
STATUTORY INSTRUMENTS

1998 No. 643 (S.24)

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

The Births, Deaths, Marriages and Divorces
(Fees) (Scotland) Regulations 1998

<i>Made</i>	- - - -	<i>9th March 1998</i>
<i>Laid before Parliament</i>		<i>11th March 1998</i>
<i>Coming into force</i>	- -	<i>1st April 1998</i>

The Registrar General, in exercise of the powers conferred upon him by sections 28A(4), 37(2) and (3), 38(2) and (3), 40(1), 43(8), 47, 54(1) and 56 of the Registration of Births, Deaths and Marriages (Scotland) Act 1965(1) and sections 3(1), 19(2), 25 and 26 of the Marriage (Scotland) Act 1977(2) 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 Births, Deaths, Marriages and Divorces (Fees) (Scotland) Regulations 1998 and shall come into force on 1st April 1998.

Interpretation

2.—(1) In these Regulations—

“the Act” means the Registration of Births, Deaths and Marriages (Scotland) Act 1965;

“the 1977 Act” means the Marriage (Scotland) Act 1977;

(1) 1965 c. 49; section 28A was inserted by section 50(1) of the Law Reform (Miscellaneous Provisions) (Scotland) Act 1985 (c. 73); section 54(1) was amended by the Children Act 1975 (c. 72), Schedule 4, Part III and by the Marriage (Scotland) Act 1977 (c. 15), Schedule 3; section 56 contains a definition of “prescribed” relevant to the exercise of the statutory powers under which these Regulations are made.

(2) 1977 c. 15; section 3(1) was amended by the Marriage (Prohibited Degrees of Relationship) Act 1986 (c. 16), Schedule 2, paragraph 3; section 26 contains a definition of “prescribed” relevant to the exercise of the statutory powers under which these Regulations are made.

“general search” means a search (other than an Internet search) over any period of years for any number of entries, made by any person with the permission of the Registrar General or the district registrar;

“Internet search” means a search, in the indexes to the statutory registers and in the indexes to the parochial registers made available on the Internet, made by any person by means of the Internet with the permission of the Registrar General;

“Internet search session” means the period of time beginning with the time at which a person has—

- (a) access to the indexes made available on the Internet; and
- (b) agreed to pay the prescribed fee for an Internet search session,

and ending—

- (a) 24 hours after that time; or if sooner,
- (b) with the time at which that person has retrieved 30 computer screens or part screens of index data;

“particular search” means a search for a specified entry caused to be made by the Registrar General or made by a district registrar;

“search” means a general search, an Internet search or, as the case may be, a particular search;

“working day” means a day on which the General Register Office is open for the purpose specified in section 38(2) of the Act.

(2) Any reference in these Regulations to an application made by post includes an application made by facsimile.

Fees payable to Registrar General

3. Subject to regulation 7, the fees payable under the provisions of the Act specified in—
- (a) column 1 of Part I of Schedule 1 to these Regulations for the services described in column 2 of that Schedule (namely, searches in the indexes to the statutory and parochial registers) shall be the amounts specified in column 4 thereof (the amounts previously prescribed⁽³⁾ being specified in column 3 of that Schedule);
 - (b) column 1 of Part II of Schedule 1 to these Regulations for the services described in column 2 of that Schedule (namely, the issue of extract entries and abbreviated certificates of birth) shall be the amounts specified in column 4 thereof (the amount previously prescribed⁽⁴⁾ being specified in column 3 of that Schedule);
 - (c) column 1 of Part III of Schedule 1 to these Regulations for the services described in column 2 of that Schedule (namely, recording of names or changes of names) shall be the amount specified in column 4 thereof (the amount previously prescribed⁽⁵⁾ being specified in column 3 of that Schedule).

Priority handling fee

4. Subject to regulation 7, where—
- (a) a person applies for a service which is described in the entry numbered 1 in column 2 of Part II of Schedule 1 to these Regulations;

(3) S.I. 1997/716, as amended by S.I. 1997/1680.

(4) S.I. 1997/716, as amended by S.I. 1997/1680. The amount previously prescribed for issuing extracts or certificates was for the carrying out of a search and the issuing of a subsequent extract or certificate. The amount shown in column 3, as previously prescribed is the part of the fee that was attributable to the issue of the extract or certificate.

(5) S.I. 1997/716, as amended by S.I. 1997/1680.

- (b) the application is made—
 - (i) in person before 1300 hours and the person requests that the extract be issued after 1600 hours on the same day, or
 - (ii) in person after 1300 hours and the person requests that the extract be issued after 1000 hours on the next working day following the application, or
 - (iii) by post and the person requests that the extract be issued by post on the next working day following receipt of the application; and
- (c) the Registrar General considers that the request can reasonably be complied with,

then, in addition to the amount specified in column 4 of Part II of that Schedule as the fee payable for that service, a further fee of £10 per extract issued shall be payable, but, if the extract is not issued within the time requested, the further fee shall be refunded.

