



# Coronavirus (Recovery and Reform) (Scotland) Act 2022

2022 asp 8

## PART 3

### PUBLIC SERVICE REFORM

#### *Registration of births*

#### **25 Giving information of particulars of birth remotely**

- (1) The Registration of Births, Deaths and Marriages (Scotland) Act 1965 is modified as follows.
- (2) In section 14 (duty to give information of particulars of birth)—
- (a) in subsection (1)(b), for “the next following subsection” substitute “subsection (2)”,
  - (b) in subsection (1A)—
    - (i) in the opening words, the word “by” is repealed,
    - (ii) in paragraph (a), before “attending” insert “by”,
    - (iii) after paragraph (a), the word “or” is repealed,
    - (iv) for paragraph (b) substitute—
      - “(b) in a manner permitted in the circumstances (or any circumstances) by a direction issued by the registrar, or
      - (c) in a manner permitted in the circumstances (or any circumstances) by a direction issued by the Registrar General.”,
  - (c) after subsection (1A) insert—
    - “(1B) A person has not discharged the duty under subsection (1) in relation to a birth until the birth registration form containing the information given by the person of the prescribed particulars concerning the birth is attested by, or on behalf of, the person.

(1C) References in this section to a birth registration form being attested—

- (a) by a person are to the person attesting the form—
  - (i) in the prescribed manner in the presence of the district registrar, or
  - (ii) in a manner approved by the Registrar General,
- (b) on behalf of a person are to the form being attested by the district registrar in a manner approved by the Registrar General (once the person has provided the registrar with any information the registrar requests).

(1D) Where there is a way for—

- (a) a person (“the informant”) to give information of the prescribed particulars of a birth that does not entail the informant attending personally at a registration office, or
  - (b) a birth registration form to be attested that does not entail the informant attesting it in the presence of a district registrar,
- it is for the informant to choose whether to give the information, or attest the form, that way.”.

(3) After section 14 insert—

**“14A Directions about giving information of particulars of birth**

- (1) A direction under section 14(1A)(b) may only permit information to be given in a manner approved by the Registrar General.
- (2) A direction under section 14(1A)(c) may not make different provision for different areas.
- (3) A power to issue a direction under section 14(1A) includes the power to revise or revoke an earlier direction issued under the power.
- (4) Directions under section 14(1A) must be made publicly available.
- (5) There is no duty to issue any direction under section 14(1A)(b) or (c).”.

(4) In section 16 (registrar’s power to require information concerning birth to be given)—

- (a) in subsection (1)—
  - (i) after “requiring him” insert “before such date (being not less than 8 days and not more than 15 days after the date of service of the notice) as may be specified in the notice”,
  - (ii) paragraph (a) is repealed,
  - (iii) in paragraph (b), after “birth” insert “in one of the following ways—
    - “(i) by attending personally at the registration office for that district and giving the information to the registrar there; or
    - (ii) in a manner permitted in the circumstances (or any circumstances) by a direction under section 14(1A)(b) or (c)”,
  - (iv) for paragraph (c) substitute—
    - “(c) to either—

---

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

---

- (i) attest, in the prescribed manner, the birth registration form concerning the birth in the presence of the registrar; or
    - (ii) provide the registrar with any information the registrar requests in order for the registrar to attest the form, in a manner approved by the Registrar General, on the person's behalf.”
  - (b) in subsection (2), for “him to attend personally as aforesaid” substitute “the person to do the things mentioned in subsection (1)(b) and (c)”;
  - (c) after subsection (3) insert—
    - “(3A) Where there is a way for—
      - (a) a person on whom a notice under subsection (1) or (2) is served (“the informant”) to give information of the prescribed particulars of a birth that does not entail the informant attending personally at a registration office, or
      - (b) a birth registration form to be attested that does not entail the informant attesting it in the presence of a district registrar,it is for the informant to choose whether to give the information, or attest the form, that way.”
- (5) In section 16B(2) (registration of births)—
  - (a) for “he obtained the attested birth registration by virtue of” substitute “information was given in a manner permitted by a direction under”;
  - (b) after “14(1A)(b)” insert “or (c)”.
- (6) In section 18 (which makes provision about registration by a father not married to, or in a civil partnership with, the child's mother)—
  - (a) in subsection (1)(a), for “that person” to “together with” substitute “the birth registration form is to be attested by, or on behalf of, both that person and”;
  - (b) in subsection (1A), for “by him” to “the registrar” substitute “by, or on behalf of, that person”;
  - (c) after subsection (3) insert—
    - “(4) References in this section to a birth registration form being attested—
      - (a) by a person are to the person attesting the form—
        - (i) in the prescribed manner in the presence of the district registrar, or
        - (ii) in a manner approved by the Registrar General,
      - (b) on behalf of a person are to the form being attested by the district registrar in a manner approved by the Registrar General (once the person has provided the registrar with any information the registrar requests).
- (5) Where—
  - (a) a person is required by this section to attest a birth registration form, and
  - (b) there is a way for the person to do so that does not entail attesting it in the presence of a district registrar,it is for the person to choose whether to attest the form that way.”

- (7) In section 18B (births of children where second female parent by virtue of section 43 of the Human Fertilisation and Embryology Act 2008)—
- (a) in subsection (1)(a), for “woman concerned shall” to “together with” substitute “birth registration form is to be attested by, or on behalf of, both the woman concerned and”,
  - (b) in subsection (2), for “in the presence of the registrar” substitute “, or on her behalf”,
  - (c) after subsection (3) insert—
    - “(4) References in this section to a birth registration form being attested—
      - (a) by a person are to the person attesting the form—
        - (i) in the prescribed manner in the presence of the district registrar, or
        - (ii) in a manner approved by the Registrar General,
      - (b) on behalf of a person are to the form being attested by the district registrar in a manner approved by the Registrar General (once the person has provided the registrar with any information the registrar requests).
- (5) Where—
- (a) a person is required by this section to attest a birth registration form, and
  - (b) there is a way for the person to do so that does not entail attesting it in the presence of a district registrar,
- it is for the person to choose whether to attest the form that way.”.
- (8) After section 21 insert—

**“21A Meaning of birth registration form**

In this Part, references to a birth registration form are to the prescribed form in which—

- (a) a person gives a district registrar information of the prescribed particulars concerning a birth, or
- (b) a district registrar records information of the prescribed particulars concerning a birth.”.