
Changes to legislation: There are currently no known outstanding effects for the Law Reform (Parent and Child) (Scotland) Act 1986, Cross Heading: The Registration of Births, Deaths and Marriages (Scotland) Act 1965 (c. 49). (See end of Document for details)

SCHEDULES

SCHEDULE 1

MINOR AND CONSEQUENTIAL AMENDMENTS

The Registration of Births, Deaths and Marriages (Scotland) Act 1965 (c. 49)

- 8 (1) In section 14 (duty to give information of particulars of birth), at the end there shall be added the following subsection—

“(5) In this section, any reference to the father or parent of the child shall not include a reference to a father who is not married to the mother and has not been married to her since the child’s conception.”

- (2) In section 18 (births of illegitimate children), for subsection (1), there shall be substituted the following subsections—

“18 Births of children born out of wedlock.

- (1) No person who is not married to the mother of a child and has not been married to her since the child’s conception shall be required, as father of the child, to give information concerning the birth of the child and, save as provided in section 20 of this Act, the registrar shall not enter in the register the name and surname of any such person as father of the child except—

(a) at the joint request of the mother and the person acknowledging himself to be the father of the child (in which case that person shall sign the register together with the mother); or

(b) at the request of the mother—

(i) on the production of—

(aa) a declaration in the prescribed form made by the mother stating that that person is the father of the child; and

(bb) a statutory declaration made by that person acknowledging himself to be the father of the child; or

(ii) on production of a decree by a competent court finding or declaring that person to be the father of the child; or

(c) at the request of that person on production of—

(i) a declaration in the prescribed form by that person acknowledging himself to be the father of the child; and

(ii) a statutory declaration made by the mother stating that that person is the father of the child.

- (1A) Where a person acknowledging himself to be the father of a child makes a request to the registrar in accordance with paragraph (c) of subsection (1) of this section, he shall be treated as a qualified informant concerning the

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birth of the child for the purposes of this Act; and the giving of information concerning the birth of the child by that person and the signing of the register by him in the presence of the registrar shall act as a discharge of any duty of any other qualified informant under section 14 of this Act.”

- (3) In section 18, in subsection (2)—
 - (a) for the words “an illegitimate” there shall be substituted the word “ a ”,
 - (b) in paragraph (b) for heads (i) and (ii) there shall be substituted the words “ a declaration and a statutory declaration such as are mentioned in paragraph (b) or (c) of subsection (1) of this section ”, and
 - (c) in paragraph (c) for the word “dead” there shall be substituted the words “ dead or cannot be found or is incapable of making a request under subsection (1)(b) of this section, or a declaration under subsection (1)(b)(i) (aa) of this section, or a statutory declaration under subsection (1)(c)(ii) of this section ”, and the words “within the like period” shall be omitted.
- (4) After section 18 there shall be inserted the following section—

“18A Decrees of parentage and non-parentage.

- (1) Where a decree of parentage or non-parentage has been granted by any court the clerk of court shall—
 - (a) where no appeal has been made against such decree, on the expiration of the time within which such an appeal may be made, or
 - (b) 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.
- (2) Where it appears to the Registrar General that the import of a decree notified to him under subsection (1) above does not correspond with the entry in the register of births in respect of any person to whom the decree relates he shall cause an appropriate entry to be made in the Register of Corrections Etc.”.

- (5) In section 20 (re-registration in certain cases)—
 - (a) in subsection (1)(a), for the words “or paternity” there shall be substituted the words “ , parentage or non-parentage ”; and
 - (b) in subsection (1)(c), for the words from “having been” to the end of paragraph (c) there shall be substituted the words “ has been so made as to imply that his parents were not then married to one another and his parents have subsequently married one another ”.

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- (7) In section 43(3) (recording of baptismal name or change of name or surname), for the words from “in the case” to “the mother is” there shall be substituted the words “ if both parents are ”.
- (8) In section 43, at the end there shall be added the following subsection—

“In this section, “father” and “parent”, in relation to a child, do not include a father who is not married to the mother and has not been married to her since the child’s conception and who is not the child’s tutor or curator and is not entitled to custody of the child.”

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(9) In section 56 (interpretation), in subsection (1), there shall be inserted (in their appropriate alphabetical place) the following definitions—

““guardian” includes tutor or curator;

“parentage” has the meaning assigned to it in section 8 of the Law Reform (Parent and Child) (Scotland) Act 1986, and “non-parentage” shall be construed accordingly;

“tutor or curator” does not include tutor ad litem, curator ad litem or curator bonis.”.

(10) In section 56, at the end there shall be added the following subsection—

“(3) Section 1(1) (legal equality of children) of the Law Reform (Parent and Child) (Scotland) Act 1986 shall apply to this Act; and any reference (however expressed) in this Act to a relative shall, unless the contrary intention appears, be construed accordingly.”

Textual Amendments

F1 Sch. 1 para. 8(6) repealed (1.1.2007) by [Registration Services \(Consequential Provisions\) \(Scotland\) Order 2006 \(S.S.I. 2006/596\)](#), arts. 1, 5

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