Fee payable to district registrars

- 5. Subject to regulation 7, the fees payable under the provisions of the Act specified in—
 - (a) column 1 of Part I of Schedule 2 to these Regulations for the services described in column 2 of that Schedule (namely, searches in statutory registers) shall be the amounts specified in column 4 thereof (the amounts previously prescribed⁽⁶⁾ being specified in column 3 of that Schedule);
 - (b) column 1 of Part II of Schedule 2 to these Regulations for the services described in column 2 of that Schedule (namely, issue of extracts of entries in statutory registers and of abbreviated certificates of birth) shall be the amount specified in column 4 thereof (the amount previously prescribed⁽⁷⁾ being specified in column 3 of that Schedule).

Fees payable under the 1977 Act

6. The fees payable under the provisions of the 1977 Act specified in column 1 of Schedule 3 to these Regulations for the services described in column 2 of that Schedule (namely, submission of marriage notice and civil marriage ceremony) shall be the amounts specified in column 4 thereof (the amounts previously prescribed⁽⁸⁾ being specified in column 3 of that Schedule).

Remission of fees

- 7. The Registrar General may remit any fee or part of a fee payable under the Act where—
 - (a) the payment of the fee is likely to cause hardship to the person by whom it is payable; or
 - (b) the service in respect of which the fee is payable is performed for research purposes; or
 - (c) an extract has been requested by the father or mother of a still-born child within one month of the date of registration of the still-birth, and the Registrar General consents in terms of section 37(3) of the Act to the extract being issued from the register of still-births; or
 - (d) the person named as the informant on an entry in the register of deaths (“the relevant entry”) has requested an extract of the relevant entry in the following circumstances:—
 - (i) the informant has previously been issued with an extract of the relevant entry on payment of the prescribed fee,
 - (ii) the informant has subsequently been notified by the Registrar General that an entry has been made in the Register of Corrections Etc. relating to the relevant entry

(6) S.I. 1997/716, as amended by S.I. 1997/1680. The amount previously prescribed for the entry numbered 2(a) in column 2 was the fee for a general search for the first two hours or part thereof.

(7) S.I. 1997/716, as amended by S.I. 1997/1680.

(8) S.I. 1996/572.

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following a notice received by the Registrar General from a procurator fiscal under section 28(1)(b) of the Act, and

- (iii) the request has been made in writing within one month of the date of receipt of the notification by the Registrar General.

Revocation

8. The Marriage Fees (Scotland) Regulations 1996⁽⁹⁾, the Registration of Births, Deaths, Marriages and Divorces (Fees) (Scotland) Regulations 1997⁽¹⁰⁾, and the Registration of Births, Deaths, Marriages and Divorces (Fees) (Scotland) Amendment Regulations 1997⁽¹¹⁾ are hereby revoked.

New Register House,
Edinburgh
6th March 1998

James Meldrum
Registrar General

Approved by the Secretary of State for Scotland

St Andrew's House,
Edinburgh
9th March 1998

Henry B McLeish
Minister of State, Scottish Office

⁽⁹⁾ S.I. 1996/572.
⁽¹⁰⁾ S.I. 1997/716.
⁽¹¹⁾ S.I. 1997/1680.

SCHEDULE 1

Regulation 3

FEES PAYABLE TO REGISTRAR GENERAL

PART I

SEARCHES IN STATUTORY REGISTERS AND PAROCHIAL REGISTERS

<i>1</i>	<i>2</i>	<i>3</i>	<i>4</i>
<i>Registration of Births, Deaths and Marriages (Scotland) Act 1965</i>	<i>Service</i>	<i>Fee formerly payable £</i>	<i>Fee payable under these Regulations £</i>
Sections 28A(4), 38(2) and (3) and 47	<p>1. Particular search for each period of 5 years or part thereof in the indexes to the statutory registers, whether the specified entry is traced or not and application is made—</p> <p>(a) in person</p> <p>(b) (b) by post 5.00</p> <p>(c) (c) by electronic mail 7.00</p> <p>2. Particular search for each period of 5 years or part thereof in the parochial registers, whether the specified entry is traced or not, and application is made—</p> <p>(a) in person</p> <p>(b) (b) by post 5.00</p> <p>(c) (c) by electronic mail 7.00</p> <p>3. Internet search – per Internet search session 6.00</p> <p>4. General search in both the parochial</p>	<p>3.00</p> <p>5.00</p> <p>7.00</p> <p>5.00</p> <p>6.00</p> <p>13.00</p>	<p>3.00</p> <p>5.00</p> <p>7.00</p> <p>5.00</p> <p>6.00</p> <p>13.00</p>

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1 <i>Registration of Births, Deaths and Marriages (Scotland) Act 1965</i>	2 <i>Service</i>	3 <i>Fee formerly payable £</i>	4 <i>Fee payable under these Regulations £</i>
	registers and in the indexes to the statutory registers—		
	(a) in a case where payment is made not less than 14 days in advance and a place is occupied in the limited amount of general search accommodation made available for reservation at this fee— per day or part thereof		
	(b) (b) in any other case— per afternoon or part thereof (being any time after 1300 hours)	10.00	10.00
	per day	17.00	17.00
	per week	65.00	65.00
	per four weeks	220.00	220.00
	per quarter	500.00	500.00
	per year	1,500.00	1,500.00

