



# Registration of Births, Deaths and Marriages (Scotland) Act 1965

## 1965 CHAPTER 49

An Act to make new provision as respects the registration of births, deaths and marriages in Scotland, and as respects the recording of changes of name or surname there, and for purposes connected therewith. [5th August 1965]

### Modifications etc. (not altering text)

- C1 Act extended by [Adoption \(Scotland\) Act 1978 \(c. 28\), ss. 45\(8\), 67\(2\)](#)
- C2 Act: power to extend Act conferred by [British Nationality Act 1981 \(c. 61, SIF 87\), s. 41\(4\)\(5\)](#)
- C3 Act extended (with modifications) by [S.I. 1982/1526, art. 4\(1\)](#)
- C4 Act applied (28.9.2009) by [Adoption and Children \(Scotland\) Act 2007 \(asp 4\), ss. 54\(1\), 121\(2\); S.S.I. 2009/267, arts. 1\(2\), 2 \(with arts. 3-21\) \(as amended \(7.5.2012\) by S.S.I. 2012/99, art. 2\)](#)
- C5 Act applied (28.9.2009) by [Adoption and Children \(Scotland\) Act 2007 \(asp 4\), ss. 53\(3\), 121\(2\); S.S.I. 2009/267, arts. 1\(2\), 2 \(with arts. 3-21\) \(as amended \(7.5.2012\) by S.S.I. 2012/99, art. 2\)](#)

### Commencement Information

- II Act wholly in force at 1.1.1966, see [s. 59\(3\)](#)

## PART I

### GENERAL ORGANISATION OF REGISTRATION SERVICE

#### *Central Organisation*

#### **1 The Registrar General.**

- (1) The office of the Registrar General of Births, Deaths and Marriages for Scotland shall continue, and any vacancy in that office shall be filled by an appointment made by the [<sup>F1</sup>Scottish Ministers].

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- (2) References in this Act to the Registrar General are references to the person for the time being holding the said office.
- (3) The Registrar General shall exercise the functions pertaining to the said office by virtue of this or any other Act; and subject to that general duty, shall have power to do all such things as appear to him necessary or expedient for maintaining the utility and efficiency of the registration service in Scotland.
- (4) The Registrar General shall send to the Secretary of State annually, in such form as the Secretary of State may from time to time require, a report containing the numbers of births, deaths and marriages registered in Scotland in the year to which the report relates and such other information as the Registrar General thinks expedient or the Secretary of State may require; and the Secretary of State shall lay every such report before each House of Parliament.

#### Textual Amendments

**F1** Words in s. 1(1) substituted (1.7.1999) by 1998 c. 46, s. 125, **Sch. 8 para. 12** (with s. 126(3)-(11)); S.I. 1998/3178, **art. 2(1)**

## 2 Registrar General's staff.

- (1) The Registrar General may appoint a Deputy Registrar General and <sup>F2</sup> . . . , such other officers including district examiners as he may determine.
- (2) Any officer employed at the commencement of this Act under the Registrar General for the purposes of any other enactment or of any enactment repealed by this Act shall be deemed to have been appointed in pursuance of the power conferred by the foregoing subsection.
- (3) Any act or thing required by or under any enactment to be done by, to or before the Registrar General may be done by, to, or before the Deputy Registrar General.

#### Textual Amendments

**F2** Words in s. 2(1) repealed (1.7.1999) by S.I. 1999/1820, arts. 1(2), 4, **Sch. 2 Pt. I para. 37(2)**, Pt. IV

## 3 General Register Office.

- (1) There shall be maintained for the purposes of this Act premises which shall be known as the General Register Office of Births, Deaths and Marriages in Scotland (in this Act referred to as "the General Register Office").
- (2) Any registers in the custody of the Registrar General by virtue of this or any other Act shall be kept and preserved in the General Register Office.
- (3) The Registrar General may, with the approval of the [<sup>F3</sup>Scottish Ministers], direct that any other premises shall be used for the deposit of any registers or records in the custody of the Registrar General by virtue of this or any other Act, and such premises, so long as they are so used, shall be deemed for the purposes of the last foregoing subsection to be part of the General Register Office.

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**Textual Amendments**

**F3** Words in s. 3(3) substituted (1.7.1999) by S.I. 1999/1820, arts. 1(2), 4, **Sch. 2 Pt. I para. 37(3)**

**F4** .....

**Textual Amendments**

**F4** S. 4 repealed (1.7.1999) by S.I. 1999/1820, arts. 1(2), 4, **Sch. 2 Pt. I para. 37(4)**, Pt. IV

*Local Organisation*

**[F5 Registration districts and local registration authorities**

- (1) For the purposes of this Act, the area of each local authority shall be a registration district.
- (2) There shall be a local registration authority for each registration district.
- (3) The local registration authority for a registration district shall be the local authority whose area comprises that district.]

**Textual Amendments**

**F5** S. 5 substituted (1.1.2007) by Local Electoral Administration and Registration Services (Scotland) Act 2006 (asp 14), **ss. 37(2)**, 63(2); S.S.I. 2006/469, art. 3, Sch. 2 (with art. 4)

**F6 Alteration of registration districts.**

.....

**Textual Amendments**

**F6** S. 6 repealed (1.1.2007) by Local Electoral Administration and Registration Services (Scotland) Act 2006 (asp 14), **ss. 37(3)**, 63(2); S.S.I. 2006/469, art. 3, Sch. 2 (with art. 4)

**7 Senior and district registrars and other staff.**

- (1) Subject to the following provisions of this section a local registration authority shall appoint for <sup>F7</sup>their registration district] a registrar of births, deaths and marriages (in this Act referred to as a “district registrar”), and may appoint—
  - (a) such additional district registrars for <sup>F8</sup>their registration district] as they think necessary;
  - (b) one or more senior registrars of births, deaths and marriages (in this Act referred to as “senior registrars”);

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- (c) such assistant registrars of births, deaths and marriages (in this Act referred to as “assistant registrars”) for [<sup>F9</sup>their registration district] or for the purposes of section 9(1) of this Act as they think necessary.

A senior registrar appointed under paragraph (b) of this subsection may be a person who already holds the appointment of district registrar.

- (2) A local registration authority shall not exercise the power conferred on them by paragraph (a) or (b) of the foregoing subsection except after consultation with the Registrar General, and on making an appointment under this section shall forthwith inform the Registrar General of the name and surname of the person appointed and the date when his appointment is to take effect.
- (3) No person shall be appointed to any office mentioned in subsection (1) or (8) of this section unless he possesses the appropriate qualifications.
- (4) Any person who at the commencement of this Act holds the appointment of a registrar, interim registrar or an assistant registrar under any council which is a local registration authority shall be deemed to hold his appointment, as a district registrar, an additional district registrar, interim district registrar or an assistant registrar, as the case may be, under that local registration authority by virtue of this section, whether or not he possesses the appropriate qualifications.
- (5) Any person holding, or deemed to be holding, an appointment under this section shall have the functions set out in this Act and such functions as may be prescribed in relation to that appointment, and in exercising his functions under this or any other Act shall be subject to such instructions or directions as the Registrar General may give.
- (6) Without prejudice to the last foregoing subsection . . . <sup>F10</sup> any person holding, or deemed to be holding, an appointment under this section shall be deemed to be an employee of the local registration authority by whom he was appointed to that appointment.
- (7) Any person holding, or deemed to be holding, an appointment under this section may be removed from office by the local registration authority under which he holds the appointment:  
<sup>F11</sup>  
 ...
- (8) If a vacancy occurs in the office of district registrar for [<sup>F12</sup>their] registration district the local registration authority shall, if for any reason they are unable to fill the vacancy immediately,—
- (a) forthwith appoint an interim district registrar, and
  - (b) proceed to fill the vacancy as soon as is reasonably practicable;

and if the local registration authority fail to fill the vacancy within a reasonable time, the Registrar General may require the authority to do so within such period, being not less than twenty-eight days from the date of the giving of the requirement, as may be specified in the requirement, and, if the authority fail to fill the vacancy within that period, the vacancy shall be filled by the Secretary of State on the application of the Registrar General.

Any person appointed by the Secretary of State under this subsection to fill a vacancy shall be deemed to have been appointed by the local registration authority concerned.

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- (9) A local registration authority shall provide such officers and servants as are, in their opinion, required to enable any person holding, or deemed to be holding, an appointment under this section to exercise his functions.
- (10) Any person holding, or deemed to be holding, an appointment under this section and any person employed by virtue of the last foregoing subsection shall receive from the local registration authority such remuneration and allowances as that authority after consultation with the Registrar General may determine.
- (11) (a) The Secretary of State may by regulations provide for the payment by a local registration authority, subject to such exceptions or conditions as may be specified in the regulations, of compensation to or in respect of any person holding or deemed to be holding an appointment under this section or any officer or servant provided under subsection (9) of this section, or any person who, but for such service of his as may be so specified, would be such a person, officer or servant as aforesaid, who suffers loss of employment or loss or diminution of emoluments which is attributable to any provision contained in this Act<sup>F13</sup> ... or anything done in pursuance of this Act<sup>F13</sup> ....
- (b) Different regulations may be made under this subsection in relation to different classes of persons.
- (c) Regulations made under this subsection may include provision as to the manner in which and the persons to whom any claim for compensation by virtue of this subsection is to be made, and for the determination of all questions arising under the regulations.
- (d) Regulations made under this subsection shall be made by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (12) Any reference in this Act or any other Act to the district registrar for a registration district includes, unless the context otherwise requires, a reference to any additional district registrar or interim district registrar for that district; and anything required by this Act or any other Act to be done by or before the district registrar for a registration district may be done by or before any assistant registrar for that district.
- (13) In this section “appropriate qualifications”, in relation to any appointment, means such qualifications as the Registrar General may from time to time determine, and “appointment under this section” means an appointment under subsection (1) or (8) of this section.

#### Textual Amendments

- F7** Words in s. 7(1) substituted (1.1.2007) by [Local Electoral Administration and Registration Services \(Scotland\) Act 2006 \(asp 14\), ss. 37\(4\)\(a\)](#), 63(2); S.S.I. 2006/469, art. 3, Sch. 2 (with art. 4)
- F8** Words in s. 7(1)(a) substituted (1.1.2007) by [Local Electoral Administration and Registration Services \(Scotland\) Act 2006 \(asp 14\), ss. 37\(4\)\(b\)](#), 63(2); S.S.I. 2006/469, art. 3, Sch. 2 (with art. 4)
- F9** Words in s. 7(1)(c) substituted (1.1.2007) by [Local Electoral Administration and Registration Services \(Scotland\) Act 2006 \(asp 14\), ss. 37\(4\)\(c\)](#), 63(2); S.S.I. 2006/469, art. 3, Sch. 2 (with art. 4)
- F10** Words repealed by [S.I. 1974/812, Sch. 17 Pt. II](#)
- F11** Words in s. 7(7) repealed (1.1.2007) by [Local Electoral Administration and Registration Services \(Scotland\) Act 2006 \(asp 14\), ss. 59\(1\)\(a\)](#), 63(2); S.S.I. 2006/469, art. 3, Sch. 2 (with art. 4)
- F12** Word in s. 7(8) substituted (1.1.2007) by [Local Electoral Administration and Registration Services \(Scotland\) Act 2006 \(asp 14\), ss. 37\(4\)\(d\)](#), 63(2); S.S.I. 2006/469, art. 3, Sch. 2 (with art. 4)

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**F13** Words in s. 7(11)(a) repealed (1.1.2007) by [Local Electoral Administration and Registration Services \(Scotland\) Act 2006 \(asp 14\)](#), **ss. 37(4)(e)**, 63(2); S.S.I. 2006/469, art. 3, Sch. 2 (with art. 4)

## 8 Registration offices.

- (1) Every local registration authority shall provide and maintain for <sup>F14</sup>their registration district] a registration office <sup>F15</sup>which may comprise principal premises and such subordinate premises as they may, with the approval of the Registrar General, consider appropriate], shall defray the running expenses thereof, and shall provide therein to the satisfaction of the Registrar General a suitable fireproof repository or fireproof safes or cabinets for the safe custody of the records in the custody of the district registrar or registrars.
  - (2) For avoidance of doubt it is declared that a registration office for any registration district need not be situated within the district, and may consist of accommodation in the dwelling house of the district registrar for the district or in an office used by any such registrar for other purposes, subject to agreement as to terms between the authority and the registrar.
  - (3) It shall be a duty of the district registrar for a registration district to arrange that either he or any additional district registrar or an assistant registrar for the district is in attendance at the registration office for the district on such days and at such hours as may be fixed by the local registration authority with the approval of the Registrar General, for the purpose of registering births, deaths and marriages.
- <sup>F16</sup>(3A) Different days and different hours may be fixed under subsection (3) above for each of the premises provided and maintained by the local registration authority as part of the registration office.]
- (4) Every local registration authority shall cause to be displayed in a conspicuous position on or near the outside of the main entrance to the registration office for <sup>F17</sup>their registration district] a notice stating, in characters which can conveniently be read by the public, the name of the registration district and the hours fixed for attendance at <sup>F18</sup>those premises] under <sup>F19</sup>subsection (3) above].
  - (5) Every local registration authority shall make arrangements for the custody . . . <sup>F20</sup>duplicates of all necessary keys for each repository, safe or cabinet provided by them under subsection (1) of this section.
- <sup>F21</sup>(6) References in this Act to the registration office shall, unless the context otherwise requires, be construed as including all the premises provided and maintained by a local registration authority as parts of the registration office.]

### Textual Amendments

- F14** Words in s. 8(1) substituted (1.1.2007) by [Local Electoral Administration and Registration Services \(Scotland\) Act 2006 \(asp 14\)](#), **ss. 37(5)(a)**, 63(2); S.S.I. 2006/469, art. 3, Sch. 2 (with art. 4)
- F15** Words in s. 8(1) inserted (4.1.1995) by 1994 c. 39, **s. 51(3)(a)** (with s. 7(2)); S.I. 1994/2850, art. 3(a), **Sch. 2**
- F16** S. 8(3A) inserted (1.1.2007) by [Local Electoral Administration and Registration Services \(Scotland\) Act 2006 \(asp 14\)](#), **ss. 38**, 63(2); S.S.I. 2006/469, art. 3, Sch. 2 (with art. 4)
- F17** Words in s. 8(4) substituted (1.1.2007) by [Local Electoral Administration and Registration Services \(Scotland\) Act 2006 \(asp 14\)](#), **ss. 37(5)(b)(i)**, 63(2); S.S.I. 2006/469, art. 3, Sch. 2 (with art. 4)

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- F18** Words in s. 8(4) substituted (1.1.2007) by [Local Electoral Administration and Registration Services \(Scotland\) Act 2006 \(asp 14\), ss. 37\(5\)\(b\)\(ii\)](#), 63(2); S.S.I. 2006/469, art. 3, Sch. 2 (with art. 4)
- F19** Words in s. 8(4) substituted (1.1.2007) by [Local Electoral Administration and Registration Services \(Scotland\) Act 2006 \(asp 14\), ss. 37\(5\)\(b\)\(iii\)](#), 63(2); S.S.I. 2006/469, art. 3, Sch. 2 (with art. 4)
- F20** Words repealed by [Local Government \(Scotland\) Act 1973 \(c. 65\), Sch. 29](#)
- F21** S. 8(6) inserted (4.1.1995) by [1994 c. 39, s. 51\(3\)\(b\)](#) (with s. 7(2)); S.I. 1994/2850, art. 3(a), [Sch. 2](#)

## 9 Area repositories.

- (1) A local registration authority may, with the approval of the Registrar General, provide and maintain a suitable repository or repositories for the deposit of such registers and other documents connected with the registration service in their [<sup>F22</sup>registration district] as may be agreed from time to time between the authority and the Registrar General; and all registers and documents so deposited shall be placed in the custody of a senior registrar or a district registrar who shall in relation thereto carry out the functions assigned by or under this Act to a district registrar in relation to registers and documents kept in a registration office for a registration district.

Anything required by this subsection to be done by a senior registrar or district registrar may be done by an assistant registrar designated for the purpose.

- (2) Two or more local registration authorities may combine for the purpose of executing their functions under this section but shall not so combine without the approval of the Registrar General; and [<sup>F23</sup>sections 56 to 58 of the <sup>M1</sup>Local Government (Scotland) Act 1973] (voluntary combination of local authorities) shall apply accordingly subject to such approval.

### Textual Amendments

- F22** Words in s. 9(1) substituted (1.1.2007) by [Local Electoral Administration and Registration Services \(Scotland\) Act 2006 \(asp 14\), ss. 37\(6\)](#), 63(2); S.S.I. 2006/469, art. 3, Sch. 2 (with art. 4)
- F23** Words substituted by [Local Government \(Scotland\) Act 1973 \(c. 65\), s. 166\(2\)\(d\)](#)

### Marginal Citations

- M1** 1973 c. 65.

## 10 Delivery up of books etc. on ceasing to hold office.

- (1) When any person ceases to hold the office of senior registrar, district registrar, additional district registrar, interim district registrar or assistant registrar, all registers, safes, cabinets, keys, books and documents in his possession as holder of that office shall be delivered up to his successor in office or, if there is no successor, to such person as the Registrar General may designate.
- (2) If any person who has in his custody or control any such article as aforementioned wilfully fails to deliver it up to, or account for it to the satisfaction of, the person in whose custody it should be, he shall be guilty of an offence, and on summary conviction shall be liable to a fine not exceeding [<sup>F24</sup>level 3 on the standard scale].
- (3) If, on an application by the Registrar General or some other person appointed by him for the purpose, a sheriff or justice of the peace is satisfied by evidence on oath that there is reasonable cause to believe that any article withheld in contravention of this



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section is in any specified premises or place, he may grant a warrant authorising any constable to enter and search those premises or that place at any time and seize any such article found therein, and any article so seized shall be delivered to the person in whose custody it should be.

#### Textual Amendments

- F24** Words substituted by virtue of [Criminal Procedure \(Scotland\) Act 1975 \(c. 21, SIF 39:1\)](#), **ss. 289F, 289G**

## 11 General provision as to fees.

Subject to such exceptions as may be prescribed, a district registrar may refuse to comply with any application voluntarily made to him under this Act [<sup>F25</sup>or the <sup>M2</sup>Marriage (Scotland) Act 1977] until the appropriate fee, if any, provided for by [<sup>F26</sup>or under this Act or the <sup>M3</sup>Marriage (Scotland) Act 1977] is paid to him; and any such fee, if not prepaid, shall be recoverable by the registrar to whom it is payable.

#### Textual Amendments

- F25** Words inserted by [Marriage \(Scotland\) Act 1977 \(c. 15\)](#), **Sch. 2 para. 6(a)**  
**F26** Words substituted by [Marriage \(Scotland\) Act 1977 \(c. 15\)](#), **Sch. 2 para. 6(b)**

#### Marginal Citations

- M2** [1977 c. 15.](#)  
**M3** [1977 c. 15.](#)

## 12 Fees to be accounted for.

Every district registrar shall, at such times and in such manner as the local registration authority may require, account to the local registration authority under whom he is employed for all fees received by, or payable to, him in respect of the execution of his duties under this Act [<sup>F27F28</sup>... the <sup>M4</sup>Marriage (Scotland) Act 1977 [<sup>F29</sup>and Part 2 of the Local Electoral Administration and Registration Services (Scotland) Act 2006 (asp 14)].]

