

2022 No. 267

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

**The Registration of Births, Still-births and Deaths (Prescription
of Forms and Attestation) (Miscellaneous Amendment)
(Scotland) Regulations 2022**

<i>Made</i> - - - -	<i>6th September 2022</i>
<i>Laid before the Scottish Parliament</i>	<i>8th September 2022</i>
<i>Coming into force</i> - -	<i>24th September 2022</i>

The Registrar General makes the following Regulations in exercise of the powers conferred by sections 13(1), 14(1A)(a)(ii) and (1C)(a)(i), 16(1) and (2), 18(4), 18B(1)(a) and (4), 21(1), 22(1), 23(1A)(a)(ii) and (1C)(a)(i), 25(1) and (2), and 54(1)(b) of the Registration of Births, Deaths and Marriages (Scotland) Act 1965(a), and all other powers enabling him to do so.

In accordance with section 54(1) of the Registration of Births, Deaths and Marriages (Scotland) Act 1965(b), the Scottish Ministers have approved the making of these Regulations.

Citation and commencement

1. These Regulations may be cited as the Registration of Births, Still-births and Deaths (Prescription of Forms and Attestation) (Miscellaneous Amendment) (Scotland) Regulations 2022 and come into force on 24 September 2022.

Amendment of the Registration of Births, Still-births, Deaths and Marriages (Prescription of Forms) (Scotland) Regulations 1997

2.—(1) The Registration of Births, Still-births, Deaths and Marriages (Prescription of Forms) (Scotland) Regulations 1997(c) are amended as follows.

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- (a) 1965 c. 49 (“the 1965 Act”). Section 13(1) was substituted by, and section 14(1A) inserted by, section 39(2) and (3)(b) of the Local Electoral Administration and Registration Services (Scotland) Act 2006 (asp 14) (“the 2006 Act”). Section 14(1A) was amended by, and section 14(1C) inserted by, section 25(2) of the Coronavirus (Recovery and Reform) (Scotland) Act 2022 (asp 8) (“the 2022 Act”). Section 16(1) and (2) were amended by section 39(5) of the 2006 Act and section 25(4) of the 2022 Act. Section 18(4) was inserted by section 25(6) of the 2022 Act. Section 18B was inserted by paragraph 44 of schedule 6 of the Human Fertilisation and Embryology Act 2008 (c. 22). Section 18B(4) was inserted by section 25(7) of the 2022 Act. Section 22(1) was substituted by section 42(2) of the 2006 Act. Section 23(1A) was inserted by section 42(3) of the 2006 Act, and amended by section 27(2) of the 2022 Act. Section 23(1C) was inserted by section 27(2) of the 2022 Act. Section 25(1) and (2) were amended by section 42(5) of the 2006 Act, and section 27(4) of the 2022 Act. Sections 1 and 56(1) of the 1965 Act respectively contain definitions of “Registrar General” and “prescribed” relevant to the exercise of the statutory powers under which these Regulations are made.
- (b) the functions of the Secretary of State under the 1965 Act were transferred to the Scottish Ministers by virtue of section 53 of the Scotland Act 1998 (c. 46).
- (c) S.I. 1997/2348, last amended by S.S.I. 2015/180.

(2) For regulation 3 substitute—

“**3.**—(1) The form set out in schedule 1 is the prescribed form of birth registration form for the birth of a child for the purposes of sections 14(1A)(a)(ii) and 21A(a).

(2) The particulars required for the completion of the form mentioned in paragraph (1) are the prescribed particulars to be registered in a register of births for the purposes of section 13(1).”

(3) For regulation 4 substitute—

“**4.**—(1) The form set out in schedule 2 is the prescribed form of birth registration form for a still-born child for the purposes of sections 14(1A)(a)(ii) and 21A.

(2) The particulars required for the completion of the form mentioned in paragraph (1) are the prescribed particulars to be registered in a register of still-births for the purposes of section 13(1).”

(4) For regulation 12 substitute—

“**12.**—(1) The form set out in schedule 10 is the prescribed form of death registration form for the purposes of sections 23(1A)(a)(ii) and 28A(b).

(2) The particulars required for the completion of the form mentioned in paragraph (1) are the prescribed particulars to be registered in a register of deaths for the purposes of section 22(1).”

(5) For the form in schedule 3, substitute the form in schedule 1 of these Regulations.

(6) For the form in schedule 4, substitute the form in schedule 2 of these Regulations.

(7) For the form in schedule 12, substitute the form in schedule 3 of these Regulations.

