or any other process approved by the Registrar General, or if an opportunity so to reproduce the register is afforded to the Registrar General.
- (3) Notwithstanding the provisions of section 3(2) of this Act, it shall be lawful for the Registrar General to transmit to the Keeper of the Records of Scotland any parochial register or copy of such register, which is in the custody of the Registrar General by virtue of this or any other Act, if in his opinion the retention by him of that register or copy register is no longer necessary.

#### **47 Search of parochial registers, etc., and provision of extracts therefrom**

On payment to him of such fee or fees as may be prescribed, the Registrar General shall, at any time when the General Register Office is open for that purpose—

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

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- (a) cause a search to be made of the aforesaid parochial registers or any copies or indexes thereof on behalf of any person or permit that person to search the registers, copies or indexes himself, and
- (b) issue to any person an extract of any entry in the said registers or copies which that person may require.

### *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 ;
  - " 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.