#### Textual Amendments

- F27** Words added by [Marriage \(Scotland\) Act 1977 \(c. 15\)](#), **Sch. 2 para. 7**  
**F28** Word in [s. 12](#) repealed (1.10.2006) by [Local Electoral Administration and Registration Services \(Scotland\) Act 2006 \(asp 14\)](#), **ss. 59(1)(b)(i)**, 63(2); S.S.I. 2006/469, art. 2, Sch. 1 (with art. 4)  
**F29** Words in [s. 12](#) inserted (1.10.2006) by [Local Electoral Administration and Registration Services \(Scotland\) Act 2006 \(asp 14\)](#), **ss. 59(1)(b)(ii)**, 63(2); S.S.I. 2006/469, art. 2, Sch. 1 (with art. 4)

#### Marginal Citations

- M4** [1977 c. 15.](#)



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## PART II

### REGISTRATION OF BIRTHS

#### 13 Particulars of births to be registered.

- [<sup>F30</sup>(1) The prescribed particulars of the birth of every child born in Scotland shall be registered in accordance with this Part of this Act and for that purpose each district registrar for each registration district shall keep—
- (a) a register of births, and
  - (b) a register of still-births.]
- (4) Where a child is born (whether within or out of Scotland) in a ship, aircraft or land vehicle in the course of a journey, and that child is brought by such ship, aircraft or land vehicle to any place in Scotland, the birth shall, unless the Registrar General otherwise directs, be deemed for the purposes of this section to have occurred at that place.

#### Textual Amendments

**F30** S. 13(1) substituted for s. 13(1)- (1.10.2006 for specified purposes, 1.1.2007 in so far as not already in force) by [Local Electoral Administration and Registration Services \(Scotland\) Act 2006 \(asp 14\)](#), **ss. 39(2)**, **63(2)**; S.S.I. 2006/469, arts. 2, 3, Schs. 1, Sch. 2 (with art. 4)

#### 14 Duty to give information of particulars of birth.

- (1) Subject to the subsequent provisions of this Part of this Act, in the case of every birth it shall be the duty of—
- (a) the [<sup>F31</sup>child's father or mother (whether or not they have attained the age of sixteen years)], or
  - (b) in the case of the death or inability of the father and mother, each other person who under [<sup>F32</sup>subsection (2)] is qualified to give information concerning the birth,
- within twenty-one days from the date of the birth, to [<sup>F33</sup>give to the district registrar for a registration district information of the prescribed particulars concerning the birth]: Provided that the giving of that information <sup>F34</sup>... by the father or the mother or by any one of those persons shall constitute a discharge of any duty imposed by this subsection on any other person.
- [<sup>F35</sup>(1A) For the purposes of subsection (1) above, a person shall give information of the prescribed particulars concerning a birth to the district registrar for a registration district <sup>F36</sup>...—
- (a) [<sup>F37</sup>by] attending personally at the registration office for that district and—
    - (i) giving to the registrar information of the particulars required to be registered concerning the birth, and
    - (ii) attesting, in the prescribed manner, the prescribed form (in this Part, the “birth registration form”) concerning the birth in the presence of the registrar, <sup>F38</sup>...
  - [<sup>F39</sup>(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.]

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[ A person has not discharged the duty under subsection (1) in relation to a birth until the<sup>F40</sup>(1B) 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.]

(2) The following persons, in addition to the father and mother, shall be qualified to give information concerning the birth of a child, that is to say—

- (a) any relative of either parent of the child, being a relative who has knowledge of the birth;
- (b) the occupier of the premises in which the child was, to the knowledge of that occupier, born;
- (c) any person present at the birth;
- (d) any person having charge of the child.

<sup>F41</sup>(3) Nothing in this <sup>F41</sup>... section shall authorise the registration of the particulars of any birth in two or more registers, or more than once in any one register.

(4) If it appears to the Registrar General that the particulars of the birth of any child have been registered in two or more registers, or more than once in any one register, he may give directions for the cancellation of all those registrations except such one of them as may be specified in the directions.

[ In the case of a child who has a parent by virtue of section 42 of the Human Fertilisation<sup>F42</sup>(4A) and Embryology Act 2008, the references in subsections (1) and (2) to the father of the child are to be read as references to the woman who is a parent by virtue of that section.]

[ In this section, any reference to the father or parent of the child shall not include a<sup>F43</sup>(5) reference to a father who is not married to [<sup>F44</sup>or in a civil partnership with] the mother and has not been married to [<sup>F44</sup>or in a civil partnership with] her since the child’s conception.]]

#### Textual Amendments

**F31** Words in s. 14(1)(a) substituted (1.11.1995) by 1995 c. 36, s. 99(1); S.I. 1995/2787, art. 3, Sch.

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- F32** Words in s. 14(1)(b) substituted (24.9.2022) by Coronavirus (Recovery and Reform) (Scotland) Act 2022 (asp 8), **ss. 25(2)(a), 59(2)(b)**
- F33** Words in s. 14(1) substituted (1.10.2006 for specified purposes, 24.9.2022 in so far as not already in force) by Local Electoral Administration and Registration Services (Scotland) Act 2006 (asp 14), **ss. 39(3)(a)(i), 63(2)**; S.S.I. 2006/469, art. 2, sch. 1 (with art. 4); S.S.I. 2022/266, art. 2(a)
- F34** Words in s. 14(1) repealed (1.10.2006 for specified purposes, 24.9.2022 in so far as not already in force) by Local Electoral Administration and Registration Services (Scotland) Act 2006 (asp 14), **ss. 39(3)(a)(ii), 63(2)**; S.S.I. 2006/469, art. 2, sch. 1 (with art. 4); S.S.I. 2022/266, art. 2(a)
- F35** S. 14(1A) inserted (1.10.2006 for specified purposes, 24.9.2022 in so far as not already in force) by Local Electoral Administration and Registration Services (Scotland) Act 2006 (asp 14), **ss. 39(3)(b), 63(2)**; S.S.I. 2006/469, art. 2, sch. 1 (with art. 4); S.S.I. 2022/266, art. 2(a)
- F36** Word in s. 14(1A) repealed (24.9.2022) by Coronavirus (Recovery and Reform) (Scotland) Act 2022 (asp 8), **ss. 25(2)(b)(i), 59(2)(b)**
- F37** Word in s. 14(1A)(a) inserted (24.9.2022) by Coronavirus (Recovery and Reform) (Scotland) Act 2022 (asp 8), **ss. 25(2)(b)(ii), 59(2)(b)**
- F38** Word in s. 14(1A) repealed (24.9.2022) by Coronavirus (Recovery and Reform) (Scotland) Act 2022 (asp 8), **ss. 25(2)(b)(iii), 59(2)(b)**
- F39** S. 14(1A)(b)(c) substituted for s. 14(1A)(b) (24.9.2022) by Coronavirus (Recovery and Reform) (Scotland) Act 2022 (asp 8), **ss. 25(2)(b)(iv), 59(2)(b)**
- F40** S. 14(1B)-(1D) inserted (24.9.2022) by Coronavirus (Recovery and Reform) (Scotland) Act 2022 (asp 8), **ss. 25(2)(c), 59(2)(b)**
- F41** Words in s. 14(3) repealed (1.10.2006 for specified purposes, 1.1.2007 in so far as not already in force) by Local Electoral Administration and Registration Services (Scotland) Act 2006 (asp 14), **ss. 39(3)(c), 63(2)**; S.S.I. 2006/469, arts. 2, 3, Schs. 1, 2 (with art. 4)
- F42** S. 14(4A) inserted (6.4.2009 for specified purposes, 1.9.2009 in so far as not already in force) by Human Fertilisation and Embryology Act 2008 (c. 22), s. 68(2), **Sch. 6 para. 42**; S.I. 2009/479, art. 6(1)(e)(2) (with art. 7, Sch.)
- F43** S. 14(5) added by Law Reform (Parent and Child) (Scotland) Act 1986 (c. 9, SIF 49:8), s. 10(1), **Sch. 1 para. 8(1)**
- F44** Words in s. 14(5) inserted (1.6.2021) by Civil Partnership (Scotland) Act 2020 (asp 15), s. 16, **sch. 2 para. 1(2)**; S.S.I. 2021/23, reg. 2, sch. (with reg. 3)

**Modifications etc. (not altering text)**

- C6** S. 14(1) modified (1.11.1995) by 1995 c. 36, **s. 99(2)**; S.I. 1995/2787, art. 3, **Sch.**

**[<sup>F45</sup>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).]

*Status: Point in time view as at 25/01/2023.*

*Changes to legislation: There are currently no known outstanding effects for the Registration of Births, Deaths and Marriages (Scotland) Act 1965. (See end of Document for details)*

### Textual Amendments

- F45** S. 14A inserted (24.9.2022) by [Coronavirus \(Recovery and Reform\) \(Scotland\) Act 2022 \(asp 8\)](#), **ss. 25(3), 59(2)(b)**

## 15 Duty to give information concerning finding of infant children.

- (1) Where any living infant child is found exposed and the finding has been reported to the local authority in whose area the child was found, it shall be the duty of the [<sup>F46</sup>chief social work officer] of the local authority, or such other person as may be appointed for the purpose by the local authority, to give to the [<sup>F47</sup>district registrar for the registration district in which the child was found], within two months from the date on which the child was found, information as to the finding of the child and such evidence as may be in the local authority's possession as to the [<sup>F48</sup>prescribed particulars] concerning the birth, and to [<sup>F49</sup>attest, in the prescribed manner, the birth registration form concerning the birth] in the presence of the said registrar.
- (2) If there is produced to the said registrar a certificate [<sup>F50</sup>attested in the prescribed manner] by a registered medical practitioner stating that in the opinion of the medical practitioner a specified date is likely to have been the approximate date of the birth of the child, that date may be entered in the [<sup>F51</sup>birth registration form concerning the birth] as the date of birth of the child.
- (3) The foregoing provisions of this section shall apply to the finding of the body of a dead infant child as they apply to the finding of a living infant child, with the substitution for any reference to the [<sup>F46</sup>chief social work officer] of or other person appointed by the local authority of a reference to any procurator-fiscal to whom the finding has been reported.

<sup>F52</sup>(4) . . . . .

### Textual Amendments

- F46** Words in s. 15(1)(3) substituted (1.4.1996) by [1994 c. 39, s. 51\(4\)\(a\)](#) (with s. 7(2)); S.I. 1996/323, art. 4(1)(a), **Sch. 1**
- F47** Words in s. 15(1) substituted (1.10.2006 for specified purposes, 1.1.2007 in so far as not already in force) by [Local Electoral Administration and Registration Services \(Scotland\) Act 2006 \(asp 14\)](#), **ss. 39(4)(a)(i)**, 63(2); S.S.I. 2006/469, arts. 2, 3, Schs. 1, 2 (with art. 4)
- F48** Words in s. 15(1) substituted (1.10.2006 for specified purposes, 1.1.2007 in so far as not already in force) by [Local Electoral Administration and Registration Services \(Scotland\) Act 2006 \(asp 14\)](#), **ss. 39(4)(a)(ii)**, 63(2); S.S.I. 2006/469, arts. 2, 3, Schs. 1, 2 (with art. 4)
- F49** Words in s. 15(1) substituted (1.10.2006 for specified purposes, 1.1.2007 in so far as not already in force) by [Local Electoral Administration and Registration Services \(Scotland\) Act 2006 \(asp 14\)](#), **ss. 39(4)(a)(iii)**, 63(2); S.S.I. 2006/469, arts. 2, 3, Schs. 1, 2 (with art. 4)
- F50** Words in s. 15(2) substituted (1.10.2006 for specified purposes, 1.1.2007 in so far as not already in force) by [Local Electoral Administration and Registration Services \(Scotland\) Act 2006 \(asp 14\)](#), **ss. 39(4)(b)(i)**, 63(2); S.S.I. 2006/469, arts. 2, 3, Schs. 1, 2 (with art. 4)
- F51** Words in s. 15(2) substituted (1.10.2006 for specified purposes, 1.1.2007 in so far as not already in force) by [Local Electoral Administration and Registration Services \(Scotland\) Act 2006 \(asp 14\)](#), **ss. 39(4)(b)(ii)**, 63(2); S.S.I. 2006/469, arts. 2, 3, Schs. 1, 2 (with art. 4)
- F52** S. 15(4) repealed (1.4.1996) by [1994 c. 39, ss. 51\(4\)\(b\), 180\(2\)](#), **Sch. 14** (with s. 7(2)); S.I. 1996/323, art. 4(1)(a)(d), **Sch. 1, 2**

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## 16 Registrar’s power to require information concerning birth to be given.

(1) Where after the expiration of twenty-one days from the date of birth of any child information of the [<sup>F53</sup>prescribed particulars] concerning the birth of that child has not been given to the [<sup>F54</sup>district registrar for a registration district] in accordance with section 14 of this Act, the [<sup>F55</sup>district] registrar for the registration district in which the child was born may serve a notice in the prescribed form on any person who is a qualified informant in relation to the birth requiring him [<sup>F56</sup>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]—

<sup>F57</sup>(a) . . . . .

(b) to give information to the best of that person’s knowledge and belief of the particulars required to be registered concerning the birth [<sup>F58</sup>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)]; and

[<sup>F59</sup>(c) to either—

(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.]

(2) If any person on whom a notice has been served in pursuance of the foregoing subsection fails to comply with the notice before the date specified therein the [<sup>F60</sup>said] registrar may serve on that person a second notice in the prescribed form requiring [<sup>F61</sup>the person to do the things mentioned in subsection (1)(b) and (c)] within eight days from the date of service of the second notice.

(3) If on summary application by the [<sup>F62</sup>said] registrar it appears to the sheriff that any person on whom a second notice has been served in pursuance of the last foregoing subsection has failed without reasonable cause to comply therewith within the period specified therein, the sheriff may grant decree ordaining the person to comply with the notice within such further period as may be specified in the decree; and any such decree may be enforced in like manner as a decreead *factum praestandum*.

[<sup>F63</sup>(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.]

(4) Any notice served under subsection (1) or subsection (2) of this section shall cease to have effect if, before it is complied with, particulars of the birth are duly registered.

*Status: Point in time view as at 25/01/2023.*

*Changes to legislation: There are currently no known outstanding effects for the Registration of Births, Deaths and Marriages (Scotland) Act 1965. (See end of Document for details)*

### Textual Amendments

- F53** Words in s. 16(1) substituted (1.10.2006 for specified purposes, 1.1.2007 in so far as not already in force) by [Local Electoral Administration and Registration Services \(Scotland\) Act 2006 \(asp 14\)](#), [ss. 39\(5\)\(a\)\(i\)](#), 63(2); S.S.I. 2006/469, arts. 2, 3, Schs. 1, 2 (with art. 4)
- F54** Words in s. 16(1) substituted (1.10.2006 for specified purposes, 1.1.2007 in so far as not already in force) by [Local Electoral Administration and Registration Services \(Scotland\) Act 2006 \(asp 14\)](#), [ss. 39\(5\)\(a\)\(ii\)](#), 63(2); S.S.I. 2006/469, arts. 2, 3, Schs. 1, 2 (with art. 4)
- F55** Word in s. 16(1) inserted (1.10.2006 for specified purposes, 1.1.2007 in so far as not already in force) by [Local Electoral Administration and Registration Services \(Scotland\) Act 2006 \(asp 14\)](#), [ss. 39\(5\)\(a\)\(iii\)](#), 63(2); S.S.I. 2006/469, arts. 2, 3, Schs. 1, 2 (with art. 4)
- F56** Words in s. 16(1) inserted (24.9.2022) by [Coronavirus \(Recovery and Reform\) \(Scotland\) Act 2022 \(asp 8\)](#), [ss. 25\(4\)\(a\)\(i\)](#), 59(2)(b)
- F57** S. 16(1)(a) repealed (24.9.2022) by [Coronavirus \(Recovery and Reform\) \(Scotland\) Act 2022 \(asp 8\)](#), [ss. 25\(4\)\(a\)\(ii\)](#), 59(2)(b)
- F58** Words in s. 16(1)(b) inserted (24.9.2022) by [Coronavirus \(Recovery and Reform\) \(Scotland\) Act 2022 \(asp 8\)](#), [ss. 25\(4\)\(a\)\(iii\)](#), 59(2)(b)
- F59** S. 16(1)(c) substituted (24.9.2022) by [Coronavirus \(Recovery and Reform\) \(Scotland\) Act 2022 \(asp 8\)](#), [ss. 25\(4\)\(a\)\(iv\)](#), 59(2)(b)
- F60** Word in s. 16(2) inserted (1.10.2006 for specified purposes, 1.1.2007 in so far as not already in force) by [Local Electoral Administration and Registration Services \(Scotland\) Act 2006 \(asp 14\)](#), [ss. 39\(5\)\(b\)](#), 63(2); S.S.I. 2006/469, arts. 2, 3, Schs. 1, 2 (with art. 4)
- F61** Words in s. 16(2) substituted (24.9.2022) by [Coronavirus \(Recovery and Reform\) \(Scotland\) Act 2022 \(asp 8\)](#), [ss. 25\(4\)\(b\)](#), 59(2)(b)
- F62** Word in s. 16(3) inserted (1.10.2006 for specified purposes, 1.1.2007 in so far as not already in force) by [Local Electoral Administration and Registration Services \(Scotland\) Act 2006 \(asp 14\)](#), [ss. 39\(5\)\(c\)](#), 63(2); S.S.I. 2006/469, arts. 2, 3, Schs. 1, 2 (with art. 4)
- F63** S. 16(3A) inserted (24.9.2022) by [Coronavirus \(Recovery and Reform\) \(Scotland\) Act 2022 \(asp 8\)](#), [ss. 25\(4\)\(c\)](#), 59(2)(b)

### [<sup>F64</sup>16A Provision of birth particulars to Registrar General

- (1) Each Health Board shall in respect of each birth 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 birth have been provided to the Registrar General under subsection (1) above, make those particulars available to the district registrar for each registration district.

### Textual Amendments

- F64** [Ss. 16A, 16B](#) inserted (1.10.2006 for specified purposes, 24.9.2022 for specified purposes) by [Local Electoral Administration and Registration Services \(Scotland\) Act 2006 \(asp 14\)](#), [ss. 39\(6\)](#), 63(2); S.S.I. 2006/469, art. 2, sch. 1 (with art. 4); S.S.I. 2022/266, art. 2(b)

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## 16B Registration of births

- (1) Subject to subsection (2) below, the district registrar for a registration district shall register the particulars of a birth where, in accordance with this Part of this Act, the registrar has an attested birth registration form concerning the birth.
- (2) The registrar is not to register a birth in respect of which [<sup>F65</sup>information was given in a manner permitted by a direction under] section 14(1A)(b) [<sup>F66</sup>or (c)] of this Act until the registrar is satisfied that the prescribed particulars of the birth have been—
  - (a) provided to the Registrar General under section 16A 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 birth are registered by entering the birth registration form concerning the birth in the relevant register kept by the district registrar performing the registration.
- (4) In subsection (3) above, the “ relevant register ” means the register of births or, as the case may be, still-births. ]

### Textual Amendments

- F64** Ss. 16A, 16B inserted (1.10.2006 for specified purposes, 24.9.2022 for specified purposes) by [Local Electoral Administration and Registration Services \(Scotland\) Act 2006 \(asp 14\), ss. 39\(6\), 63\(2\); S.S.I. 2006/469, art. 2, sch. 1 \(with art. 4\); S.S.I. 2022/266, art. 2\(b\)](#)
- F65** Words in s. 16B(2) substituted (24.9.2022) by [Coronavirus \(Recovery and Reform\) \(Scotland\) Act 2022 \(asp 8\), ss. 25\(5\)\(a\), 59\(2\)\(b\)](#)
- F66** Words in s. 16B(2) inserted (24.9.2022) by [Coronavirus \(Recovery and Reform\) \(Scotland\) Act 2022 \(asp 8\), ss. 25\(5\)\(b\), 59\(2\)\(b\)](#)

## 17 Registration after expiration of three months from date of birth or finding.

- (1) In no case shall the particulars of the birth of a child be registered by [<sup>F67</sup>the district registrar for a registration district] after the expiration of three months from the date of birth of the child or, in the case of a living infant child who has been found exposed or a dead infant child who has been found exposed and in respect of whom evidence is produced that he was born alive, from the date of finding, without the authority in writing of the Registrar General.
- [<sup>F68</sup>(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.]
- (2) The Registrar General may authorise the registration of the particulars of the birth of a child after the expiration of the said period although the information required for the registration of the particulars has not been given by a qualified informant:  
Provided that the Registrar General shall not exercise his power under this subsection unless he is satisfied, after such inquiry as he thinks necessary, that the correct particulars concerning the birth are available.