(8) For the form in schedule 13, substitute the form in schedule 4 of these Regulations.

Amendment of the Registration Services (Attestation and Authentication) (Scotland) Regulations 2006

3.—(1) The Registration Services (Attestation and Authentication) (Scotland) Regulations 2006(c) are amended as follows.

(2) In regulation 2(a) (manner of attestation)—

(a) after “sections” insert “14(1A)(a)(ii) and (1C)(a)(i),”

(b) for “16(1)(c)” substitute “16(1)(c)(i)(d),”

(c) after “18(1)(a)” insert “and (4)(a)(i), 18B(4)(a)(i),”

(d) after “21(2)(a),” insert “23(1A)(a)(ii) and (1C)(a)(i),”

(a) Section 21A is inserted by section 25(8) of the Coronavirus (Recovery and Reform) (Scotland) Act 2022 (asp 8) (“the 2022 Act”).

(b) The death registration form has been prescribed on a transitional basis, and manuscript signature prescribed as the manner of attestation of the form, prior to the commencement of section 23(1A)(b) of the Registration of Births, Deaths and Marriages (Scotland) Act 1965 (c. 49), by S.S.I. 2007/566. Section 23(1A)(b) was substituted by section 27(2)(a) of the 2022 Act, and commenced on 24 September 2022 by section 59(3) of that Act. Section 28A is inserted by section 27(6) of the 2022 Act.

(c) S.S.I. 2006/597.

(d) Section 16(1)(c) was substituted by section 25(4) of the 2022 Act.

(e) for “25(1)(c)” substitute “25(1)(c)(i)(a)”.

New Register House,
Edinburgh
6th September 2022

ANNE SLATER
Deputy Registrar General for Scotland

Approved by the Scottish Ministers

St Andrew’s House
Edinburgh
6th September 2022

ANGUS ROBERTSON
A member of the Scottish Government

(a) Section 25(1)(c) was substituted by section 27(4) of the Coronavirus (Recovery and Reform) (Scotland) Act 2022 (asp 8).



LEGAL REQUIREMENT TO REGISTER A BIRTH
NOTICE REQUIRING REGISTRATION PARTICULARS
TO BE PROVIDED TO THE REGISTRAR

(Section 16(1) of the Registration of Births, Deaths and Marriages (Scotland) Act 1965)

From the Registrar of Births, Deaths and Marriages, District of

(Address)

..... Postcode

Tel

E-mail

To

(Address)

.....

..... Postcode

Section 16(1) of the Registration of Births, Deaths and Marriages (Scotland) Act 1965 provides that where a birth has not been registered within 21 days of the date of birth the registrar may serve a notice on a qualified informant requiring the qualified informant to give information of the particulars to be registered concerning the birth. It appears to me that you are a qualified informant of the birth of a child born

on (date)

at (place)

I hereby serve this notice on you and require you to contact this office

before (date)

to give the necessary information to the best of your knowledge and belief, and to attest the Birth Registration Form, or for the information of the particulars to be provided to the registrar to enable him or her to attest the Birth Registration Form on your behalf.

Note: This notice shall cease to have effect if the particulars of birth are duly registered by.....

.....

(signature) Registrar

(date)

SCHEDULE 2

Regulation 2(6)

Form 4



LEGAL REQUIREMENT TO REGISTER A BIRTH
FINAL NOTICE

(Section 16(2) of the Registration of Births, Deaths and Marriages (Scotland) Act 1965)

From the Registrar of Births, Deaths and Marriages, District of
(Address)
..... Postcode
Tel
E-mail

To
(Address)
..... Postcode
On (date)

a notice under section 16(1) of the Registration of Births, Deaths and Marriages (Scotland) Act 1965
was served on you requiring you to contact this office before
to give information of the particulars to be registered concerning the birth of a child born
on (date)
at (place)

and to attest the Birth Registration Form, or for the information of the particulars to be provided to the
registrar to enable him or her to attest the Birth Registration Form on your behalf.

You have failed to comply with the notice and the child's birth has still not been registered at this
office nor has it been reported as having been registered elsewhere, and I hereby serve this notice
on you and require you to contact this office
before (date)

If you fail to contact this office, and the birth remains unregistered, I may report the matter to the
Sheriff for a decree ordaining you to comply with this notice.

