



Local Electoral Administration and Registration Services (Scotland) Act 2006

2006 asp 14

PART 2

REGISTRATION SERVICES

Registration of births and deaths

42 Registration of deaths

- (1) The 1965 Act is amended in accordance with subsections (2) to (8).
- (2) In section 22 (particulars of deaths to be registered), for subsections (1) to (3) there is substituted—
- “(1) The prescribed particulars of the death of every person dying in Scotland shall be registered in accordance with this Part of this Act and for that purpose the district registrar for each registration district shall keep a register of deaths.”.
- (3) In section 23 (duty to give information of particulars of death)—
- (a) in subsection (1)—
- (i) the words “to attend personally at a registration office and give to the registrar” are repealed;
 - (ii) after “finding,” there is inserted “ give ”;
 - (iii) for “and to sign the register in the presence of the registrar” there is substituted “ to the district registrar for a registration district ”; and
 - (iv) in the proviso, the words “and the signing of the register” are repealed;
- (b) after subsection (1) there is inserted—
- “(1A) For the purposes of subsection (1), a person shall give information of the prescribed particulars concerning a death to the district registrar for a registration district by—
- (a) attending personally at the registration office for that district and—

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- (i) giving to the registrar information of the particulars required to be registered concerning the death, and
 - (ii) attesting, in the prescribed manner, the prescribed form (in this Part, the “death registration form”) concerning the death in the presence of the registrar, or
 - (b) submitting to the registrar by a prescribed means a death registration form concerning the death which has been completed by the person and attested by him in the prescribed manner.”; and
 - (c) in subsection (2), the words “or the last foregoing” are repealed.
- (4) In section 24 (certificate of cause of death)—
 - (a) in subsection (1)—
 - (i) for “registrar” there is substituted “ district registrar for a registration district ”; and
 - (ii) for “signed” there is substituted “ attested, in the prescribed manner, ”; and
 - (b) in subsection (2)—
 - (i) for “signed” there is substituted “ attested, in the prescribed manner, ”; and
 - (ii) for “registrar” there is substituted “ district registrar for a registration district ”.
- (5) In section 25 (registrar's power to require information concerning death to be given)—
 - (a) in subsection (1)—
 - (i) for “particulars required to be registered” there is substituted “ prescribed particulars ”;
 - (ii) for “registrar”, where first occurring, there is substituted “ district registrar for a registration district ”;
 - (iii) after “the”, where ninthly occurring, there is inserted “ district ”; and
 - (iv) in paragraph (c), for “sign the register” there is substituted “ attest, in the prescribed manner, the death registration form concerning the death ”;
 - (b) in subsection (2), after “the”, where fourthly occurring, there is inserted “ said ”; and
 - (c) in subsection (3), after “the”, where first occurring, there is inserted “ said ”.
- (6) After section 25 there is inserted—

“25A Provision of death particulars to Registrar General

- (1) Each Health Board shall in respect of each death that occurs in its area, provide to the Registrar General, in such manner and at such times as the Registrar General and that body may agree, the prescribed particulars.
- (2) The Registrar General shall, as soon as reasonably practicable after the prescribed particulars of a death have been provided to the Registrar General under subsection (1) above, make those particulars available to the district registrar for each registration district.

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25B Registration of deaths

- (1) Subject to subsection (2) below, the district registrar for a registration district shall register the particulars of a death where, in accordance with this Part of this Act, the registrar has an attested death registration form concerning the death.
 - (2) The registrar is not to register a death in respect of which he obtained the attested death registration form by virtue of section 23(1A)(b) of this Act unless the registrar is satisfied that the prescribed particulars of the death have been—
 - (a) provided to the Registrar General under section 25A of this Act, or
 - (b) provided to the relevant district registrar under section 50 of this Act.
 - (3) For the purposes of this Part of this Act, particulars of a death are registered by entering the death registration form concerning the death in the register of deaths kept by the district registrar performing the registration.”.
- (7) In section 26 (prohibition on late registration of deaths)—
- (a) in subsection (1), for “a registrar” there is substituted “ the district registrar for a registration district ”; and
 - (b) after that subsection there is inserted—

“(1A) For the purposes of subsection (1) above, authority which is given by electronic means is to be treated as if in writing if it is received in a form which is legible and capable of being used for subsequent reference.”.
- (8) In section 27 (free certificate of registration of death)—
- (a) in subsection (1), for “registrar” there is substituted “ district registrar for a registration district ”; and
 - (b) in subsection (3), for “registrar of the registration district in which the death occurred” there is substituted “ district registrar for a registration district ”.

Commencement Information

- I1** S. 42 partly in force; s. 42 not in force at Royal Assent see s. 63(2); s. 42 in force for specified purposes at 1.10.2006 and s. 42(1) in force for further specified purposes and s. 42(2)(3)(a)(iii)(iv)(c)(4)(5)(7)(8) in force at 1.1.2007 by S.S.I. 2006/469, **arts. 2, 3**, Schs. 1, 2 (with art. 4); S. 42(1)(3)(b)(6) in force for specified purposes at 14.1.2008 by S.S.I. 2007/566, **art. 2** (with art. 3)
- I2** S. 42(1) in force at 24.9.2022 for specified purposes by S.S.I. 2022/266, **art. 2(f)**
- I3** S. 42(3)(a)(i)(ii) in force at 24.9.2022 in so far as not already in force by S.S.I. 2022/266, **art. 2(d)**
- I4** S. 42(3)(b) in force at 24.9.2022 in so far as not already in force by S.S.I. 2022/266, **art. 2(e)**

Changes to legislation:

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