*Status: Point in time view as at 25/01/2023.*

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### Textual Amendments

- F67** Words in s. 17(1) substituted (1.10.2006 for specified purposes, 1.1.2007 in so far as not already in force) by [Local Electoral Administration and Registration Services \(Scotland\) Act 2006 \(asp 14\)](#), [ss. 39\(7\)\(a\)](#), [63\(2\)](#); [S.S.I. 2006/469](#), [arts. 2, 3](#), [Schs. 1, 2](#) (with [art. 4](#))
- F68** S. 17(1A) inserted (1.10.2006 for specified purposes, 1.1.2007 in so far as not already in force) by [Local Electoral Administration and Registration Services \(Scotland\) Act 2006 \(asp 14\)](#), [ss. 39\(7\)\(b\)](#), [63\(2\)](#); [S.S.I. 2006/469](#), [arts. 2, 3](#), [Schs. 1, 2](#) (with [art. 4](#))

### [<sup>F69</sup>18 Births of children born out of wedlock.

- (1) [<sup>F70</sup>Subject to section 18ZA of this Act] no person who is not married to [<sup>F71</sup>or in a civil partnership with] the mother of a child and has not been married to [<sup>F71</sup>or in a civil partnership with] her since the child's conception shall be required, as father of the child, to give information concerning the birth of the child and, save as provided in section 20 of this Act, the [<sup>F72</sup>district registrar for the registration district] shall not enter in the [<sup>F73</sup>birth registration form concerning the birth] the name and surname of any such person as father of the child except—
- (a) at the joint request of the mother and the person acknowledging himself to be the father of the child (in which case [<sup>F74</sup>the birth registration form is to be attested by, or on behalf of, both that person and] the mother); or
  - (b) at the request of the mother—
    - (i) on the production of—
      - (aa) a declaration in the prescribed form made by the mother stating that that person is the father of the child; and
      - (bb) a statutory declaration made by that person acknowledging himself to be the father of the child; or
    - (ii) on production of a decree by a competent court finding or declaring that person to be the father of the child; or
  - (c) at the request of that person on production of—
    - (i) a declaration in the prescribed form by that person acknowledging himself to be the father of the child; and
    - (ii) a statutory declaration made by the mother stating that that person is the father of the child.
- (1A) Where a person acknowledging himself to be the father of a child makes a request to the [<sup>F75</sup>district registrar for the registration district] in accordance with paragraph (c) of subsection (1) of this section, he shall be treated as a qualified informant concerning the birth of the child for the purposes of this Act; and the giving of information concerning the birth of the child by that person and the [<sup>F76</sup>attesting of the birth registration form concerning the birth][<sup>F77</sup>by, or on behalf of, that person] shall act as a discharge of any duty of any other qualified informant under section 14 of this Act.]
- (2) In any case where the name and surname of the father of [<sup>F78</sup>a] child has not been entered in the [<sup>F79</sup>birth registration form concerning the birth], the Registrar General may record that name and surname by causing an appropriate entry to be made in the Register of Corrections Etc.—
- (a) if a decree of paternity has been granted by a competent court; or
  - (b) if there is produced to him [<sup>F80</sup>a declaration and a statutory declaration such as are mentioned in paragraph (b) or (c) of subsection (1) of this section]; or

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- (c) if, where the mother is [<sup>F81</sup>dead or cannot be found or is incapable of making a request under subsection (1)(b) of this section, or a declaration under subsection (1)(b)(i)(aa) of this section, or a statutory declaration under subsection (1)(c)(ii) of this section], he is ordered so to do by the sheriff upon application made to the sheriff . . . <sup>F82</sup> by the person acknowledging himself to be the father of the child.

Where a decree of paternity has been granted by any court the clerk of court shall, where no appeal has been made against such decree, on the expiration of the time within which such an appeal may be made, or where an appeal has been made against such a decree, on the conclusion of any appellate proceedings, notify the import of such decree in the prescribed form to the Registrar General.

[<sup>F83</sup>(3) A person under the age of sixteen years has legal capacity—

- (a) to make a request, declaration or statutory declaration under subsection (1) or (2)(b) above if, in the opinion of the registrar; or  
(b) to make an application under subsection (2)(c) above if, in the opinion of the sheriff,

that person understands the nature of the request or, as the case may be, of the declaration, statutory declaration or application; and without prejudice to the generality of this subsection a person twelve years of age or more shall be presumed to be of sufficient age and maturity to have such understanding.]

[<sup>F84</sup>(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.]

#### Textual Amendments

- F69** S. 18(1)(1A) substituted for s. 18(1) by [Law Reform \(Parent and Child\) \(Scotland\) Act 1986 \(c. 9, SIF 49:8\)](#), s. 10(1), [Sch. 1 para. 8\(2\)](#)
- F70** Words in s. 18(1) inserted (1.12.2003) by [Human Fertilisation and Embryology \(Deceased Fathers\) Act 2003 \(c. 24\)](#), s. 4(2), [Sch. para. 6](#); S.I. 2003/3095, art. 2
- F71** Words in s. 18(1) inserted (1.6.2021) by [Civil Partnership \(Scotland\) Act 2020 \(asp 15\)](#), s. 16, [sch. 2 para. 1\(3\)](#); S.S.I. 2021/23, reg. 2, sch. (with reg. 3)
- F72** Words in s. 18(1) substituted (1.10.2006 for specified purposes, 1.1.2007 in so far as not already in force) by [Local Electoral Administration and Registration Services \(Scotland\) Act 2006 \(asp 14\)](#), [ss. 39\(8\)\(a\)\(i\)](#), 63(2); S.S.I. 2006/469, arts. 2, 3, Schs. 1, 2 (with art. 4)
- F73** Words in s. 18(1) substituted (1.10.2006 for specified purposes, 1.1.2007 in so far as not already in force) by [Local Electoral Administration and Registration Services \(Scotland\) Act 2006 \(asp 14\)](#), [ss. 39\(8\)\(a\)\(ii\)](#), 63(2); S.S.I. 2006/469, arts. 2, 3, Schs. 1, 2 (with art. 4)

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- F74** Words in s. 18(1)(a) substituted (1.9.2022 for specified purposes, 24.9.2022 in so far as not already in force) by Coronavirus (Recovery and Reform) (Scotland) Act 2022 (asp 8), **ss. 25(6)(a), 59(2)(a)(i)(ii)**
- F75** Words in s. 18(1A) substituted (1.10.2006 for specified purposes, 1.1.2007 in so far as not already in force) by Local Electoral Administration and Registration Services (Scotland) Act 2006 (asp 14), **ss. 39(8)(b)(i), 63(2); S.S.I. 2006/469, arts. 2, 3, Schs. 1, 2 (with art. 4)**
- F76** Words in s. 18(1A) substituted (1.10.2006 for specified purposes, 1.1.2007 in so far as not already in force) by Local Electoral Administration and Registration Services (Scotland) Act 2006 (asp 14), **ss. 39(8)(b)(ii), 63(2); S.S.I. 2006/469, arts. 2, 3, Schs. 1, 2 (with art. 4)**
- F77** Words in s. 18(1A) substituted (1.9.2022 for specified purposes, 24.9.2022 in so far as not already in force) by Coronavirus (Recovery and Reform) (Scotland) Act 2022 (asp 8), **ss. 25(6)(b), 59(2)(a)(i)(ii)**
- F78** Words substituted by Law Reform (Parent and Child) (Scotland) Act 1986 (c. 9, SIF 49:8), s. 10(1), **Sch. 1 para. 8(3)(a)**
- F79** Words in s. 18(2) substituted (1.10.2006 for specified purposes, 1.1.2007 in so far as not already in force) by Local Electoral Administration and Registration Services (Scotland) Act 2006 (asp 14), **ss. 39(8)(c), 63(2); S.S.I. 2006/469, arts. 2, 3, Schs. 1, 2 (with art. 4)**
- F80** Words substituted by Law Reform (Parent and Child) (Scotland) Act 1986 (c. 9, SIF 49:8), s. 10(1), **Sch. 1 para. 8(3)(b)**
- F81** Words substituted by Law Reform (Parent and Child) (Scotland) Act 1986 (c. 9, SIF 49:8), s. 10(1), **Sch. 1 para. 8(3)(c)**
- F82** Words repealed by Law Reform (Parent and Child) (Scotland) Act 1986 (c. 9, SIF 49:8), s. 10(1)(2), **Sch. 1 para. 8(3)(c), Sch. 2**
- F83** S. 18(3) added (1.11.1995) by 1995 c. 36, **s. 99(3); S.I. 1995/2787, art. 3, Sch.**
- F84** S. 18(4)(5) inserted (1.9.2022 for specified purposes, 24.9.2022 in so far as not already in force) by Coronavirus (Recovery and Reform) (Scotland) Act 2022 (asp 8), **ss. 25(6)(c), 59(2)(a)(i)(ii)**

**Modifications etc. (not altering text)**

- C7** S. 18(1)(2) modified (1.11.1995) by 1995 c. 36, **s. 99(4); S.I. 1995/2787, art. 3, Sch.**

**[<sup>F85</sup>18Z] Registration of father or second female parent by virtue of certain provisions of the Human Fertilisation and Embryology Act 2008**

- (1) The registrar shall not enter in the register—
- (a) as the father of a child the name of a man who is to be treated for that purpose as the father of the child by virtue of section 39(1) or 40(1) or (2) of the Human Fertilisation and Embryology Act 2008 (circumstances in which man to be treated as father of child for purpose of registration of birth where fertility treatment undertaken after his death); or
  - (b) as a parent of the child, the name of a woman who is to be treated for that purpose as a parent of the child by virtue of section 46(1) or (2) of that Act (circumstances in which woman to be treated as parent of child for purposes of registration of birth where fertility treatment undertaken after her death),
- unless the condition in subsection (2) below is satisfied.
- (2) The condition in this subsection is satisfied if—
- (a) the mother requests the registrar to make such an entry in the register and produces the relevant documents; or
  - (b) in the case of the death or inability of the mother, the relevant documents are produced by some other person who is a qualified informant.
- (3) In this section “ the relevant documents ” means—

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- (a) the consent in writing and election mentioned in section 39(1), 40(1) or (2) or 46(1) or (2) (as the case requires) of the Human Fertilisation and Embryology Act 2008;
- (b) a certificate of a registered medical practitioner as to the medical facts concerned; and
- (c) such other documentary evidence (if any) as the registrar considers appropriate.]

#### Textual Amendments

**F85** S. 18ZA substituted (6.4.2009 for specified purposes, 1.9.2009 in so far as not already in force) by [Human Fertilisation and Embryology Act 2008 \(c. 22\)](#), s. 68(2), [Sch. 6 para. 43](#); S.I. 2009/479, art. 6(1)(e)(2) (with art. 7, Sch.)

#### [<sup>F86</sup>18A Decrees of parentage and non-parentage.

- (1) Where a decree of parentage or non-parentage has been granted by any court the clerk of court shall—
  - (a) where no appeal has been made against such decree, on the expiration of the time within which such an appeal may be made, or
  - (b) where an appeal has been made against such a decree, on the conclusion of any appellate proceedings,notify the import of such decree in the prescribed form to the Registrar General.
- (2) Where it appears to the Registrar General that the import of a decree notified to him under subsection (1) above does not correspond with the entry in the register of births in respect of any person to whom the decree relates he shall cause an appropriate entry to be made in the Register of Corrections Etc.]

#### Textual Amendments

**F86** S. 18A inserted by [Law Reform \(Parent and Child\) \(Scotland\) Act 1986 \(c. 9, SIF 49:8\)](#), s. 10(1), [Sch. 1 para. 8\(4\)](#)

#### Modifications etc. (not altering text)

**C8** S. 18A(2) applied (4.4.2005) by [Gender Recognition Act 2004 \(c. 7\)](#), s. 26, [Sch. 3 para. 18](#); S.I. 2005/54, art. 2

#### [<sup>F87</sup>18B Births of children where second female parent by virtue of section 43 of the Human Fertilisation and Embryology Act 2008

- (1) No woman shall as a parent of a child by virtue of section 43 of the Human Fertilisation and Embryology Act 2008 (“the woman concerned”) be required, as a parent of the child, to give information concerning the birth of the child and, save as provided in section 20 of this Act, the district registrar for the registration district shall not enter in the birth registration form concerning the birth the name and surname of any woman as a parent of the child by virtue of section 43 of that Act of 2008 except—
  - (a) at the joint request of the mother and the woman concerned (in which case the [<sup>F88</sup>birth registration form is to be attested by, or on behalf of, both the woman concerned and] the mother); or

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- (b) at the request of the mother on production of—
    - (i) a declaration in the prescribed form made by the mother stating that the woman concerned is a parent of the child by virtue of section 43 of the Human Fertilisation and Embryology Act 2008; and
    - (ii) a statutory declaration made by the woman concerned acknowledging herself to be a parent of the child by virtue of section 43 of that Act; or
  - (c) at the request of the mother on production of a decree by a competent court finding or declaring the woman concerned to be a parent of the child by virtue of section 43 of that Act; or
  - (d) at the request of the woman concerned on production of—
    - (i) a declaration in the prescribed form made by the woman concerned acknowledging herself to be a parent of the child by virtue of section 43 of that Act; and
    - (ii) a statutory declaration made by the mother stating that the woman concerned is a parent of the child by virtue of section 43 of that Act.
- (2) Where a person acknowledging herself to be a parent of the child by virtue of section 43 of the Human Fertilisation and Embryology Act 2008 makes a request to the district registrar for the registration district in accordance with paragraph (d) of subsection (1) of this section, she shall be treated as a qualified informant concerning the birth of the child for the purposes of this Act; and the giving of information concerning the birth of the child by that person and the attesting of the birth registration form concerning the birth by her [<sup>F89</sup>, or on her behalf] shall act as a discharge of any duty of any other qualified informant under section 14 of this Act.
- (3) In any case where the name and surname of a woman who is a parent of a child by virtue of section 43 of the Human Fertilisation and Embryology Act 2008 has not been entered in the birth registration form concerning the birth, the Registrar General may record that name and surname by causing an appropriate entry to be made in the Register of Corrections Etc.—
- (a) if there is produced to him a declaration and a statutory declaration such as are mentioned in paragraph (b) or (d) of subsection (1) of this section; or
  - (b) if, where the mother is dead or cannot be found or is incapable of making a request under subsection (1)(b) or (c) of this section, or a declaration under subsection (1)(b)(i) or a statutory declaration under subsection (1)(d)(ii) of this section, the Registrar General is ordered so to do by the sheriff upon application made to the sheriff by the person acknowledging herself to be a parent of the child by virtue of section 43 of the Human Fertilisation and Embryology Act 2008.]
- [<sup>F90</sup>(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,

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it is for the person to choose whether to attest the form that way.]

#### Textual Amendments

- F87** S. 18B inserted (6.4.2009 for specified purposes, 1.9.2009 in so far as not already in force) by [Human Fertilisation and Embryology Act 2008 \(c. 22\)](#), s. 68(2), [Sch. 6 para. 44](#); S.I. 2009/479, art. 6(1)(e)(2) (with art. 7, Sch.) (as amended (1.9.2009) by S.I. 2009/2232, art. 3)
- F88** Words in s. 18B(1)(a) substituted (1.9.2022 for specified purposes, 24.9.2022 in so far as not already in force) by [Coronavirus \(Recovery and Reform\) \(Scotland\) Act 2022 \(asp 8\)](#), [ss. 25\(7\)\(a\)](#), 59(2)(a)(i)(ii)
- F89** Words in s. 18B(2) substituted (1.9.2022 for specified purposes, 24.9.2022 in so far as not already in force) by [Coronavirus \(Recovery and Reform\) \(Scotland\) Act 2022 \(asp 8\)](#), [ss. 25\(7\)\(b\)](#), 59(2)(a)(i)(ii)
- F90** S. 18B(4)(5) inserted (1.9.2022 for specified purposes, 24.9.2022 in so far as not already in force) by [Coronavirus \(Recovery and Reform\) \(Scotland\) Act 2022 \(asp 8\)](#), [ss. 25\(7\)\(c\)](#), 59(2)(a)(i)(ii)

### <sup>F91</sup>19 Free abbreviated certificate of birth.

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#### Textual Amendments

- F91** S. 19 repealed (1.1.2007) by [Local Electoral Administration and Registration Services \(Scotland\) Act 2006 \(asp 14\)](#), [ss. 44\(2\)](#), 63(2); S.S.I. 2006/469, art. 3, Sch. 2 (with art. 4)

### 20 Re-registration in certain cases.

- (1) In the case of any person, if—
- (a) the entry relating to him in the register of births is affected by any matter contained in the Register of Corrections Etc. respecting his status [<sup>F92</sup>, parentage or non-parentage], or
  - (b) the entry relating to him in the register of births has been so made as to imply that he was found exposed, or
  - (c) the entry relating to him in the register of births [<sup>F93</sup> has been so made as to imply that his parents were not then married to [<sup>F94</sup> or in a civil partnership with] one another and his parents have subsequently married [<sup>F95</sup> or entered into a civil partnership with ] one another [<sup>F96</sup> and subject to subsection (1B) below]], [<sup>F97</sup>, or]
- [<sup>F97</sup>(d) the entry relating to the child in the register of births has been made so as to imply that the person, other than the mother, recorded as a parent of the child is so by virtue of section 43 of the Human Fertilisation and Embryology Act 2008 and the mother and that person have subsequently become parties to a civil partnership with each other and subject to subsection (1B) below,]

the [<sup>F98</sup> birth may, where subsection (1A) below applies, be re-registered], and any such re-registration shall be effected in such manner as may be prescribed:

[<sup>F99</sup>(1A) This subsection applies—

- (a) where the Registrar General authorises the re-registration, and
- (b) in such other cases or classes of case as may be prescribed.