(signature) Registrar
(date)

24/09/22

SCHEDULE 3

Regulation 2(7)

Form 12



LEGAL REQUIREMENT TO REGISTER A DEATH
NOTICE REQUIRING REGISTRATION PARTICULARS
TO BE PROVIDED TO THE REGISTRAR

(Section 25(1) of the Registration of Births, Deaths and Marriages (Scotland) Act 1965)

From the Registrar of Births, Deaths and Marriages, District of

(Address)

Postcode

Tel

E-mail

To

(Address)

.....

Postcode

Section 25(1) of the Registration of Births, Deaths and Marriages (Scotland) Act 1965 provides that where a death has not been registered within 8 days of the date of death the registrar may serve a notice on a qualified informant requiring the qualified informant to give information of the particulars to be registered concerning the death. It appears to me that you are a qualified informant of the death of

(name)

who died on (date)

at (place)

I hereby serve this notice on you and require you to contact this office

before (date)

to give the necessary information to the best of your knowledge and belief, and to attest the Death Registration Form, or for the information of the particulars to be provided to the registrar to enable him or her to attest the Death Registration Form on your behalf.

Note: This notice shall cease to have effect if the particulars of the death are duly registered by

.....

(signature) Registrar

(date)

24/09/22

SCHEDULE 4

Regulation 2(8)

Form 13



LEGAL REQUIREMENT TO REGISTER A DEATH
FINAL NOTICE

(Section 25(2) of the Registration of Births, Deaths and Marriages (Scotland) Act 1965)

From the Registrar of Births, Deaths and Marriages, District of

(Address)

..... Postcode

Tel

Email

To

(Address)

.....

..... Postcode

On (date)

a notice under section 25(1) of the Registration of Births, Deaths and Marriages (Scotland) Act 1965 was served on you requiring you to contact this office before

to give information of the particulars to be registered concerning the death of

(name)

who died on (date)

at (place)

and to attest the Death Registration Form, or for the information of the particulars to be provided to the registrar to enable him or her to attest the Death Registration Form on your behalf.

You have failed to comply with the notice and the death has still not been registered at this office nor has it been reported as having been registered elsewhere, and I hereby serve this notice on you and require you to contact this office

before (date)

If you fail to contact this office, and the death remains unregistered, I may report the matter to the Sheriff for a decree ordaining you to comply with this notice.

(signature) Registrar

(date)

24/09/22

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations make provision consequential on sections 25 and 27 of the Coronavirus (Recovery and Reform) (Scotland) Act 2022 (“the 2022 Act”) and the commencement of sections 39(3)(a) and (b) and 42(3)(a)(i) and (ii) and (b) of the Local Electoral Administration and Registration Services (Scotland) Act 2006 so far as not already in force, and the commencement of section 39(6) of that Act for the purpose of the insertion of section 16B of the Registration of Births, Deaths and Marriages (Scotland) Act 1965 (“the 1965 Act”). These provisions enable the submission of the particulars for registration of a birth or a death by the informant remotely from a registration office.

Regulation 2(2) to (4) amend the Registration of Births, Still-births, Deaths and Marriages (Prescription of Forms) (Scotland) Regulations 1997 (“the 1997 Regulations”) to prescribe the form—

- of the “birth registration form” for the birth of a child or for a still-born child to be completed in accordance with section 14(1A), and to be entered in a register of births or still births in accordance with section 16B(3) and (4), of the 1965 Act,
- of the “death registration form” for a death to be completed in accordance with section 23(1A)(a)(ii) of the 1965 Act.

The existing forms in schedules 1, 2 and 10 of the 1997 Regulations are prescribed with reference to the new statutory provisions, so that those forms are the birth registration form for the birth of a child, the birth registration form for a still-born child and the death registration form, respectively.

Regulation 2(5) to (8) update the following forms prescribed in various schedules of the 1997 Regulations in consequence of amendments made by sections 25(4) and 27(4) of the 2022 Act to sections 16(1) and (2) and 25(1) and (2) of the 1965 Act—

- the form in schedule 3 (legal requirement to register a birth notice requiring personal attendance at registration office),
- the form in schedule 4 (legal requirement to register a birth - final notice),
- the form in schedule 12 (legal requirement to register a death notice requiring personal attendance at registration office),
- the form in schedule 13 (legal requirement to register a death - final notice).

Regulation 3 amends the Registration Services (Attestation and Authentication) (Scotland) Regulations 2006 to set manuscript signature as the manner of attestation for various provisions of the 1965 Act. This prescribes that manner of attestation of the “birth registration form” and the “death registration form” where the form is attested by the person who gives the prescribed particulars in the presence of the registrar.

The Regulations apply from 24 September 2022.

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