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STATUTORY INSTRUMENTS

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**1994 No. 3151 (S.175)**

**REGISTRATION OF BIRTHS,  
DEATHS, MARRIAGES, ETC.**

The Registration of Births, Still-births,  
Deaths and Marriages (Prescription of Forms)  
(Scotland) Amendment Regulations 1994

*Made* - - - - *5th December 1994*

*Coming into force* - - *1st January 1995*

The Registrar General, in exercise of the powers conferred upon him by sections 40(2), 43(4) and (5), 54(1)(b) and 56 of the Registration of Births, Deaths and Marriages (Scotland) Act 1965(1) and of all other powers enabling him in that behalf and with the approval of the Secretary of State, hereby makes the following Regulations:

**Citation and commencement**

1. These Regulations may be cited as the Registration of Births, Still-births, Deaths and Marriages (Prescription of Forms) (Scotland) Amendment Regulations 1994 and shall come into force on 1st January 1995.

**Interpretation**

2. In these Regulations, “the principal regulations” means the Registration of Births, Still-births, Deaths and Marriages (Prescription of Forms) (Scotland) Regulations 1965(2).

**Amendment of the principal regulations**

3. For regulation 16 of the principal regulations there shall be substituted the following regulation:—

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(1) [1965 c. 49](#); in section 40(2), the references to “the Adopted Children Register maintained under section 22(1) of the Adoption Act 1958” and to “adoption” are to be read, in relation to parental orders and applications for such orders, in accordance with paragraph 2(1) of Schedule 2 to the Parental Orders (Human Fertilisation and Embryology) (Scotland) Regulations 1994 (S.I. [1994/2804](#)); section 43(5) was amended by Schedule 2 to the Age of Legal Capacity (Scotland) Act [1991 \(c. 50\)](#); section 56 contains a definition of “prescribed” relevant to the exercise of statutory powers under which these Regulations are made.

(2) S.I. [1965/1839](#); the relevant amending instrument is S.I. [1971/1158](#).

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“16. The abbreviated certificate of birth based on information contained in the Adopted Children Register or the Parental Order Register and issued under section 40(2) of the Act shall be in the form or as nearly as may be in the form set out in Schedule 16 to these regulations.”.

4. For the form set out in Schedule 16 to the principal regulations(3), there shall be substituted the form set out in Schedule 1 to these regulations.

5. For the form set out in Schedule 23 to the principal regulations there shall be substituted the form set out in Schedule 2 to these regulations.

6. For the form set out in Schedule 24 to the principal regulations(4) there shall be substituted the form set out in Schedule 3 to these regulations.

### **Revocation**

7. Regulation 7 of and Schedule 5 to the Registration of Births, Still-births, Deaths and Marriages (Prescription of Forms) (Scotland) Amendment Regulations 1971(5) are hereby revoked.

New Register House,  
Edinburgh  
2nd December 1994

*James Meldrum*  
Registrar General for Scotland

Approved by the Secretary of State

St Andrew's House,  
Edinburgh  
5th December 1994

*Fraser of Carmyllie*  
Minister of State, Scottish Office

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(3) Schedule 16 was substituted by regulation 7 of S.I. [1971/1158](#).

(4) Schedule 24 was amended by Part II of Schedule 1 to, the Age of Majority (Scotland) Act [1969 \(c. 39\)](#).

(5) S.I. [1971/1158](#).

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SCHEDULE 1

Regulation 4.

“ABBREVIATED CERTIFICATE OF BIRTH *Registration of Births, Deaths and Marriages (Scotland) Act 1965, S.40*

Vol.	Entry No.	Year
1. Surname and name(s)		2. Sex
3. When born		4. Country of Birth

The above particulars are extracted from a register kept in the General Register Office.

Given under the Seal of the General Register Office, New Register House, Edinburgh, on

SCHEDULE 2

Regulation 5.