(1B) A birth may not be re-registered] in pursuance of paragraph (c) [<sup>F100</sup> or (d)] of this subsection, in a case where the paternity [<sup>F101</sup> or parentage] of the person has not been



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entered in the register of births or in the Register of Corrections Etc. in accordance with section 18 [<sup>F102</sup>or 18B] of this Act, or any corresponding enactment in force before the commencement of this Act, save with the sanction of the sheriff granted upon the application—

- (i) of both parents of the person jointly, or
- (ii) where one of the parents is dead, of the surviving parent, or
- (iii) where both parents are dead, of or on behalf of the person,

after such intimation as the sheriff may direct, and after due inquiry, and a hearing of any party having interest who may appear to oppose such application.

- (2) In this section any reference to the register of births includes a reference to any register of births kept under any enactment in force at any time before the commencement of this Act.

<sup>F103</sup>(3) .....

#### Textual Amendments

- F92** Words substituted by [Law Reform \(Parent and Child\) \(Scotland\) Act 1986 \(c. 9, SIF 49:8\)](#), s. 10(1), [Sch. 1 para. 8\(5\) \(a\)](#)
- F93** Words substituted by [Law Reform \(Parent and Child\) \(Scotland\) Act 1986 \(c. 9, SIF 49:8\)](#), s. 10(1), [Sch. 1 para. 8\(5\) \(b\)](#)
- F94** Words in s. 20(1)(c) inserted (1.6.2021) by [Civil Partnership \(Scotland\) Act 2020 \(asp 15\)](#), s. 16, [sch. 2 para. 1\(4\)\(a\)](#); S.S.I. 2021/23, reg. 2, sch. (with reg. 3)
- F95** Words in s. 20(1)(c) inserted (1.6.2021) by [Civil Partnership \(Scotland\) Act 2020 \(asp 15\)](#), s. 16, [sch. 2 para. 1\(4\)\(b\)](#); S.S.I. 2021/23, reg. 2, sch. (with reg. 3)
- F96** Words in s. 20(1) inserted (1.10.2006) by [Local Electoral Administration and Registration Services \(Scotland\) Act 2006 \(asp 14\)](#), [ss. 41\(2\)\(a\)\(i\)](#), 63(2); S.S.I. 2006/469, art. 2, Sch. 1 (with art. 4)
- F97** S. 20(1)(d) and word inserted (6.4.2009 for specified purposes) by [Human Fertilisation and Embryology Act 2008 \(c. 22\)](#), s. 68(2), [Sch. 6 para. 45\(a\)](#); S.I. 2009/479, art. 6(1)(e) (with art. 7, Sch. )
- F98** Words in s. 20(1) substituted (1.10.2006) by [Local Electoral Administration and Registration Services \(Scotland\) Act 2006 \(asp 14\)](#), [ss. 41\(2\)\(a\)\(ii\)](#), 63(2); S.S.I. 2006/469, art. 2, Sch. 1 (with art. 4)
- F99** S. 20(1A)(1B) substituted for words in s. 20(1) (1.10.2006) by [Local Electoral Administration and Registration Services \(Scotland\) Act 2006 \(asp 14\)](#), [ss. 41\(2\)\(a\)\(iii\)](#), 63(2); S.S.I. 2006/469, art. 2, Sch. 1 (with art. 4)
- F100** Words in s. 20(1B) inserted (6.4.2009 for specified purposes) by [Human Fertilisation and Embryology Act 2008 \(c. 22\)](#), s. 68(2), [Sch. 6 para. 45\(b\)\(i\)](#); S.I. 2009/479, art. 6(1)(e) (with art. 7, Sch. )
- F101** Words in s. 20(1B) inserted (6.4.2009 for specified purposes) by [Human Fertilisation and Embryology Act 2008 \(c. 22\)](#), s. 68(2), [Sch. 6 para. 45\(b\)\(ii\)](#); S.I. 2009/479, art. 6(1)(e) (with art. 7, Sch. )
- F102** Words in s. 20(1B) inserted (6.4.2009 for specified purposes) by [Human Fertilisation and Embryology Act 2008 \(c. 22\)](#), s. 68(2), [Sch. 6 para. 45\(b\)\(iii\)](#); S.I. 2009/479, art. 6(1)(e) (with art. 7, Sch. )
- F103** S. 20(3) repealed (1.1.2007) by [Local Electoral Administration and Registration Services \(Scotland\) Act 2006 \(asp 14\)](#), [ss. 41\(2\)\(b\)](#), 63(2); S.S.I. 2006/469, art. 3, Sch. 2 (with art. 4)

#### Modifications etc. (not altering text)

- C9** S. 20(1) amended by [Adoption Act 1968 \(c. 53\)](#), s. [85\(d\)](#) and [Adoption \(Scotland\) Act 1978 \(c. 28\)](#), s. 67(2), [Sch. 1 para. 5](#)



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## 21 Still-births.

- (1) Except so far as otherwise provided by this section or as may be prescribed, the provisions of this Part of this Act shall, so far as applicable, apply to still-births in like manner as they apply to births of children born alive.
- (2) Any qualified informant giving information to the [<sup>F104</sup>district registrar for a registration district] of the particulars required to be registered concerning a still-birth shall—
  - (a) [<sup>F105</sup>produce] to the registrar a certificate in the prescribed form stating that the child was not born alive, and, where possible, the cause or probable cause of death<sup>F106</sup>, any other relevant medical information] and such particulars of the condition of the mother before the still-birth as may be requested in that form, which certificate shall, if a registered medical practitioner was present at the birth or has examined the body of the child, be [<sup>F107</sup>attested in the prescribed manner] by him, and otherwise shall be [<sup>F107</sup>attested in the prescribed manner] by any [<sup>F108</sup>registered midwife] who was present or examined the body; <sup>F109</sup>...  
<sup>F109</sup>(b) .....
- (3) Every registered medical practitioner or [<sup>F108</sup>registered midwife] who was present at a still-birth or examined the body of a still-born child shall, at the request of any person who by virtue of this Act is required to
  - <sup>F110</sup>(a) give information concerning that birth, give to that person a certificate for the purposes of <sup>F111</sup> ... the last foregoing subsection ]<sup>F112</sup> ; or ]
  - <sup>F112</sup>(b) deliver such a certificate on that person's behalf to a district registrar for a registration district nominated by that person].
- (4) The [<sup>F113</sup>district registrar for a registration district], upon registering a still-birth, shall give to the informant without fee a certificate in the prescribed form stating that the still-birth has been registered [<sup>F114</sup>or, if the person so requests, deliver such a certificate on that person's behalf to a keeper or other person having charge of a place of interment nominated by that person].
- <sup>F115</sup>(5) .....
- (6) ..... <sup>F116</sup>

### Textual Amendments

- F104** Words in s. 21(2) substituted (1.10.2006 for specified purposes, 1.1.2007 in so far as not already in force) by [Local Electoral Administration and Registration Services \(Scotland\) Act 2006 \(asp 14\)](#), **ss. 40(2)(a)**, 63(2); S.S.I. 2006/469, arts. 2, 3, Schs. 1, 2 (with art. 4)
- F105** Word in s. 21(2)(a) substituted (1.10.2006 for specified purposes, 1.1.2007 in so far as not already in force) by [Local Electoral Administration and Registration Services \(Scotland\) Act 2006 \(asp 14\)](#), **ss. 40(2)(b)(i)**, 63(2); S.S.I. 2006/469, arts. 2, 3, Schs. 1, 2 (with art. 4)
- F106** Words in s. 21(2)(a) inserted (8.6.2013) by [Certification of Death \(Scotland\) Act 2011 \(asp 11\)](#), **ss. 26(1)**, 32(3); S.S.I. 2013/159, art. 2, Sch.
- F107** Words in s. 21(2)(a) substituted (1.10.2006 for specified purposes, 1.1.2007 in so far as not already in force) by [Local Electoral Administration and Registration Services \(Scotland\) Act 2006 \(asp 14\)](#), **ss. 40(2)(b)(ii)**, 63(2); S.S.I. 2006/469, arts. 2, 3, Schs. 1, 2 (with art. 4)
- F108** Words “registered midwife” substituted for words “certified midwife” by [Nurses, Midwives and Health Visitors Act 1979 \(c. 36\)](#), s. 24(2), **Sch. 7 para. 12**
- F109** S. 21(2)(b) and word repealed (8.6.2013) by [Certification of Death \(Scotland\) Act 2011 \(asp 11\)](#), **ss. 27(a)**, 32(3); S.S.I. 2013/159, art. 2, Sch.

*Status: Point in time view as at 25/01/2023.*

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- F110** Words in s. 21(3) renumbered as s. 21(3)(a) (1.10.2006 for specified purposes, 1.1.2007 in so far as not already in force) by [Local Electoral Administration and Registration Services \(Scotland\) Act 2006 \(asp 14\)](#), **ss. 40(3)(a)**, 63(2); S.S.I. 2006/469, arts. 2, 3, Schs. 1, 2 (with art. 4)
- F111** Words in s. 21(3)(a) repealed (8.6.2013) by [Certification of Death \(Scotland\) Act 2011 \(asp 11\)](#), **ss. 27(b)**, 32(3); S.S.I. 2013/159, art. 2, Sch.
- F112** S. 21(3)(b) and word inserted (1.10.2006 for specified purposes, 1.1.2007 in so far as not already in force) by [Local Electoral Administration and Registration Services \(Scotland\) Act 2006 \(asp 14\)](#), **ss. 40(3)(b)**, 63(2); S.S.I. 2006/469, arts. 2, 3, Schs. 1, 2 (with art. 4)
- F113** Words in s. 21(4) substituted (1.10.2006 for specified purposes, 1.1.2007 in so far as not already in force) by [Local Electoral Administration and Registration Services \(Scotland\) Act 2006 \(asp 14\)](#), **ss. 40(4)(a)**, 63(2); S.S.I. 2006/469, arts. 2, 3, Schs. 1, 2 (with art. 4)
- F114** Words in s. 21(4) inserted (1.10.2006 for specified purposes, 1.1.2007 in so far as not already in force) by [Local Electoral Administration and Registration Services \(Scotland\) Act 2006 \(asp 14\)](#), **ss. 40(4)(b)**, 63(2); S.S.I. 2006/469, arts. 2, 3, Schs. 1, 2 (with art. 4)
- F115** S. 21(5) repealed (13.5.2015) by [Certification of Death \(Scotland\) Act 2011 \(asp 11\)](#), s. 32(3), **Sch. 2 para. 3**; S.S.I. 2015/115, art. 3
- F116** S.21(6) repealed by [Nurses, Midwives and Health Visitors Act 1979 \(c. 36\)](#), s. 24(2), Sch. 7 para. 13, **Sch. 8**

## [<sup>F117</sup>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.]

### Textual Amendments

- F117** S. 21A inserted (24.9.2022) by [Coronavirus \(Recovery and Reform\) \(Scotland\) Act 2022 \(asp 8\)](#), **ss. 25(8)**, 59(2)(b)

## PART III

### REGISTRATION OF DEATHS

## 22 Particulars of deaths to be registered.

[<sup>F118</sup>(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.]

- (4) Where a person dies (whether within or out of Scotland) in a ship, aircraft or land vehicle during the course of a journey, and the body of that person is brought by such ship, aircraft or land vehicle to any place in Scotland, the death shall, unless the Registrar General otherwise directs, be deemed for the purposes of the last foregoing subsection to have occurred at that place.

*Status: Point in time view as at 25/01/2023.*

*Changes to legislation: There are currently no known outstanding effects for the Registration of Births, Deaths and Marriages (Scotland) Act 1965. (See end of Document for details)*

### Textual Amendments

**F118** S. 22(1) substituted for s. 22(1)- (1.10.2006 for specified purposes, 1.1.2007 in so far as not already in force) by [Local Electoral Administration and Registration Services \(Scotland\) Act 2006 \(asp 14\)](#), [ss. 42\(2\), 63\(2\)](#); [S.S.I. 2006/469](#), arts. 2, 3, Schs. 1, Sch. 2 (with art. 4)

## 23 Duty to give information of particulars of death.

(1) Subject to the subsequent provisions of this Part of this Act, in the case of every death it shall be the duty of—

- (a) any relative of the deceased;
- (b) any person present at the death;
- (c) the deceased's executor or other legal representative;
- (d) the occupier, at the time of death, of the premises where the death took place;  
or
- (e) if there is no such person as is mentioned in the foregoing paragraphs, any other person having knowledge of the particulars to be registered,

<sup>F119</sup> ..., within eight days, or such other period, not being less than three days, as may be prescribed, from the date of the death or, in a case where the body of a dead person has been found, from the date of the finding, [<sup>F120</sup>give] information to the best of his knowledge and belief of the particulars required to be registered concerning the death, [<sup>F121</sup>to the district registrar for a registration district]:

Provided that the giving of that information <sup>F122</sup>... by any one of those persons shall constitute a discharge of any duty imposed by this subsection on any other person.

<sup>F123</sup>(1ZA) The duty to give information concerning a death imposed by subsection (1) is discharged in relation to every person upon whom the duty is imposed if the funeral director responsible for arranging the deceased's funeral gives the information to the district registrar for a registration district on behalf of any of those persons.

(1ZB) In [subsection \(1ZA\)](#), “funeral director” has the meaning given by section 31(1) of the Certification of Death (Scotland) Act 2011.]

<sup>F124</sup>(1A) For the purposes of subsection (1) [<sup>F125</sup>or (1ZA)], a person shall give information of the prescribed particulars concerning a death to the district registrar for a registration district <sup>F126</sup>...—

- (a) [<sup>F127</sup>by] attending personally at the registration office for that district and—
  - (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, <sup>F128</sup>...
- (b) [<sup>F129</sup>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.]]

<sup>F130</sup>(1B) A person has not discharged the duty under subsection (1) by giving information to a district registrar until the death registration form containing the information is attested by, or on behalf of, the person.

*Status: Point in time view as at 25/01/2023.*

*Changes to legislation: There are currently no known outstanding effects for the Registration of Births, Deaths and Marriages (Scotland) Act 1965. (See end of Document for details)*

- (1C) References in this section to a death 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 concerning a death that does not entail the informant attending personally at a registration office, or
  - (b) a death 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.]
- (2) Nothing in this <sup>F131</sup>... section shall authorise the registration of the particulars of any death in two or more registers, or more than once in any one register.
- (3) If it appears to the Registrar General that the particulars of the death of any person have been registered in two or more registers, or more than once in any one register, he may give directions for the cancellation of all those registrations except such one of them as may be specified in the directions.

#### Textual Amendments

- F119** Words in s. 23(1) repealed (1.10.2006 for specified purposes, 24.9.2022 in so far as not already in force) by [Local Electoral Administration and Registration Services \(Scotland\) Act 2006 \(asp 14\)](#), **ss. 42(3)(a)(i)**, 63(2); S.S.I. 2006/469, art. 2, sch. 1 (with art. 4); S.S.I. 2022/266, art. 2(d)
- F120** Word in s. 23(1) inserted (1.10.2006 for specified purposes, 24.9.2022 in so far as not already in force) by [Local Electoral Administration and Registration Services \(Scotland\) Act 2006 \(asp 14\)](#), **ss. 42(3)(a)(ii)**, 63(2); S.S.I. 2006/469, art. 2, sch. 1 (with art. 4); S.S.I. 2022/266, art. 2(d)
- F121** Words in s. 23(1) substituted (1.10.2006 for specified purposes, 1.1.2007 in so far as not already in force) by [Local Electoral Administration and Registration Services \(Scotland\) Act 2006 \(asp 14\)](#), **ss. 42(3)(a)(iii)**, 63(2); S.S.I. 2006/469, arts. 2, 3, Schs. 1, 2 (with art. 4)
- F122** Words in s. 23(1) repealed (1.10.2006 for specified purposes, 1.1.2007 in so far as not already in force) by [Local Electoral Administration and Registration Services \(Scotland\) Act 2006 \(asp 14\)](#), **ss. 42(3)(a)(iv)**, 63(2); S.S.I. 2006/469, arts. 2, 3, Schs. 1, 2 (with art. 4)
- F123** S. 23(1ZA)(1ZB) inserted (24.9.2022) by [Coronavirus \(Recovery and Reform\) \(Scotland\) Act 2022 \(asp 8\)](#), **ss. 26(2)(a)**, 59(1)
- F124** S. 23(1A) inserted (1.10.2006 for specified purposes, 14.1.2008 for specified purposes, 24.9.2022 in so far as not already in force) by [Local Electoral Administration and Registration Services \(Scotland\) Act 2006 \(asp 14\)](#), **ss. 42(3)(b)**, 63(2); S.S.I. 2006/469, art. 2, sch. 1 (with art. 4); S.S.I. 2007/566, art. 2 (with art. 3); S.S.I. 2022/266, art. 2(e)
- F125** Words in s. 23(1A) inserted (24.9.2022) by [Coronavirus \(Recovery and Reform\) \(Scotland\) Act 2022 \(asp 8\)](#), **ss. 26(2)(b)**, 59(1)
- F126** Word in s. 23(1A) repealed (1.9.2022 for specified purposes, 24.9.2022 in so far as not already in force) by [Coronavirus \(Recovery and Reform\) \(Scotland\) Act 2022 \(asp 8\)](#), **ss. 27(2)(a)(i)**, 59(3)(a)(i)(ii)

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- F127** Word in s. 23(1A)(a) inserted (1.9.2022 for specified purposes, 24.9.2022 in so far as not already in force) by Coronavirus (Recovery and Reform) (Scotland) Act 2022 (asp 8), **ss. 27(2)(a)(ii)**, 59(3)(a)(i)(ii)
- F128** Word in s. 23(1A) repealed (1.9.2022 for specified purposes, 24.9.2022 in so far as not already in force) by Coronavirus (Recovery and Reform) (Scotland) Act 2022 (asp 8), **ss. 27(2)(a)(iii)**, 59(3)(a)(i)(ii)
- F129** S. 23(1A)(b)(c) substituted for s. 23(1A)(b) (1.9.2022 for specified purposes, 24.9.2022 in so far as not already in force) by Coronavirus (Recovery and Reform) (Scotland) Act 2022 (asp 8), **ss. 27(2)(a)(iv)**, 59(3)(a)(i)(ii)
- F130** S. 23(1B)-(1D) inserted (1.9.2022 for specified purposes, 24.9.2022 in so far as not already in force) by Coronavirus (Recovery and Reform) (Scotland) Act 2022 (asp 8), **ss. 27(2)(b)**, 59(3)(a)(i)(ii)
- F131** Words in s. 23(2) repealed (1.10.2006 for specified purposes, 1.1.2007 in so far as not already in force) by Local Electoral Administration and Registration Services (Scotland) Act 2006 (asp 14), **ss. 42(3)(c)**, 63(2); S.S.I. 2006/469, arts. 2, 3, Schs. 1, 2 (with art. 4)

### [<sup>F132</sup>23A Directions about giving information of particulars of death

- (1) A direction under section 23(1A)(b) may only permit information to be given in a manner approved by the Registrar General.
- (2) A direction under section 23(1A)(c) may not make different provision for different areas.
- (3) A power to issue a direction under section 23(1A) includes the power to revise or revoke an earlier direction issued under the power.
- (4) Directions under section 23(1A) must be made publicly available.
- (5) There is no duty to issue any direction under section 23(1A)(b) or (c).]