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PART II

ISSUE OF EXTRACTS OF ENTRIES IN STATUTORY AND PAROCHIAL REGISTERS AND OF ABBREVIATED CERTIFICATES OF BIRTH

<i>1</i> <i>Registration of</i> <i>Births, Deaths and</i> <i>Marriages (Scotland)</i> <i>Act 1965</i>	<i>2</i> <i>Service</i>	<i>3</i> <i>Fee formerly payable</i> <i>£</i>	<i>4</i> <i>Fee payable under</i> <i>these Regulations £</i>
Sections 28A(4), 38(2) and (3), 40(1) and 47	1. Issue of an extract of an entry in a statutory register or an abbreviated certificate of birth or an extract of an entry in a parochial register	8.00	8.00
	2. Issue of an extract of an entry identified by an Internet search where application is made by electronic mail in the course of that search	10.00	10.00

PART III

CHANGES OF NAME

<i>1</i> <i>Registration of</i> <i>Births, Deaths and</i> <i>Marriages (Scotland)</i> <i>Act 1965</i>	<i>2</i> <i>Service</i>	<i>3</i> <i>Fee formerly payable</i> <i>£</i>	<i>4</i> <i>Fee payable under</i> <i>these Regulations £</i>
Section 43(8)	1. Recording of name, or change of name or surname or alternative name	34.00	34.00
	2. Recording of name, or change of name or surname or alternative name for second or any subsequent members of the family intimated at the same time	10.00	10.00

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SCHEDULE 2

Regulation 5

FEES PAYABLE TO DISTRICT REGISTRARS

PART I

SEARCHES IN STATUTORY REGISTERS

<i>1</i>	<i>2</i>	<i>3</i>	<i>4</i>
<i>Registration of Births, Deaths and Marriages (Scotland) Act 1965</i>	<i>Service</i>	<i>Fee formerly payable £</i>	<i>Fee payable under these Regulations £</i>
Section 37(2) each period of 5 years or part thereof in the indexes to the statutory registers, whether the specified entry is traced or not. Provided that no fee shall be payable where the specified entry has been entered in the Registers within the preceding month	<p>1. Particular search for</p> <p>2. General search in the indexes to the statutory registers–</p> <p>(a) for the first hour or part thereof</p> <p>(b) (b) for the second and each subsequent hour or part thereof</p>	<p>3.00</p> <p>10.00</p> <p>5.00</p>	<p>5.00</p> <p>10.00</p> <p>5.00</p>

PART II

**ISSUE OF EXTRACTS OF ENTRIES IN STATUTORY
REGISTERS AND OF ABBREVIATED CERTIFICATES OF BIRTH**

<i>1</i>	<i>2</i>	<i>3</i>	<i>4</i>
<i>Marriage (Scotland) Act 1977</i>	<i>Service</i>	<i>Fee formerly payable £</i>	<i>Fee payable under these Regulations £</i>
Sections 37(2) and (3) and 40(1) register or of an abbreviated certificate of birth not being an abbreviated certificate of birth given or transmitted under section 19 of the Act	Issue of an extract of an entry in a statutory	8.00	8.00

SCHEDULE 3

Regulation 6

FEES PAYABLE UNDER THE 1977 ACT

<i>1</i>	<i>2</i>	<i>3</i>	<i>4</i>
<i>Registration of Births, Deaths and Marriages (Scotland) Act 1965</i>	<i>Service</i>	<i>Fee formerly payable £</i>	<i>Fee payable under these Regulations £</i>
Section 3(1)	Submission of marriage notice	11.00	12.00
Section 19(2)	Civil marriage ceremony	40.00	40.00

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations prescribe with effect from 1st April 1998, the fees payable to the Registrar General and district registrars for services provided under the Registration of Births, Deaths and Marriages (Scotland) Act 1965 (“the Act”) and the Marriage (Scotland) Act 1977 (“the 1977 Act”). The fees payable to the Registrar General under the Act for the services listed in Schedule 1 have not been increased. The opportunity has been taken to separate out certain of these fees into their component parts, namely the carrying out of a search and the issuing of an extract entry.

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Accordingly, the amounts shown as previously prescribed for these fees relate to the previous fee for the component part.

The fees payable to the district registrar under the Act for the services listed in Schedule 2 have been changed as follows. The fee for a particular search has been increased from £3 to £5 with the exception that no fee is payable where the specified entry has been entered in the Registers within the preceding month. The fee for a general search has been increased from £10 per 2 hours to £10 per hour and £5 for each subsequent hour. The fee for issuing extracts is now in all cases £8. Previously the fee for the issue of certain extracts was £11 which included a £3 search fee.

The fee payable under the 1977 Act for submitting a marriage notice has been increased from £11 to £12 (regulation 6 and Schedule 3).

The Marriage Fees (Scotland) Regulations 1996, the Registration of Births, Deaths, Marriages and Divorces (Fees) (Scotland) Regulations 1997 and the Registration of Births, Deaths, Marriages and Divorces (Fees) (Scotland) Amendment Regulations 1997 which previously prescribed the fees payable under the Act and the 1977 Act are revoked.