“**Application for recording of change of name or surname** *(Child under 16 years)*

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

Any reference to "name" means Christian name(s) or forename(s)

The applicant should supply the following information concerning the child:—

1. Full name and surname as registered at birth\* .....
2. Full name and surname as changed .....
3. Date of Birth ..... 4. Sex .....
5. Place of Birth  
*The child's birth must have been registered in Scotland or there must be an entry in respect of the child in the Adopted Children Register or the Parental Order Register.*  
.....
6. Father's name and surname .....
7. Mother's name and maiden surname .....
8. Length of time present name or surname has been used.  
*You must produce evidence to the satisfaction of the Registrar General that the name or surname which you wish to have recorded has been in use by or in respect of the child for a period of not less than 2 years prior to the date of the application. (See also note overleaf)*  
.....
9. Date of any previous application for a change of name or surname.  
*This application will be refused if a change of name or surname has already been recorded against the child's entry in the Birth, Adopted Children or Parental Order Register.*  
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10. Evidence produced in support of the period stated at 8 above.  
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For official use only
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I/We certify that the above particulars are correct.  
*This form must be signed by the child's father and mother (or adoptive parents or persons who are the child's parents by virtue of a parental order) or, if one parent is deceased, by the surviving parent or, if both parents are deceased by the guardian of the child or other person who determined that the child's name or surname should be changed. In this context, "father" and "parent" 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 guardian and is not entitled to custody of the child.*

Relationship to child

Signature .....

Signature .....

Date .....

Full postal address .....

\* or in the case of a child who is the subject of either an Adoption Order or a Parental Order the name and surname as shown in the Adopted Children Register or the Parental Order Register.

**Note**

If the Registrar General is not satisfied with the evidence that the applicant produces, the change of name or surname of the child can only be recorded if the applicant produces a copy of a notice inserted in a newspaper circulating in the area where the child usually resides stating the applicant's intention to apply to the Registrar General for the recording of the name or surname proposed and that such name or surname has been in use by the child for a period of not less than the two years prior to the date of insertion of the notice in the newspaper.

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### SCHEDULE 3

Regulation 6.

**“Application for recording of change of name or surname (*Person over 16 years of age*)**

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

Any reference to "name" means Christian name(s) or forename(s)

The applicant should supply the following information:—

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- 1. Full name and surname as registered at birth\* .....
- 2. Full name and surname as changed .....
- 3. Date of Birth ..... 4. Sex .....
- 5. Place of Birth  
*Your birth must have been registered in Scotland or there must be an entry in respect of you in the Adopted Children Register or the Parental Order Register.*  
.....
- 6. Father's name and surname .....
- 7. Mother's name and maiden surname .....
- 8. Length of time present name or surname has been used.  
*You must produce evidence to the satisfaction of the Registrar General that the name or surname which you wish to have recorded has been in use by you for a period of not less than 2 years prior to the date of the application. (See also note overleaf)*  
.....
- 9. Date of any previous application for a change of name or surname.  
*This application will be refused*  
*(i) If it is in respect of a change of name and a change of name has already been recorded for you since you attained the age of 16.*  
*(ii) If it is in respect of a change of Surname and you have had a change of Surname recorded during the previous 5 years or if you have already had 3 changes of Surname recorded since you attained the age of 16.*  
.....
- 10. Evidence produced in support of the period stated at 8 above.  
.....

I certify that the above particulars are correct.

Full postal address

signature of applicant

date

\* or in the case of a child who is the subject of either an Adoption Order or a Parental Order the name and surname as shown in the Adopted Children Register or the Parental Order Register.

**Note**

If the Registrar General is not satisfied with the evidence that you produce, the change of name or surname can only be recorded if you produce a copy of a notice inserted in a newspaper circulating in the area where you usually reside stating your intention to apply to the Registrar General for the recording of the name or surname proposed and that such name or surname has been in use by you for a period of not less than 2 years prior to the date of the insertion of the notice in the newspaper.

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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These regulations amend the Registration of Births, Still-births, Deaths and Marriages (Prescription of Forms) (Scotland) Regulations 1965. Regulations 3 and 4 of and Schedule 1 to these regulations substitute a new form of abbreviated certificate of birth to be used in the case of children who have been the subject of an adoption order or a parental order under section 30 of the Human Fertilisation and Embryology Act 1990 (c. 37).

Regulations 5 and 6 of and Schedules 2 and 3 to these regulations substitute new forms for an application for recording a change of name or surname of a child under 16 years of age and a person over 16 years of age. The amendments made to those forms are consequential upon the requirement upon the Registrar General to maintain the Parental Order Register in terms of the Parental Orders (Human Fertilisation and Embryology) (Scotland) Regulations 1994 (S.I. 1994/2804) and the change in the legal capacity of persons over 16 years introduced by the Age of Legal Capacity (Scotland) Act 1991 (c. 50).