#### Textual Amendments

- F132** S. 23A inserted (24.9.2022) by Coronavirus (Recovery and Reform) (Scotland) Act 2022 (asp 8), **ss. 27(3)**, 59(3)(b)

## 24 Certificate of cause of death.

- (1) For the purpose of enabling information to be given, in pursuance of the last foregoing section, of the cause of death of<sup>F133</sup>, and any relevant medical information about,] any person, any registered medical practitioner who was in attendance on the deceased during his last illness shall, within seven days, or such other period, not being less than two days, as may be prescribed, after the death of the person, transmit to any person who is a qualified informant in relation to the death, or to the <sup>F134</sup>district registrar for a registration district], a certificate in the prescribed form <sup>F135</sup>attested, in the prescribed manner,] by the medical practitioner stating to the best of his knowledge and belief the cause of death <sup>F136</sup>and such other medical information as may be prescribed].

Different forms of certificate may be prescribed in respect of persons of different ages, and in the case of the death of a child under one year of age such forms may provide for the giving of particulars of the condition of the mother before the death of the child.

- <sup>F137</sup>(1A) A registered medical practitioner may, where invited to do so under section 10(2)(b) or 11(6) of the 2011 Act (action following unsatisfactory review), attest and transmit a

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replacement certificate to a medical reviewer or, as the case may be, the senior medical reviewer.]

- (2) If there was no registered medical practitioner in attendance on the deceased during his last illness, or if any registered medical practitioner, having been in attendance as aforesaid, is unable to provide a certificate such as is required by the last foregoing subsection, such a certificate may be [<sup>F138</sup>attested, in the prescribed manner,] by any medical practitioner who is able to do so, and may be transmitted by him to any person who is a qualified informant in relation to the death, or to the [<sup>F139</sup>district registrar for a registration district].

#### Textual Amendments

- F133** Words in s. 24(1) inserted (8.6.2013) by [Certification of Death \(Scotland\) Act 2011 \(asp 11\)](#), **ss. 26(2)(a)**, 32(3); S.S.I. 2013/159, art. 2, Sch.
- F134** Words in s. 24(1) substituted (1.10.2006 for specified purposes, 1.1.2007 in so far as not already in force) by [Local Electoral Administration and Registration Services \(Scotland\) Act 2006 \(asp 14\)](#), **ss. 42(4)(a)(i)**, 63(2); S.S.I. 2006/469, arts. 2, 3, Schs. 1, 2 (with art. 4)
- F135** Words in s. 24(1) substituted (1.10.2006 for specified purposes, 1.1.2007 in so far as not already in force) by [Local Electoral Administration and Registration Services \(Scotland\) Act 2006 \(asp 14\)](#), **ss. 42(4)(a)(ii)**, 63(2); S.S.I. 2006/469, arts. 2, 3, Schs. 1, 2 (with art. 4)
- F136** Words in s. 24(1) inserted (8.6.2013) by [Certification of Death \(Scotland\) Act 2011 \(asp 11\)](#), **ss. 26(2)(b)**, 32(3); S.S.I. 2013/159, art. 2, Sch.
- F137** S. 24(1A) inserted (13.5.2015) by [Certification of Death \(Scotland\) Act 2011 \(asp 11\)](#), s. 32(3), **Sch. 2 para. 4**; S.S.I. 2015/115, art. 3
- F138** Words in s. 24(2) substituted (1.10.2006 for specified purposes, 1.1.2007 in so far as not already in force) by [Local Electoral Administration and Registration Services \(Scotland\) Act 2006 \(asp 14\)](#), **ss. 42(4)(b)(i)**, 63(2); S.S.I. 2006/469, arts. 2, 3, Schs. 1, 2 (with art. 4)
- F139** Words in s. 24(2) substituted (1.10.2006 for specified purposes, 1.1.2007 in so far as not already in force) by [Local Electoral Administration and Registration Services \(Scotland\) Act 2006 \(asp 14\)](#), **ss. 42(4)(b)(ii)**, 63(2); S.S.I. 2006/469, arts. 2, 3, Schs. 1, 2 (with art. 4)

#### [<sup>F140</sup>24A Duty to refer certain certificates of cause of death for review

- (1) The Registrar General must ensure that randomly selected certificates of cause of death are referred for review under section 8(1) of the 2011 Act prior to registration of the death to which each certificate relates.
- (2) The Registrar General must ensure that certificates of cause of death of such descriptions as may be specified in a request by medical reviewers under section 3 of the 2011 Act are referred for review under section 8(1) of that Act.
- (3) A district registrar for a registration district may refer for review under section 8(1) of that Act a certificate of cause of death where the district registrar considers it appropriate to do so.
- (4) The following certificates may not be referred under subsections (1) to (3)—
- (a) a certificate of cause of death relating to a body in respect of which a direction has been given by a Health Board under section 90(2) of the Public Health etc. (Scotland) Act 2008 (asp 5) (restrictions on release of infected etc. bodies from hospital),
  - (b) a certificate of cause of death which has already been referred under this section,



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- (c) a certificate of cause of death which has been (or is being) reviewed under section 8(1) of the 2011 Act following an application made under section 4(1) of that Act,
  - (d) a certificate of cause of death which is a replacement certificate attested and transmitted in response to an invitation to do so under section 10 or 11 of the 2011 Act,
  - (e) a certificate of cause of death where the cause of death of the deceased person has been (or is being) investigated by a procurator fiscal,
  - (f) a certificate of cause of death attested prior to the coming into force of this section.
- (5) The Scottish Ministers may give directions to the Registrar General about the referral of certificates under this section; and the Registrar General must comply with any such direction.
- (6) A direction under subsection (5) may in particular specify—
- (a) the minimum number of certificates of cause of death which are to be selected for referral under subsection (1) in any year, and
  - (b) the method of determining which certificates are to be selected for referral under subsection (1).
- (7) The Scottish Ministers may by order made by statutory instrument suspend the referral of certificates under this section—
- (a) during an epidemic, or
  - (b) where the Scottish Ministers consider, on reasonable grounds, that it is necessary to do so to prevent, or to prevent the spread of, infectious diseases or contamination.
- (8) An order made under subsection (7)—
- (a) may include such supplementary, incidental, consequential, transitional, transitory or saving provision as the Scottish Ministers think necessary or expedient,
  - (b) may <sup>F141</sup>... make different provision for different purposes.
- (9) An order made under subsection (7) (other than one to which subsection (11) applies)
- 
- <sup>F142</sup>(a) .....
  - (b) ceases to have effect at the expiry of a period of 28 days beginning with the date on which it was made unless, before the expiry of that period, the order has been approved by resolution of the Parliament.
- (10) Subsection (11) applies to an order made under subsection (7) consisting only of—
- (a) provision revoking an earlier order made by virtue of subsection (7), or
  - (b) such provision and provision made by virtue of subsection (8)(a).
- (11) An order to which this subsection applies is subject to annulment in pursuance of a resolution of the Parliament.
- (12) In reckoning for the purposes of subsection (9)(b) any period of 28 days, no account is to be taken of any period during which the Scottish Parliament is—
- (a) dissolved, or
  - (b) in recess for more than 4 days.



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- (13) Subsection (9)(b) is without prejudice to anything previously done by reference to an order under subsection (7) or to the making of a new order under that subsection.]

#### Textual Amendments

- F140** S. 24A inserted (13.5.2015) by [Certification of Death \(Scotland\) Act 2011 \(asp 11\)](#), **ss. 2**, 32(3); S.S.I. 2015/115, art. 3
- F141** Words in s. 24A(8)(b) repealed (4.4.2019) by [Burial and Cremation \(Scotland\) Act 2016 \(asp 20\)](#), s. 112(2), **sch. 2** (with s. 111); S.S.I. 2018/380, reg. 2, sch. (with reg. 8)
- F142** S. 24A(9)(a) repealed (4.4.2019) by [Burial and Cremation \(Scotland\) Act 2016 \(asp 20\)](#), s. 112(2), **sch. 2** (with s. 111); S.S.I. 2018/380, reg. 2, sch. (with reg. 8)

#### [<sup>F143</sup>24B Request for review not to stay registration

- (1) This section applies where a certificate of cause of death is referred under section 24A(1).
- (2) A district registrar for a registration district must, following a request by a qualified informant, refer the certificate to a medical reviewer for a determination under section 7 of the 2011 Act (medical reviewer to determine whether review to stay registration).
- (3) Such a referral must include a statement by the qualified informant of the circumstances which the qualified informant believes justify registering the death before the review is complete.
- (4) The qualified informant must also provide such other information as the medical reviewer may reasonably require.]

#### Textual Amendments

- F143** S. 24B inserted (13.5.2015) by [Certification of Death \(Scotland\) Act 2011 \(asp 11\)](#), **ss. 6**, 32(3); S.S.I. 2015/115, art. 3

## 25 Registrar's power to require information concerning death to be given.

- (1) Where after the expiration of eight days, or such other period, not being less than three days, as may be prescribed, from the date of the death of any person, or the finding of the dead body of any person, information of the [<sup>F144</sup>prescribed particulars] concerning the death of that person has not been given to the [<sup>F145</sup>district registrar for a registration district] in accordance with section 23 of this Act, the [<sup>F146</sup>district] registrar for the registration district in which the death occurred may serve a notice in the prescribed form on any person who is a qualified informant in relation to the death requiring him [<sup>F147</sup>before such date (being not less than 8 days nor more than 15 days after the date of service of the notice) as may be specified in the notice]—

<sup>F148</sup>(a) .....

- (b) to give information to the best of that person's knowledge and belief of the particulars required to be registered concerning the death [<sup>F149</sup>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

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- (ii) in a manner permitted in the circumstances (or any circumstances) by a direction under section 23(1A)(b) or (c)]; and
- [<sup>F150</sup>(c) to either—
- (i) attest, in the prescribed manner, the death registration form concerning the death 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.]
- (2) If any person on whom a notice has been served in pursuance of the foregoing subsection fails to comply with the notice before the date specified therein the [<sup>F151</sup>said] registrar may serve on that person a second notice in the prescribed form requiring [<sup>F152</sup>the person to do the things mentioned in subsection (1)(b) and (c)] within eight days from the date of service of the second notice.
- (3) If on summary application by the [<sup>F153</sup>said] registrar it appears to the sheriff that any person on whom a second notice has been served in pursuance of the last foregoing subsection has failed without reasonable cause to comply therewith within the period specified therein, the sheriff may grant decree ordaining the person to comply with the notice within such further period as may be specified in the decree; and any such decree may be enforced in like manner as a decree *ad factum praestandum*.
- [<sup>F154</sup>(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 particulars required to be registered concerning a death that does not entail the informant attending personally at a registration office, or
  - (b) a death 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.]
- (4) Any notice served under subsection (1) or subsection (2) of this section shall cease to have effect if, before it is complied with, particulars of the death are duly registered.

#### Textual Amendments

- F144** Words in s. 25(1) substituted (1.10.2006 for specified purposes, 1.1.2007 in so far as not already in force) by [Local Electoral Administration and Registration Services \(Scotland\) Act 2006 \(asp 14\)](#), **ss. 42(5)(a)(i)**, 63(2); S.S.I. 2006/469, arts. 2, 3, Schs. 1, 2 (with art. 4)
- F145** Words in s. 25(1) substituted (1.10.2006 for specified purposes, 1.1.2007 in so far as not already in force) by [Local Electoral Administration and Registration Services \(Scotland\) Act 2006 \(asp 14\)](#), **ss. 42(5)(a)(ii)**, 63(2); S.S.I. 2006/469, arts. 2, 3, Schs. 1, 2 (with art. 4)
- F146** Word in s. 25(1) inserted (1.10.2006 for specified purposes, 1.1.2007 in so far as not already in force) by [Local Electoral Administration and Registration Services \(Scotland\) Act 2006 \(asp 14\)](#), **ss. 42(5)(a)(iii)**, 63(2); S.S.I. 2006/469, arts. 2, 3, Schs. 1, 2 (with art. 4)
- F147** Words in s. 25(1) inserted (1.9.2022 for specified purposes, 24.9.2022 in so far as not already in force) by [Coronavirus \(Recovery and Reform\) \(Scotland\) Act 2022 \(asp 8\)](#), **ss. 27(4)(a)(i)**, 59(3)(a)(i)(ii)
- F148** S. 25(1)(a) repealed (1.9.2022 for specified purposes, 24.9.2022 in so far as not already in force) by [Coronavirus \(Recovery and Reform\) \(Scotland\) Act 2022 \(asp 8\)](#), **ss. 27(4)(a)(ii)**, 59(3)(a)(i)(ii)
- F149** Words in s. 25(1)(b) inserted (1.9.2022 for specified purposes, 24.9.2022 in so far as not already in force) by [Coronavirus \(Recovery and Reform\) \(Scotland\) Act 2022 \(asp 8\)](#), **ss. 27(4)(a)(iii)**, 59(3)(a)(i)(ii)

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- F150** S. 25(1)(c) substituted (1.9.2022 for specified purposes, 24.9.2022 in so far as not already in force) by Coronavirus (Recovery and Reform) (Scotland) Act 2022 (asp 8), **ss. 27(4)(a)(iv)**, 59(3)(a)(i)(ii)
- F151** Word in s. 25(2) inserted (1.10.2006 for specified purposes, 1.1.2007 in so far as not already in force) by Local Electoral Administration and Registration Services (Scotland) Act 2006 (asp 14), **ss. 42(5)(b)**, 63(2); S.S.I. 2006/469, arts. 2, 3, Schs. 1, 2 (with art. 4)
- F152** Words in s. 25(2) substituted (1.9.2022 for specified purposes, 24.9.2022 in so far as not already in force) by Coronavirus (Recovery and Reform) (Scotland) Act 2022 (asp 8), **ss. 27(4)(b)**, 59(3)(a)(i)(ii)
- F153** Word in s. 25(3) inserted (1.10.2006 for specified purposes, 1.1.2007 in so far as not already in force) by Local Electoral Administration and Registration Services (Scotland) Act 2006 (asp 14), **ss. 42(5)(c)**, 63(2); S.S.I. 2006/469, arts. 2, 3, Schs. 1, 2 (with art. 4)
- F154** S. 25(3A) inserted (1.9.2022 for specified purposes, 24.9.2022 in so far as not already in force) by Coronavirus (Recovery and Reform) (Scotland) Act 2022 (asp 8), **ss. 27(4)(c)**, 59(3)(a)(i)(ii)

### **[<sup>F155</sup>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.

#### **Textual Amendments**

- F155** Ss. 25A, 25B inserted (1.10.2006 for specified purposes, 14.1.2008 for the insertion of s. 25B so far as not already in force) by Local Electoral Administration and Registration Services (Scotland) Act 2006 (asp 14), **ss. 42(6)**, 63(2); S.S.I. 2006/469, art. 2, Sch. 1 (with art. 4); S.S.I. 2007/566, art. 2

### **25B Registration of deaths**

- (1) Subject to subsection (2) [<sup>F156</sup>and (2A)] 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 [<sup>F157</sup>information was given in a manner permitted by a direction under] section 23(1A)(b) [<sup>F158</sup>or (c)] 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.
- [<sup>F159</sup>(2A) The registrar is not to register a death in respect of which the certificate of cause of death has been referred under section 24A or where the Registrar General has been notified under section 4(4) of the 2011 Act of an application for review having been made until the first occurrence of any of the following events—
- (a) a medical reviewer, under section 7(2)(b) of the 2011 Act (request for review not to stay registration), notifying the registrar that it is appropriate in the circumstances to register the death before the review is complete,
  - (b) the certificate or its replacement being approved by a medical reviewer—

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- (i) under section 9 of the 2011 Act (action following satisfactory review),  
or
  - (ii) under section 10 of that Act (action following unsatisfactory review:  
medical reviewer),
  - (c) the certificate or its replacement being approved by the senior medical reviewer under section 11 of the 2011 Act (action following unsatisfactory review: senior medical reviewer),
  - (d) the senior medical reviewer, under section 11(8)(a), (9)(a) or 12(5)(a) of the 2011 Act, signifying that the review has been conducted,
  - (e) a medical reviewer, under section 12(2)(a) of the 2011 Act (action where relevant medical practitioner is unavailable or incapacitated), signifying that the review has been conducted, or
  - (f) a procurator fiscal approving the certificate or providing a replacement certificate attested by a registered medical practitioner.]
- (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.]

#### Textual Amendments

- F155** Ss. 25A, 25B inserted (1.10.2006 for specified purposes, 14.1.2008 for the insertion of s. 25B so far as not already in force) by [Local Electoral Administration and Registration Services \(Scotland\) Act 2006](#) (asp 14), **ss. 42(6)**, 63(2); S.S.I. 2006/469, art. 2, Sch. 1 (with art. 4); S.S.I. 2007/566, art. 2
- F156** Words in s. 25B(1) inserted (13.5.2015) by [Certification of Death \(Scotland\) Act 2011](#) (asp 11), **ss. 5(a)**, 32(3); S.S.I. 2015/115, art. 3
- F157** Words in s. 25B(2) substituted (24.9.2022) by [Coronavirus \(Recovery and Reform\) \(Scotland\) Act 2022](#) (asp 8), **ss. 27(5)(a)**, 59(3)(b)
- F158** Words in s. 25B(2) inserted (24.9.2022) by [Coronavirus \(Recovery and Reform\) \(Scotland\) Act 2022](#) (asp 8), **ss. 27(5)(b)**, 59(3)(b)
- F159** S. 25B(2A) inserted (13.5.2015) by [Certification of Death \(Scotland\) Act 2011](#) (asp 11), **ss. 5(b)**, 32(3); S.S.I. 2015/115, art. 3

## 26 Registration after expiration of three months from date of death or finding of body.

- (1) In no case shall the particulars of the death of any person be registered by [<sup>F160</sup>the district registrar for a registration district] after the expiration of three months from the date of the death or, in the case of a person whose dead body has been found, from the date of finding, without the authority in writing of the Registrar General.
- [<sup>F161</sup>(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.]
- (2) The Registrar General may authorise the registration of the particulars of the death of a person after the expiration of the said period although the information required for the registration of the particulars has not been given by a qualified informant: Provided that the Registrar General shall not exercise his power under this subsection unless he is satisfied, after such inquiry as he thinks necessary, that the correct particulars concerning the death are available.

*Status: Point in time view as at 25/01/2023.*

*Changes to legislation: There are currently no known outstanding effects for the Registration of Births, Deaths and Marriages (Scotland) Act 1965. (See end of Document for details)*

#### Textual Amendments

- F160** Words in s. 26(1) substituted (1.10.2006 for specified purposes, 1.1.2007 in so far as not already in force) by [Local Electoral Administration and Registration Services \(Scotland\) Act 2006 \(asp 14\)](#), [ss. 42\(7\)\(a\)](#), [63\(2\)](#); S.S.I. 2006/469, arts. 2, 3, Schs. 1, 2 (with art. 4)
- F161** S. 26(1A) inserted (1.10.2006 for specified purposes, 1.1.2007 in so far as not already in force) by [Local Electoral Administration and Registration Services \(Scotland\) Act 2006 \(asp 14\)](#), [ss. 42\(7\)\(b\)](#), [63\(2\)](#); S.S.I. 2006/469, arts. 2, 3, Schs. 1, 2 (with art. 4)

### 27 Free certificate of registration of death.

- (1) At the time of registering the death of any person, the [<sup>F162</sup>district registrar for a registration district] shall without charge give to the informant a certificate in the prescribed form that such death has been registered.

<sup>F163</sup>(2) .....

<sup>F163</sup>(3) .....

#### Textual Amendments

- F162** Words in s. 27(1) substituted (1.10.2006 for specified purposes, 1.1.2007 in so far as not already in force) by [Local Electoral Administration and Registration Services \(Scotland\) Act 2006 \(asp 14\)](#), [ss. 42\(8\)\(a\)](#), [63\(2\)](#); S.S.I. 2006/469, arts. 2, 3, Schs. 1, 2 (with art. 4)
- F163** S. 27(2)(3) repealed (13.5.2015) by [Certification of Death \(Scotland\) Act 2011 \(asp 11\)](#), s. 32(3), [Sch. 2 para. 5](#); S.S.I. 2015/115, art. 3

### [<sup>F164</sup>27A Offence of disposal of body without authorisation

- (1) A person having charge of a place of interment, cremation or other means of disposal of human bodies who interments, cremates or otherwise disposes of the body of a still-born child or a deceased person (or who knowingly permits such interment, cremation or disposal) without the certificates or other documentation specified under subsection (2)(a) for such purpose commits an offence.
- (2) The Scottish Ministers may by regulations made by statutory instrument—
- (a) specify the certificates or other documentation required for the interment, cremation or other disposal of the body of a still-born child or a deceased person,
  - (b) make provision about the form and content of such certificates (other than those which are to be prescribed by the Registrar General under this Act).
- (3) A person who commits an offence under subsection (1) is liable on summary conviction to a fine not exceeding level 3 on the standard scale.
- (4) It is a defence for a person charged with an offence under subsection (1) to prove that there was a reasonable excuse for the interment, cremation or disposal of a body (or for that person permitting such interment, cremation or other disposal) without the certificates or other documentation specified under subsection (2)(a).

*Status: Point in time view as at 25/01/2023.*

*Changes to legislation: There are currently no known outstanding effects for the Registration of Births, Deaths and Marriages (Scotland) Act 1965. (See end of Document for details)*

- (5) Where an offence under subsection (1) which has been committed by a body corporate is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of—
  - (a) a director, manager, secretary or other similar officer of the body corporate, or
  - (b) any person who was purporting to act in any such capacity,that person, as well as the body corporate, commits the offence and is liable to be proceeded against accordingly.
- (6) The power conferred by subsection (2)—
  - (a) may be exercised so as to make different provision for different purposes,
  - (b) includes power to make such incidental, consequential, transitional, transitory or saving provision as the Scottish Ministers think necessary or expedient.
- (7) A statutory instrument containing regulations under subsection (2) is subject to annulment in pursuance of a resolution of the Scottish Parliament.
- (8) In subsections (1), (2) and (4) reference to a body includes reference to a part of a body.]

#### Textual Amendments

**F164** S. 27A inserted (25.3.2015 for specified purposes, 13.5.2015 in so far as not already in force) by [Certification of Death \(Scotland\) Act 2011 \(asp 11\)](#), ss. 25, 32(3); S.S.I. 2015/115, arts. 2, 3, Schs.

## 28 Intimation of certain deaths by registrar to Procurator-Fiscal and vice-versa.

- (1) Where in accordance with any instruction or direction given by the Registrar General under section 7(5) of this Act any particulars concerning a death have been communicated by a registrar to a procurator-fiscal—
  - (a) if the procurator-fiscal obtains a precognition as to the death, and that precognition shows that the particulars so communicated appear to him to be correct and complete, the procurator-fiscal shall forthwith send a notice to that effect to the Registrar General;
  - (b) if the procurator-fiscal obtains such a precognition and that precognition does not confirm that the said particulars are correct and complete, the procurator-fiscal shall forthwith send to the Registrar General a notice indicating the result of the precognition, and the Registrar General shall thereupon cause to be made such entry in the Register of Corrections Etc. as he thinks proper;
  - (c) if the procurator-fiscal decides to obtain no such precognition, he shall send a notice of that decision to the Registrar General.
- (2) Where a procurator-fiscal receives, otherwise than from a registrar, information concerning any death which the registrar would, if he had knowledge thereof, be required to communicate to him, he shall send the registrar a notice containing the information.

### <sup>F165</sup>28ZA Meaning of death registration form

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



*Status: Point in time view as at 25/01/2023.*

*Changes to legislation: There are currently no known outstanding effects for the Registration of Births, Deaths and Marriages (Scotland) Act 1965. (See end of Document for details)*

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

#### Textual Amendments

**F165** S. 28ZA inserted (1.9.2022 for specified purposes, 24.9.2022 in so far as not already in force) by Coronavirus (Recovery and Reform) (Scotland) Act 2022 (asp 8), **ss. 27(6), 59(3)(a)(i)(ii)**

### [<sup>F166</sup>PART IIIA]

#### Textual Amendments

**F166** S. 28A inserted by Law Reform (Miscellaneous Provisions) (Scotland) Act 1985 (c. 73, SIF 105), **s. 50(1)**

#### [28A <sup>F167</sup>Registration of divorces and declarators of nullity of marriage.

- (1) The Registrar General shall maintain at the General Register Office a register of decrees of divorce and of declarator of nullity of marriage (which register shall be known as the “Register of Divorces”).
- (2) The Registrar General shall cause to be made and kept at the General Register Office an alphabetical index of the entries in the Register of Divorces (in this section referred to as “the index”).
- (3) The Register of Divorces shall be in such form as may be prescribed.
- (4) On payment to him of such fee or fees as may be prescribed, the Registrar General shall, at any time when the General Register Office is open for that purpose—
  - (a) cause a search of the index to be made on behalf of any person or permit that person to search the index himself;
  - (b) issue to any person an extract of any entry in the Register of Divorces which that person may require.
- (5) An extract of an entry in the Register of Divorces shall be sufficient evidence of the decree of divorce or, as the case may be, of declarator of nullity of marriage to which it relates.
- (6) The Registrar General may delete or amend any entry in the Register of Divorces or substitute another for it.
- (7) In this section, references to decrees of divorce are references to decrees thereof of the Court of Session or the sheriff and references to decrees of declarator of nullity of marriage are references to decrees thereof of the Court of Session.]

#### Subordinate Legislation Made

**P1** S. 28A: for previous exercises of this power see Index to Government Orders.



*Status: Point in time view as at 25/01/2023.*

*Changes to legislation: There are currently no known outstanding effects for the Registration of Births, Deaths and Marriages (Scotland) Act 1965. (See end of Document for details)*

**P2** S. 28A(4): s. 54(1) (with ss. 28A(4), 37(2)(3), 38(2)(3), 40(1), 43(8), 47 and 56) power exercised by S.I.1991/2817.

**Textual Amendments**

**F167** S.28A inserted by Law Reform (Miscellaneous Provisions) (Scotland) Act 1985 (c. 73, SIF 105), s. 50(1)

**F168** 28B .....

**Textual Amendments**

**F168** S. 28B (which was inserted by Local Government Finance Act 1988 (c. 41), s. 137, Sch. 12 Pt. II para. 8) repealed (1.4.1993) by Local Government Finance Act 1992 (c. 14), ss. 117(2), Sch.14 (with s. 118(1)(2)(4)); S.I. 1993/575, art. 2.Sch.

**PART IV**

29— ..... **F169**  
31.

**Textual Amendments**

**F169** Ss. 29–31 repealed by Marriage (Scotland) Act 1977 (c. 15), Sch. 3

**PART V**

GENERAL

*Registers*

**32 Provision of registers etc. by Registrar General.**

(1) Registers of births, still-births, deaths and marriages and the Register of Corrections Etc. shall be in such form as may be respectively prescribed and the Registrar General shall provide the district registrar of every registration district with a sufficient number of such registers and of such certificates, schedules, notices, forms and other documents as he may require for the performance of his functions under this Act [<sup>F170</sup>and the <sup>M5</sup>Marriage (Scotland) Act 1977.]

[<sup>F171</sup>(1A) A register of births, deaths, still-births or marriages or the Register of Corrections Etc. may, if the Registrar General so determines, be electronic rather than paper-based.]

(2) All registers and documents provided by virtue of [<sup>F172</sup>subsection (1) above] shall remain the property of the Registrar General.

*Status: Point in time view as at 25/01/2023.*

*Changes to legislation: There are currently no known outstanding effects for the Registration of Births, Deaths and Marriages (Scotland) Act 1965. (See end of Document for details)*

#### Textual Amendments

- F170** Words added by [Marriage \(Scotland\) Act 1977 \(c. 15\), Sch. 2 para. 8](#)
- F171** [S. 32\(1A\)](#) inserted (1.10.2006) by [Local Electoral Administration and Registration Services \(Scotland\) Act 2006 \(asp 14\), ss. 43\(2\)\(a\)](#), 63(2); S.S.I. 2006/469, art. 2, Sch. 1 (with art. 4)
- F172** Words in [s. 32\(2\)](#) substituted (1.10.2006) by [Local Electoral Administration and Registration Services \(Scotland\) Act 2006 \(asp 14\), ss. 43\(2\)\(b\)](#), 63(2); S.S.I. 2006/469, art. 2, Sch. 1 (with art. 4)

#### Marginal Citations

- M5** [1977 c. 15.](#)

### 33 Duplicate and copy registers.

- (1) The Registrar General may from time to time direct any district registrar to make in respect of his district a duplicate or copy of any register of births, deaths or marriages, and any entry in a duplicate or copy so made shall be of the same legal force and effect as the corresponding entry in the appropriate register.
- (2) Any duplicate or copy register so made shall be retained in the custody of the district registrar.

### [<sup>F173</sup> 34 Examination and transmission of registers

- (1) The district examiner, or such other officer as may be nominated for the purpose by the Registrar General, shall, at such time or times and in such manner as the Registrar General may direct, examine the unexamined part of a relevant register kept or held by a district registrar within the district examiner's district.
- (2) An examination under subsection (1) above shall include an examination of any entry in the Register of Corrections Etc. which relates to an entry in a part of a relevant register which is the subject of the examination.
- (3) On completion of an examination under subsection (1) above—
  - (a) the district registrar shall endorse the register so examined, and
  - (b) the district examiner shall—
    - (i) endorse that register, and
    - (ii) transmit to the Registrar General a report of any circumstances arising from the examination to which he considers that the attention of the Registrar General should be drawn.
- (4) The district registrar for a registration district shall, at such time or times as the Registrar General may direct, transmit a relevant register to the Registrar General.
- (5) In this section—
 

“the unexamined part” of a register is that part of the register which has not previously been examined under subsection (1) above, and

“the relevant registers” are—

  - (a) the registers of births, still-births, deaths and marriages, and
  - (b) any duplicate or copy registers kept in pursuance of directions given by the Registrar General under section 33 of this Act.]

*Status: Point in time view as at 25/01/2023.*

*Changes to legislation: There are currently no known outstanding effects for the Registration of Births, Deaths and Marriages (Scotland) Act 1965. (See end of Document for details)*

#### Textual Amendments

**F173** S. 34 substituted (1.10.2006) by [Local Electoral Administration and Registration Services \(Scotland\) Act 2006 \(asp 14\)](#), **ss. 43(3)**, 63(2); S.S.I. 2006/469, art. 2, Sch. 1 (with art. 4)

#### Modifications etc. (not altering text)

**C10** S. 34 applied by 2004 c. 33, s. 98(1) (as substituted (1.10.2006 for specified purposes, 1.1.2007 in so far as not already in force) by [Local Electoral Administration and Registration Services \(Scotland\) Act 2006 \(asp 14\)](#), **ss. 52(6)**, 63(2); S.S.I. 2006/469, arts. 2, 3, Schs. 1, 2 (with art. 4))

### <sup>F174</sup>35 **Reproduction of registers.**

.....

#### Textual Amendments

**F174** S. 35 repealed (1.10.2006) by [Local Electoral Administration and Registration Services \(Scotland\) Act 2006 \(asp 14\)](#), **ss. 43(4)**, 63(2); S.S.I. 2006/469, art. 2, Sch. 1 (with art. 4)

### 36 **Replacement of lost registers etc.**

- (1) If any register in the custody of a district registrar, <sup>F175</sup>..., shall be lost, destroyed or mutilated or shall have become illegible, in whole or in part, such fact shall be forthwith communicated to the Registrar General, and the register in the custody of a district registrar which shall have been mutilated or become illegible shall be immediately transmitted to the Registrar General.
- (2) The Registrar General shall cause any such register to be corrected or completed or a new register to be made by any process which to him seems fit, and any such corrected, completed or new register which is duly authenticated by the signature of the Registrar General shall be of the same legal force and effect as the original register.

#### Textual Amendments

**F175** Words in s. 36(1) repealed (1.10.2006) by [Local Electoral Administration and Registration Services \(Scotland\) Act 2006 \(asp 14\)](#), **ss. 43(5)**, 63(2); S.S.I. 2006/469, art. 2, Sch. 1 (with art. 4)

*Searches and Extracts, etc.*

### [<sup>F176</sup>37 **Issuing of extracts of entries in current registers**

- (1) Subject to subsection (2) below, where a person pays such fee as may be prescribed, the district registrar for a registration district shall, if the part of the registration office concerned is open for the purpose, issue to the person an extract of an entry in the register of births, still-births, deaths or marriages kept by the registrar.
- (2) An extract from the register of still-births may be issued only with the consent of the Registrar General in the particular case.]

*Status: Point in time view as at 25/01/2023.*

*Changes to legislation: There are currently no known outstanding effects for the Registration of Births, Deaths and Marriages (Scotland) Act 1965. (See end of Document for details)*

### Textual Amendments

**F176** S. 37 substituted (1.10.2006) by [Local Electoral Administration and Registration Services \(Scotland\) Act 2006 \(asp 14\)](#), **ss. 44(3)**, 63(2); S.S.I. 2006/469, art. 2, Sch. 1 (with art. 4)

## 38 Search of indexes kept by Registrar General.

- (1) The Registrar General shall cause to be made and [<sup>F177</sup>keep] alphabetical indexes of the entries in the registers of births, deaths and marriages sent to him under this Act or any enactment repealed by this Act.
- (2) On payment to him of such fee or fees as may be prescribed, the Registrar General shall, at any time when the General Register Office is open for that purpose—
  - (a) cause a search to be made of the said indexes on behalf of any person or permit that person to search the indexes himself, and
  - (b) issue to any person an extract of any entry in the said registers which that person may require.
- (3) The Registrar General may, if he sees fit in any particular case, and on payment to him of such fee or fees as may be prescribed, cause a search to be made for, and allow any person to have an extract of, any entry in a register of still-births which has been transmitted to him.

### Subordinate Legislation Made

**P3** S. 3\*: for previous exercises of this power see Index to Government Orders.

**P4** S. 38(2)(3): s. 54(1) (with ss. 28A(4), 37(2)(3), 38(2)(3), 40(1), 43(8), 47 and 56) power exercised [S.I.1991/2817](#).

### Textual Amendments

**F177** Word in s. 38(1) substituted (1.10.2006) by [Local Electoral Administration and Registration Services \(Scotland\) Act 2006 \(asp 14\)](#), **ss. 44(4)**, 63(2); S.S.I. 2006/469, art. 2, Sch. 1 (with art. 4)

### Modifications etc. (not altering text)

**C11** S. 38(1)(2) applied (5.12.2005) by [Civil Partnership Act 2004 \(c. 33\)](#), **ss. 98**, 263(3); S.S.I. 2005/604, art. 2(b)

**C12** S. 38(1)(2) applied by 2004 c. 33, s. 98(1) (as substituted (1.10.2006 for specified purposes, 1.1.2007 in so far as not already in force) by [Local Electoral Administration and Registration Services \(Scotland\) Act 2006 \(asp 14\)](#), **ss. 52(6)**, 63(2); S.S.I. 2006/469, arts. 2, 3, Schs. 1, 2 (with art. 4))

**C13** S. 38(1) modified (24.3.2016) by [The Gender Recognition \(Marriage and Civil Partnership Registration\) \(Modification\) \(Scotland\) Order 2016 \(S.S.I. 2016/67\)](#), arts. 1, **3(2)**

## <sup>F178</sup> Notice of registration events to third parties

### 39A

- (1) Where—
  - (a) the Registrar General receives an application for notice to be given to a person specified in the application of—
    - (i) a birth (other than a still-birth),
    - (ii) a death,
    - (iii) a marriage,

*Status: Point in time view as at 25/01/2023.*

*Changes to legislation: There are currently no known outstanding effects for the Registration of Births, Deaths and Marriages (Scotland) Act 1965. (See end of Document for details)*

- (iv) a change of name or surname or an alternative name,
  - (b) the application is in the prescribed form,
  - (c) such fee as may be prescribed has been paid, and
  - (d) subsection (2) below applies,
- the Registrar General shall, if the Registrar General considers it appropriate to do so, give such notice to such person.
- (2) This subsection applies—
- (a) in the case of a birth, if—
    - (i) the birth has been registered in accordance with section 16B of this Act, and
    - (ii) the application is made by a qualified informant in relation to the birth,
  - (b) in the case of a death, if—
    - (i) the death has been registered in accordance with section 25B of this Act, and
    - (ii) the application is made by a qualified informant in relation to the death,
  - (c) in the case of a marriage, if—
    - (i) the marriage has been registered in accordance with section 15 or 19 of the Marriage (Scotland) Act 1977, and
    - (ii) the application is made by a party to the marriage, and
  - (d) in the case of a change of name or surname or an alternative name, if—
    - (i) the change or alternative has been recorded in pursuance of section 43 of this Act, and
    - (ii) the application is made by a relevant person.
- (3) In subsection (2)(d)(ii) above, “ relevant person ” means—
- (a) in the case of a change of name or surname recorded in pursuance of section 43(3) of this Act, the qualified applicant,
  - (b) in any other case, the person upon whose application the recording in pursuance of section 43 of this Act proceeded.
- (4) An application for the giving of notice under subsection (1) above may be made to—
- (a) the Registrar General, or
  - (b) the district registrar for any registration district.
- (5) If such an application is made to a district registrar, the district registrar shall as soon as practicable submit the application to the Registrar General.
- (6) For the purpose of subsection (1) above notice shall be given—
- (a) in such form as may be prescribed, and
  - (b) by such means as the Registrar General may determine.

#### Textual Amendments

**F178** Ss. 39A-39E substituted for ss. 39, 40 (1.10.2006 for specified purposes, 1.1.2007 for further specified purposes) by [Local Electoral Administration and Registration Services \(Scotland\) Act 2006 \(asp 14\)](#), [ss. 44\(5\), 63\(2\)](#); [S.S.I. 2006/469](#), [arts. 2, 3](#), [Schs. 1, 2](#) (with [art. 4](#))

*Status: Point in time view as at 25/01/2023.*

*Changes to legislation: There are currently no known outstanding effects for the Registration of Births, Deaths and Marriages (Scotland) Act 1965. (See end of Document for details)*

#### **Modifications etc. (not altering text)**

- C14** S. 39A applied (with modifications) by 2004 c. 33, s. 98(2)(3) (as substituted (1.10.2006 for specified purposes, 1.1.2007 in so far as not already in force) by [Local Electoral Administration and Registration Services \(Scotland\) Act 2006 \(asp 14\)](#), **ss. 52(6)**, 63(2); S.S.I. 2006/469, arts. 2, 3, Schs. 1, 2 (with art. 4))

### **39B Application by third party for notification of death**

- (1) Where—
- (a) an application is made to the Registrar General for notice to be given of a death in Scotland to the applicant,
  - (b) the application is in the prescribed form,
  - (c) such fee as may be prescribed has been paid, and
  - (d) the death has been registered in accordance with section 25B of this Act,
- the Registrar General shall, if the Registrar General considers it appropriate to do so, give such notice to such person.
- (2) For the purpose of subsection (1) above notice shall be given—
- (a) in such form as may be prescribed, and
  - (b) by such means as the Registrar General may determine.

#### **Textual Amendments**

- F178** Ss. 39A-39E substituted for ss. 39, 40 (1.10.2006 for specified purposes, 1.1.2007 for further specified purposes) by [Local Electoral Administration and Registration Services \(Scotland\) Act 2006 \(asp 14\)](#), **ss. 44(5)**, 63(2); S.S.I. 2006/469, arts. 2, 3, Schs. 1, 2 (with art. 4)

### **39C Provision of information to district registrars**

- (1) The Registrar General shall make arrangements for the district registrar for each registration district to have access to—
- (a) a copy of such of the entries in—
    - (i) the registers of births, deaths and marriages transmitted to the Registrar General under [<sup>F179</sup>section 34(4)] of this Act, or any enactment repealed by this Act, by any district registrar,
    - (ii) the Register of Divorces, and
    - (iii) the parochial registers in the custody of the Registrar General,
 as the Registrar General may determine,
  - (b) an alphabetical index of those entries, and
  - (c) a copy of any entry in the Register of Corrections Etc. which relates to an entry referred to in that index.
- (2) For the purposes of subsection (1) above—
- (a) a copy may be made by such means as the Registrar General shall determine, and
  - (b) different arrangements and determinations may be made in respect of different registration districts.

*Status: Point in time view as at 25/01/2023.*

*Changes to legislation: There are currently no known outstanding effects for the Registration of Births, Deaths and Marriages (Scotland) Act 1965. (See end of Document for details)*

#### Textual Amendments

- F178** Ss. 39A-39E substituted for ss. 39, 40 (1.10.2006 for specified purposes, 1.1.2007 for further specified purposes) by [Local Electoral Administration and Registration Services \(Scotland\) Act 2006 \(asp 14\)](#), [ss. 44\(5\)](#), 63(2); S.S.I. 2006/469, arts. 2, 3, Schs. 1, 2 (with art. 4)
- F179** Words in s. 39C(1)(a)(i) substituted (21.5.2014) by [Marriage and Civil Partnership \(Scotland\) Act 2014 \(asp 5\)](#), [ss. 32, 36](#); S.S.I. 2014/121, art. 2(g)

#### Modifications etc. (not altering text)

- C15** S. 39C applied by 2004 c. 33, s. 98(1) (as substituted (1.10.2006 for specified purposes, 1.1.2007 in so far as not already in force) by [Local Electoral Administration and Registration Services \(Scotland\) Act 2006 \(asp 14\)](#), [ss. 52\(6\)](#), 63(2); S.S.I. 2006/469, arts. 2, 3, Schs. 1, 2 (with art. 4))

### 39D Searching of indexes and issuing of extracts by district registrars

- (1) Where a person pays such fee as may be prescribed, the district registrar for a registration district shall, if the part of the registration office concerned is open for the purpose—
- search the index to which the registrar has access by virtue of section 39C(1)(b) of this Act (or permit the person to do so), and
  - issue to the person an extract of a copy of an entry to which the registrar has access by virtue of section 39C(1)(a) of this Act.
- (2) Section 44(3) of this Act shall apply to the issue under this section of an extract of a copy of an entry as it applies to the issue of an extract of an entry.

#### Textual Amendments

- F178** Ss. 39A-39E substituted for ss. 39, 40 (1.10.2006 for specified purposes, 1.1.2007 for further specified purposes) by [Local Electoral Administration and Registration Services \(Scotland\) Act 2006 \(asp 14\)](#), [ss. 44\(5\)](#), 63(2); S.S.I. 2006/469, arts. 2, 3, Schs. 1, 2 (with art. 4)

### 39E Abbreviated extracts

- (1) Where the district registrar for a registration district registers the particulars of a birth or death, that person shall without charge—
- immediately after so doing, give to the informant, or
  - before the expiry of two working days beginning with the date of registration, send to the informant by post,
- an abbreviated extract of the entry in the register of births or, as the case may be, deaths.
- (2) Subsection (1) above shall not apply to—
- re-registration of a birth under section 20 of this Act, or
  - registration of a still-birth under section 21 of this Act.
- (3) Subject to subsection (5) below, where a person pays such fee as may be prescribed—
- the district registrar for a registration district shall issue to the person an abbreviated extract of—
    - an entry in a register of births or deaths kept by the registrar; or



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- (ii) a copy of an entry in a register of births or deaths to which the registrar has access by virtue of section 39C of this Act,
  - (b) the Registrar General shall issue to the person an abbreviated extract of an entry in a register of births or deaths kept by the Registrar General.
- (4) An abbreviated extract shall contain such particulars as may be prescribed.
- (5) An abbreviated extract based on information contained in the Adopted Children Register maintained under <sup>F180</sup> section 53(1) of the Adoption and Children (Scotland) Act 2007 (asp 4) —
- (a) shall not include any reference to adoption, and
  - (b) may be obtained only from the Registrar General.]

#### Textual Amendments

**F178** Ss. 39A-39E substituted for ss. 39, 40 (1.10.2006 for specified purposes, 1.1.2007 for further specified purposes) by [Local Electoral Administration and Registration Services \(Scotland\) Act 2006 \(asp 14\)](#), [ss. 44\(5\)](#), 63(2); S.S.I. 2006/469, arts. 2, 3, Schs. 1, 2 (with art. 4)

**F180** Words in s. 39E(5) substituted (27.1.2010) by [Adoption and Children \(Scotland\) Act 2007 \(Modification of Enactments\) Order 2010 \(S.S.I. 2010/21\)](#), art. 1, [Sch. para. 1](#)

#### Modifications etc. (not altering text)

**C16** S. 39E(5) modified (6.4.2010) by [The Human Fertilisation and Embryology \(Parental Orders\) Regulations 2010 \(S.I. 2010/985\)](#), regs. 1(1), 5, [Sch. 4](#)

**C17** S. 39E(5) modified (21.12.2018) by [The Human Fertilisation and Embryology \(Parental Orders\) Regulations 2018 \(S.I. 2018/1412\)](#), reg. 1(2), [Sch. 4 para. 3](#)

### <sup>F181</sup> 41 Form and authentication of registration information

- (1) The documents mentioned in subsection (2) below shall be—
  - (a) in such form as may be prescribed, and
  - (b) authenticated in such manner as may be prescribed.
- (2) Those documents are—
  - (a) extracts issued under this Act, and
  - (b) notices given under section 39A or 39B of this Act.

#### Textual Amendments

**F181** Ss. 41 41A substituted for s. 41 (1.10.2006 for specified purposes, 1.1.2007 in so far as not already in force) by [Local Electoral Administration and Registration Services \(Scotland\) Act 2006 \(asp 14\)](#), [ss. 44\(6\)](#), 63(2); S.S.I. 2006/469, arts. 2, 3, Schs. 1, 2 (with art. 4)

### 41A Admissibility of registration information as evidence

- (1) A document mentioned in subsection (2) below shall be sufficient evidence of the birth, still-birth, death, marriage, civil partnership, divorce, dissolution of civil partnership, change of name or surname, alternative name or declarator of nullity of marriage to which, as the case may be, it relates.
- (2) Those documents are—

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- (a) an extract issued under this Act,
- (b) a notice given under section 39A or 39B of this Act.]

#### Textual Amendments

**F181** Ss. 41 41A substituted for s. 41 (1.10.2006 for specified purposes, 1.1.2007 in so far as not already in force) by [Local Electoral Administration and Registration Services \(Scotland\) Act 2006 \(asp 14\)](#), **ss. 44(6), 63(2)**; S.S.I. 2006/469, arts. 2, 3, Schs. 1, 2 (with art. 4)

#### Modifications etc. (not altering text)

**C18** S. 41A modified (23.9.2022) by S.S.I. 2016/67, art. 5 (as inserted by [The Gender Recognition \(Marriage and Civil Partnership Registration\) \(Modification\) \(Scotland\) Amendment Order 2022 \(S.S.I. 2022/202\)](#), arts. 1, **2(3)**)

### *Corrections and Changes of Name or Surname*

#### **42 Correction of errors in registers.**

- (1) No alteration shall be made in any register of births, still-births, deaths or marriages except as authorised by or under this or any other Act.
- [<sup>F182</sup>(2) Subject to subsection (3A) below, the district registrar for a registration district may correct a relevant error in an entry in a register of births, still-births, deaths or marriages kept or held by him.
- (3) In subsection (2) above, “relevant error” means—
  - (a) in respect of an entry relating to a birth or death—
    - (i) a clerical error arising from the faulty transcription of particulars provided by a qualified informant, or
    - (ii) an error of such other description as may be prescribed, and
  - (b) in respect of an entry relating to a marriage—
    - (i) a clerical error arising from the faulty transcription of particulars from a Marriage Schedule, or
    - (ii) an error of such other description as may be prescribed.
- (3A) Subsection (2) above does not apply if the entry is in a part which has been examined under section 34 of this Act.]
- (4) The Registrar General may authorise district examiners to correct any such type of error as he may specify which they may discover in entries [<sup>F183</sup>in a register] during the course of their examination <sup>F184</sup>... under section 34 of this Act.
- (5) The Registrar General may authorise the correction of any errors not dealt with under the preceding provisions of this section, by causing an appropriate entry to be made in the Register of Corrections Etc., and where the Registrar General refuses so to authorise such a correction the person who claims that an error has been made may appeal to the sheriff, whose decision in the matter shall be final.

#### Subordinate Legislation Made

**P5** S. 42 for previous exercises of this power see Index to Government Orders

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*Changes to legislation: There are currently no known outstanding effects for the Registration of Births, Deaths and Marriages (Scotland) Act 1965. (See end of Document for details)*

**Textual Amendments**

- F182** S. 42(2)-(3A) substituted for s. 42(2)(3) (1.10.2006) by [Local Electoral Administration and Registration Services \(Scotland\) Act 2006 \(asp 14\)](#), **ss. 45(2)**, 63(2); S.S.I. 2006/469, art. 2, Sch. 1 (with art. 4)
- F183** Words in s. 42(4) inserted (1.10.2006) by [Local Electoral Administration and Registration Services \(Scotland\) Act 2006 \(asp 14\)](#), **ss. 43(6)(a)**, 63(2); S.S.I. 2006/469, art. 2, Sch. 1 (with art. 4)
- F184** Words in s. 42(4) repealed (1.10.2006) by [Local Electoral Administration and Registration Services \(Scotland\) Act 2006 \(asp 14\)](#), **ss. 43(6)(b)**, 63(2); S.S.I. 2006/469, art. 2, Sch. 1 (with art. 4)

**Modifications etc. (not altering text)**

- C19** S. 42(1) applied (4.4.2005) by [Gender Recognition Act 2004 \(c. 7\)](#), s. 26, **Sch. 3 para. 18**; S.I. 2005/54, art. 2
- C20** S. 42(5) applied (4.4.2005) by [Gender Recognition Act 2004 \(c. 7\)](#), s. 26, **Sch. 3 para. 18**; S.I. 2005/54, art. 2

**43 Recording of baptismal name or change of name or surname.**

- (1) The following provisions of this section, except subsection 6(b), shall apply only to persons whose births are registered in Scotland, and, without prejudice to the provisions of section 24 of the <sup>M6</sup>Adoption Act 1958 relating to the giving or taking of a new name, to persons in respect of whom there is an entry in the Adopted Children Register maintained by the Registrar General under section 22 of that Act.
- (2) In this section “change” in relation to a name or surname includes any change by way of substitution, addition, omission, spelling or hyphenation.
- (3) Where, within twelve months from the date of the birth of any child, the name by which it was registered is changed or, if it was registered without a name, a name is given to the child, the Registrar General <sup>F185</sup>...
  - <sup>F185</sup>(a) .....
  - <sup>F185</sup>(b) .....

shall<sup>F186</sup>, where, within two years from the date of the birth of the child, an application in the prescribed form is made to the Registrar General in respect of that matter by the qualified applicant,] cause an entry containing the name mentioned in the [<sup>F187</sup>application] to be made in the Register of Corrections Etc., and only one such entry may be made under this subsection in respect of any one child.

<sup>F188</sup> ...
- (4) Where an application in the prescribed form is made to the Registrar General by the qualified applicant in respect of the change of name or surname of a child under sixteen years of age the Registrar General may record that change of name or surname by causing an appropriate entry to be made in the Register of Corrections Etc.—
  - <sup>F189</sup>(a) .....
  - <sup>F190</sup>(b) .....

Only one change of name and one change of surname in respect of any one child may be recorded under this subsection, but no change of name shall be recorded under this subsection in the case of a child in respect of whom a change of name has been recorded by virtue of the last foregoing subsection.
- (5) <sup>F191</sup>Where an application in the prescribed form is made to the Registrar General in respect of a change of name or surname, in the case of a person over sixteen years

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of age . . . , by that person, the Registrar General may record that change of name or surname by causing an appropriate entry to be made in the Register of Corrections Etc.—

<sup>F192</sup>(a) . . . . .

<sup>F193</sup>(b) . . . . .

Only one change of name and three changes of surname in respect of any one person may be recorded under this subsection, and a period of five years must elapse after one change of surname is recorded before another such change may be recorded.

(6) Notwithstanding the foregoing provisions of this section, where an application is made to the Registrar General in respect of a change of name or surname—

(a) in the case of a child under sixteen years of age, by [<sup>F194</sup>the qualified applicant] of that child, in the case of a person over sixteen years of age <sup>F191</sup> . . . , by that person, and there is produced to the Registrar General—

- (i) a decree or certificate of change of name or surname pronounced or, as the case may be, granted by or on behalf of the Lyon King of Arms, or
- (ii) a certified copy of a will, settlement, or deed of trust containing a condition that the person concerned shall take a name or surname different from that in which his birth was registered, together with evidence to the satisfaction of the Registrar General that the name or surname has thereafter been so changed, or

(b) in the case of a male person who has married in Scotland and who has changed his name or surname following his marriage, by that person, and there is produced to the Registrar General a decree or certificate as described in the foregoing paragraph,

the Registrar General may record that change of name or surname by causing an appropriate entry to be made in the Register of Corrections Etc.

(7) Where an application is made to the Registrar General in respect of the recording of an alternative name, being the English equivalent of a non-English name, in the case of a child under sixteen years of age, by [<sup>F194</sup>the qualified applicant] of that child, in the case of a person over sixteen years of age <sup>F191</sup> . . . , by that person, the Registrar General may record that name as an alternative name by causing an appropriate entry to be made in the Register of Corrections Etc.

(8) On making an application under any of the provisions of this section the applicant shall pay such fees as may be prescribed.

(9) Nothing in this section shall affect any rule of law as respects change of name or surname, and in particular, without prejudice to that generality, the validity as evidence of change of name or surname of a decree or certificate pronounced or, as the case may be, granted by or on behalf of the Lyon King of Arms.

<sup>F195</sup>(9A) In this section “ qualified applicant ” means—

- (a) where only one parent has parental responsibilities in relation to the child, that parent;
- (b) where both parents have such responsibilities in relation to the child, both parents; and
- (c) where neither parent has such responsibilities, any other person who has such responsibilities.

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(9B) A person may be a qualified applicant for the purposes of this section whether or not he has attained the age of sixteen years]

<sup>F196</sup>(10) . . . . .

### Subordinate Legislation Made

- P6** S. 43: for previous exercises of this power see Index to Government Orders.  
**P7** S. 43(8): s. 54(1) (with ss. 28A(4), 37(2)(3), 38(2)(3), 43(8), 47 and 56) power exercised by S.I. 1991/2817.

### Textual Amendments

- F185** Words in s. 43(3) repealed (1.10.2006 for specified purposes, 1.1.2007 in so far as not already in force) by [Local Electoral Administration and Registration Services \(Scotland\) Act 2006 \(asp 14\)](#), **ss. 46(a)(i)**, 63(2); S.S.I. 2006/469, arts. 2, 3, Schs. 1, 2 (with art. 4)
- F186** Words in s. 43(3) inserted (1.10.2006 for specified purposes, 1.1.2007 in so far as not already in force) by [Local Electoral Administration and Registration Services \(Scotland\) Act 2006 \(asp 14\)](#), **ss. 46(a)(ii)**, 63(2); S.S.I. 2006/469, arts. 2, 3, Schs. 1, 2 (with art. 4)
- F187** Word in s. 43(3) substituted (1.10.2006 for specified purposes, 1.1.2007 in so far as not already in force) by [Local Electoral Administration and Registration Services \(Scotland\) Act 2006 \(asp 14\)](#), **ss. 46(a)(iii)**, 63(2); S.S.I. 2006/469, arts. 2, 3, Schs. 1, 2 (with art. 4)
- F188** Words in s. 43(3) repealed (1.11.1995) by 1995 c. 36, s. 105(4)(5), Sch. 4 para. 12(3)(a), **Sch. 5**; S.I. 1995/2787, art. 3, **Sch.** Table
- F189** S. 43(4)(a) and word repealed (1.10.2006 for specified purposes, 1.1.2007 in so far as not already in force) by [Local Electoral Administration and Registration Services \(Scotland\) Act 2006 \(asp 14\)](#), **ss. 46(b)(i)(ii)**, 63(2); S.S.I. 2006/469, arts. 2, 3, Schs. 1, 2 (with art. 4)
- F190** S. 43(4)(b) repealed (1.10.2006 for specified purposes, 1.1.2007 in so far as not already in force) by [Local Electoral Administration and Registration Services \(Scotland\) Act 2006 \(asp 14\)](#), **ss. 46(b)(iii)**, 63(2); S.S.I. 2006/469, arts. 2, 3, Schs. 1, 2 (with art. 4)
- F191** Words in s. 43(5)(6)(7) repealed (25.9.1991) by [Age of Legal Capacity \(Scotland\) Act 1991 \(c. 50, SIF 49:8\)](#), ss. 10(2), 11(2), **Sch. 2**
- F192** S. 43(5)(a) and word repealed (1.10.2006 for specified purposes, 1.1.2007 in so far as not already in force) by [Local Electoral Administration and Registration Services \(Scotland\) Act 2006 \(asp 14\)](#), **ss. 46(b)(i)(ii)**, 63(2); S.S.I. 2006/469, arts. 2, 3, Schs. 1, 2 (with art. 4)
- F193** S. 43(5)(b) repealed (1.10.2006 for specified purposes, 1.1.2007 in so far as not already in force) by [Local Electoral Administration and Registration Services \(Scotland\) Act 2006 \(asp 14\)](#), **ss. 46(b)(iii)**, 63(2); S.S.I. 2006/469, arts. 2, 3, Schs. 1, 2 (with art. 4)
- F194** Words in s. 43(6)(a)(7) substituted (1.11.1995) by 1995 c. 36, s. 105(4), **Sch. 4 para. 12(3)(b)**; S.I. 1995/2787, art. 3, **Sch.**
- F195** S. 43(9A)(9B) inserted (1.11.1995) by 1995 c. 36, s. 105(4), **Sch. 4 para. 12(3)(c)**; S.I. 1995/2787, art. 3, **Sch.**
- F196** S. 43(10) repealed (1.11.1995) by 1995 c. 36, s. 105(4)(5), Sch. 4 para. 12(3)(d), **Sch. 5**; S.I. 1995/2787, art. 3, **Sch.** Table

### Modifications etc. (not altering text)

- C21** S. 43(1) applied (4.4.2005) by [Gender Recognition Act 2004 \(c. 7\)](#), s. 26, **Sch. 3 para. 18**; S.I. 2005/54, art. 2
- C22** S. 43(1) modified (6.4.2010) by [The Human Fertilisation and Embryology \(Parental Orders\) Regulations 2010 \(S.I. 2010/985\)](#), regs. 1(1), 5, **Sch. 4**
- C23** S. 43(1) modified (21.12.2018) by [The Human Fertilisation and Embryology \(Parental Orders\) Regulations 2018 \(S.I. 2018/1412\)](#), reg. 1(2), **Sch. 4 para. 4**

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- C24** S. 43(2) applied (4.4.2005) by [Gender Recognition Act 2004 \(c. 7\)](#), s. 26, **Sch. 3 para. 18**; S.I. 2005/54, art. 2
- C25** S. 43(5)-(9) applied (4.4.2005) by [Gender Recognition Act 2004 \(c. 7\)](#), s. 26, **Sch. 3 para. 18**; S.I. 2005/54, art. 2

#### Marginal Citations

- M6** 1958 c. 5. (7 & 8 Eliz. 2).

## 44 Register of Corrections Etc.

- (1) There shall be established a Register of Corrections Etc., which shall be used to record in relation to any entries in the registers any matters for which provision is so made under this Act and such further corrections, amendments and particulars of events occurring subsequent to registration as the Registrar General may from time to time direct.
- (2) All existing registers of corrected entries shall have effect as if they were part of the Register of Corrections Etc.
- (3) In issuing an extract of any entry in respect of which an insertion relating to an error has been made in the Register of Corrections Etc., <sup>F197</sup> ..., effect shall be given to the amended particulars contained in such an insertion.
- (4) The extent to which and the manner in which any other class of insertions in the Register of Corrections Etc., shall be given effect in any extract, <sup>F198</sup> ..., shall be as prescribed.

#### Textual Amendments

- F197** Words in s. 44(3) repealed (1.1.2007) by [Local Electoral Administration and Registration Services \(Scotland\) Act 2006 \(asp 14\)](#), **ss. 44(7)(a)**, 63(2); S.S.I. 2006/469, art. 3, Sch. 2 (with art. 4)
- F198** Words in s. 44(4) repealed (1.1.2007) by [Local Electoral Administration and Registration Services \(Scotland\) Act 2006 \(asp 14\)](#), **ss. 44(7)(b)**, 63(2); S.S.I. 2006/469, art. 3, Sch. 2 (with art. 4)

#### Modifications etc. (not altering text)

- C26** S. 44 applied (4.4.2005) by [Gender Recognition Act 2004 \(c. 7\)](#), s. 26, **Sch. 3 para. 18**; S.I. 2005/54, art. 2
- C27** S. 44 applied (5.12.2005) by [Civil Partnership Act 2004 \(c. 33\)](#), **ss. 98**, 263(3); S.S.I. 2005/604, art. 2(b)
- C28** S. 44 applied by 2004 c. 33, s. 98(1) (as substituted (1.10.2006 for specified purposes, 1.1.2007 in so far as not already in force) by [Local Electoral Administration and Registration Services \(Scotland\) Act 2006 \(asp 14\)](#), **ss. 52(6)**, 63(2); S.S.I. 2006/469, arts. 2, 3, Schs. 1, 2 (with art. 4))

### *Parochial Registers*

## 45 Correction of entries in parochial registers.

- [<sup>F199</sup>(1)] If any error shall be discovered in an entry relating to a birth or baptism, death or burial, proclamation of banns or marriage in any parochial register kept and in use prior to 1st January 1855, the Registrar General may, on the application of any person having an interest and after inspection of any written evidence, authorise the correction

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of the entry, which shall be done by making an appropriate insertion in a Register of Corrections Etc., kept for the purpose by the Registrar General.

[<sup>F200</sup>(2) The reference in subsection (1) above to written evidence includes evidence which is submitted by electronic means if it is received in a form which is legible and capable of being used for subsequent reference.]

#### Textual Amendments

**F199** S. 45 renumbered as s. 45(1) (1.10.2006) by [Local Electoral Administration and Registration Services \(Scotland\) Act 2006 \(asp 14\)](#), ss. **45(3)(a)**, 63(2); S.S.I. 2006/469, art. 2, Sch. 1 (with art. 4)

**F200** S. 45(2) inserted (1.10.2006) by [Local Electoral Administration and Registration Services \(Scotland\) Act 2006 \(asp 14\)](#), ss. **45(3)(b)**, 63(2); S.S.I. 2006/469, art. 2, Sch. 1 (with art. 4)

#### 46 Parochial registers to be transmitted to Registrar General.

- (1) Subject to the following subsection, all such parochial registers as aforesaid shall, so far as they are not already in the custody of the Registrar General, be transmitted to him for custody in the General Register Office.
- (2) Where a parochial register forms part of any other record or document or where for any other reason it would be inappropriate so to transmit the register, the duty to do so shall be discharged if there is transmitted to the Registrar General a copy of the register reproduced by photography, xerography or any other process approved by the Registrar General, or if an opportunity so to reproduce the register is afforded to the Registrar General.
- (3) Notwithstanding the provisions of section 3(2) of this Act, it shall be lawful for the Registrar General to transmit to the Keeper of the Records of Scotland any parochial register or copy of such register, which is in the custody of the Registrar General by virtue of this or any other Act, if in his opinion the retention by him of that register or copy register is no longer necessary.

#### 47 Search of parochial registers etc., and provision of extracts therefrom.

On payment to him of such fee or fees as may be prescribed, the Registrar General shall, at any time when the General Register Office is open for that purpose—

- (a) cause a search to be made of the aforesaid parochial registers or any copies or indexes thereof on behalf of any person or permit that person to search the registers, copies or indexes himself, and
- (b) issue to any person an extract of any entry in the said registers or copies which that person may require.

#### Subordinate Legislation Made

**P8** S. 47: s. 54(1) (with ss. 28A(4), 37(2)(3), 38(2)(3), 40(1), 43(8), 47 and 56) power exercised by [S.I.1991/2817](#).

S. 47: for previous exercises of this power see Index to Government Orders.



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### Miscellaneous

#### 48 Decrees of court altering status.

Where a decree altering the status of any person has been granted by any competent court the clerk of court shall, where no appeal has been made against such decree, on the expiration of the time within which such an appeal may be made, or where an appeal has been made against such a decree, on the conclusion of any appellate proceedings, notify the import of such decree in the prescribed form to the Registrar General who shall thereupon cause an appropriate entry to be made—

- [<sup>F201</sup>(a) where the decree is of divorce or of declarator of nullity of marriage, in the Register of Divorces; and  
(b) in any other case,]

in the Register of Corrections Etc.

#### Textual Amendments

**F201** Words inserted by [Law Reform \(Miscellaneous Provisions\) \(Scotland\) Act 1985 \(c. 73, SIF 105\)](#), s. 50(2)

#### 49 Signing by mark by persons unable to write.

If any person whose signature is necessary under this Act is unable to write, it shall be lawful for him to adhibit a cross or other mark in the presence of the district registrar or two witnesses who shall also adhibit their signatures and designations, and such cross or mark shall be in all respects as binding and effectual as the signature of such person would have been if he had been capable of writing.

#### 50 Events occurring in institutions.

The chief officer, matron or other person in charge of a hospital, <sup>F202</sup> . . . or other such institution [<sup>F203</sup> or of accommodation provided by a care home service (“care home service” having the meaning given by [<sup>F204</sup> paragraph 2 of schedule 12 to the Public Services Reform (Scotland) Act 2010] (asp 8))] who has been so requested by the Registrar General, shall, at such times and in such manner as the Registrar General may require, transmit to the district registrar of the registration district in which the institution [<sup>F205</sup> or accommodation] is situate, a list containing particulars of births and deaths occurring in such institution [<sup>F205</sup> or accommodation].

#### Textual Amendments

**F202** Words in s. 50 repealed (1.4.2002) by [2001 asp 8](#), s. 79, [Sch. 3 para. 2\(a\)](#); S.S.I. 2002/162, [arts. 1, 2\(h\)](#) (subject to [arts. 3-13](#))

**F203** Words in s. 50 inserted (1.4.2002) by [2001 asp 8](#), s. 79, [Sch. 3 para. 2\(b\)](#); S.S.I. 2002/162, [arts. 1, 2\(h\)](#) (subject to [arts. 3-13](#))

**F204** Words in s. 50 substituted (1.4.2011) by [The Public Services Reform \(Scotland\) Act 2010 \(Consequential Modifications\) Order 2011 \(S.S.I. 2011/211\)](#), art. 1, [Sch. 1 para. 1](#)

**F205** Words in s. 50 inserted (1.4.2002) by [2001 asp 8](#), s. 79, [Sch. 3 para. 2\(c\)](#); S.S.I. 2002/162, [arts. 1, 2\(h\)](#) (subject to [arts. 3-13](#))

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## 51 Returns to be made by registrar.

Every district registrar shall—

- (a) at such times and in such manner as the Registrar General may direct, furnish to the Registrar General returns relating to the entries of births, deaths and marriages and any other information obtained by the registrar in the execution of his duties which the Registrar General may require, and
- (b) supply to the <sup>F206</sup>Chief administrative medical officer of the Health Board] in whose area the registration office is situate such periodical returns of births and deaths as may be required by the Secretary of State.

### Textual Amendments

**F206** Words substituted by [National Health Service \(Scotland\) Act 1972 \(c. 58\)](#), [Sch. 6 para. 129](#)

## 52 Sending of documents by post.

Any notice, information, declaration, certificate, requisition, return or other document required to be served, sent or issued by a district registrar by or under this Act <sup>F207</sup>or the <sup>M7</sup>Marriage (Scotland) Act 1977] may, unless the context otherwise requires, be sent by post or in accordance with any directions which may be given by the Registrar General.

### Textual Amendments

**F207** Words inserted by [Marriage \(Scotland\) Act 1977 \(c. 15\)](#), [Sch. 2 para. 9](#)

### Marginal Citations

**M7** 1977 c. 15.

## 53 Offences.

- (1) If any person commits any of the following offences, that is to say—
  - (a) if he knowingly gives to a district registrar <sup>F208</sup>or the Registrar General] information which is false in a material particular;
  - (b) if he falsifies or forges any extract, certificate or declaration issued or made, or purporting to be issued or made, under this Act; or
  - (c) if he knowingly uses, or gives or sends to any person, as genuine any false or forged extract, certificate or declaration issued or made, or purporting to be issued or made, under this Act,
 he shall be liable
  - (i) on conviction on indictment, to a fine or to imprisonment for a term not exceeding 2 years or to both;
  - (ii) on summary conviction, to a fine not exceeding £100 or to imprisonment for a term not exceeding 3 months or to both.
- (2) If any person commits any of the following offences, that is to say—
  - (a) if he wilfully or negligently destroys, obliterates, erases or injures any entry in any register kept under this Act, or causes or permits the register or any part thereof to be destroyed, obliterated, erased or injured; or

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- (b) if he knowingly gives to a district registrar, for the purpose of registration in a register, particulars of a birth or of a death which have already been registered in that or any other register,

he shall be liable on summary conviction to a fine not exceeding [<sup>F209</sup>level 3 on the standard scale].

- (3) If any person commits any of the following offences, that is to say—

- (a) if being required by or under this Act to give information concerning any birth or death or any dead body, he wilfully refuses to answer any question put to him by a district registrar relating to the particulars required to be registered concerning the birth or death, or save as provided in this Act, fails to comply with any requirement of a district registrar made thereunder;
- (b) if he refuses or fails without reasonable cause to give, deliver or send any certificate which he is required by this Act to give, deliver or send;
- (c) if, being a parent, and save as provided in this Act, he fails [<sup>F210</sup>without reasonable excuse]to give information concerning the birth of his child as required by this Act;
- (d) if, being a person upon whom duty to give information concerning a death is imposed by section 23(1) of this Act, he fails to give that information and that information is not given; or
- (e) if he passes as genuine any reproduction of an extract <sup>F211</sup>... if such reproduction has not been authenticated in accordance with section 41(1) of this Act,

he shall be liable on summary conviction to a fine not exceeding [<sup>F212</sup>level 1 on the standard scale].

#### Textual Amendments

**F208** Words in s. 53(1)(a) inserted (1.1.2007) by [Local Electoral Administration and Registration Services \(Scotland\) Act 2006 \(asp 14\)](#), ss. 47(2), 63(2); S.S.I. 2006/469, art. 3, Sch. 2 (with art. 4)

**F209** Words substituted by virtue of [Criminal Procedure \(Scotland\) Act 1975 \(c. 21, SIF 39:1\)](#), ss. 289F, 289G

**F210** Words in s. 53(3)(c) inserted (1.11.1995) by 1995 c. 36, s. 105(4), [Sch. 4 para. 12\(4\)](#); S.I. 1995/2787, art. 3, [Sch.](#)

**F211** Words in s. 53(3)(e) repealed (1.1.2007) by [Local Electoral Administration and Registration Services \(Scotland\) Act 2006 \(asp 14\)](#), ss. 44(8), 63(2); S.S.I. 2006/469, art. 3, Sch. 2 (with art. 4)

**F212** Words substituted by virtue of [Criminal Procedure \(Scotland\) Act 1975 \(c. 21, SIF 39:1\)](#) ss. 289F, 289G

#### Modifications etc. (not altering text)

**C29** S. 53(1)(a) amended by [Marriage \(Scotland\) Act 1977 \(c. 15\)](#), s. 24(3)

## 54 Regulations.

- (1) The Registrar General may, with the approval of the Secretary of State, by statutory instrument make regulations—

- (a) prescribing the circumstances, of hardship or otherwise, in which fees prescribed under this Act may be remitted by the Registrar General;
- (b) prescribing anything which by this Act is required to be prescribed;
- (c) . . . <sup>F213</sup>

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(d) . . . <sup>F214</sup>

<sup>F215</sup>(1A) Regulations [<sup>F216</sup>under subsection (1)] may make different provision for different cases or circumstances.]

(2) Any statutory instrument containing regulations . . . <sup>F217</sup>

<sup>F218</sup>(a) prescribing fees for the purposes of this Act]

<sup>F219</sup>(b) prescribing cases or classes of case for the purpose of section 20(1A)(b) of this Act,]

shall be subject to annulment in pursuance of a resolution of either House of Parliament.

(3) The <sup>M8</sup>Statutory Instruments Act 1946 shall apply to a statutory instrument containing regulations made under this section as if the regulations had been made by a Minister of the Crown.

#### Subordinate Legislation Made

**P9** S. 54: for previous exercises of power see Index to Government Orders

**P10** S. 54(1): s. 54(1) (with ss. 28A(4), 37(2)(3), 38(2)(3), 40(1), 43(8), 47 and 56) power exercised by [S.I.1991/2817](#).

**P11** S. 54(1)(b): s. 42(2)(with s. 54(1)(b)) power exercised by [S.I. 1991/1260](#)

#### Textual Amendments

**F213** S. 54(1)(c) repealed by [Marriage \(Scotland\) Act 1977 \(c. 15\)](#), **Sch. 3**

**F214** S. 54(1)(d) repealed by [Children Act 1975 \(c. 72\)](#), **Sch. 4 Pt III**

**F215** [S. 54\(1A\)](#) inserted (1.9.2014) by [Marriage and Civil Partnership \(Scotland\) Act 2014 \(asp 5\)](#), **ss. 33**, [36](#); [S.S.I. 2014/212](#), **art. 2**, **Sch.** (as amended (1.9.2014) by [S.S.I. 2014/218](#), **art. 2(3)**, **Sch.**)

**F216** Words in [s. 54\(1A\)](#) substituted (25.1.2023) by [Coronavirus \(Recovery and Reform\) \(Scotland\) Act 2022 \(asp 8\)](#), **ss. 28(2)**, [59\(4\)\(5\)](#); [S.S.I. 2023/3](#), **reg. 2**

**F217** Words repealed by [Statute Law \(Repeals\) Act 1981 \(c. 19\)](#), **Sch. I Pt. XII**

**F218** Words in [s. 54\(2\)](#) renumbered as [s. 54\(2\)\(a\)](#) (1.10.2006) by [Local Electoral Administration and Registration Services \(Scotland\) Act 2006 \(asp 14\)](#), **ss. 41(3)(a)**, [63\(2\)](#); [S.S.I. 2006/469](#), **art. 2**, **Sch. 1** (with **art. 4**)

**F219** [S. 54\(2\)\(b\)](#) inserted (1.10.2006) by [Local Electoral Administration and Registration Services \(Scotland\) Act 2006 \(asp 14\)](#), **ss. 41(3)(b)**, [63\(2\)](#); [S.S.I. 2006/469](#), **art. 2**, **Sch. 1** (with **art. 4**)

#### Modifications etc. (not altering text)

**C30** S. 54 extended by [Social Security Act 1975 \(c. 14\)](#), **s. 160(1)**

**C31** S. 54 extended (1.7.1992) by [Social Security Administration Act 1992 \(c. 5\)](#), **ss.124**, [186](#), [192\(4\)](#), **Sch. 10 para. 3(1)**.

#### Marginal Citations

**M8** 1946. c. 36.

#### <sup>F220</sup>54A Form, and manner of attestation, of documents

(1) Regulations prescribing the form of a document may, unless the document requires to be signed, make provision for the document to be electronic rather than paper-based.

(2) Regulations prescribing the manner in which a document requires to be attested may make different provision for different cases or circumstances.]

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### Textual Amendments

**F220** S. 54A inserted (1.10.2006) by [Local Electoral Administration and Registration Services \(Scotland\) Act 2006 \(asp 14\), ss. 47\(3\), 63\(2\)](#); S.S.I. 2006/469, art. 2, Sch. 1 (with art. 4)

## 55 Expenses.

There shall be paid out of moneys provided by Parliament any increase attributable to this Act in the sums payable out of moneys so provided by way of Exchequer Equalisation Grant under the enactments relating to local government in Scotland.

## 56 Interpretation.

(1) In this Act, except where the context otherwise requires, the following expressions have the meanings respectively assigned to them, that is to say—

[<sup>F221</sup> “the 2011 Act” means the Certification of Death (Scotland) Act 2011 (asp 11);]

“birth”, except in relation to registers of births, includes a still-birth;

“district registrar” has the meaning assigned to it in section 7(12) of this Act;

“function” includes power and duty;

[<sup>F222</sup> “local authority” means a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994;]

[<sup>F223</sup> “medical reviewer” means a person appointed under paragraph 7A(1) of Schedule 5A to the National Health Service (Scotland) Act 1978 (c. 29);]

<sup>F224</sup> . . . . .

<sup>F225</sup>

“name” means Christian name or forename;

“occupier”, in relation to any institution, includes the governor, keeper, matron, superintendent, or other person in charge thereof, and, in relation to a house, includes any person residing therein;

[<sup>F226</sup> “parentage” has the meaning assigned to it in section 8 of the Law Reform (Parent and Child) (Scotland) Act 1986, and “non-parentage” shall be construed accordingly;]

[<sup>F227</sup> “parental responsibilities” has the meaning given in section 1(3) of the Children (Scotland) Act 1995;]

“prescribed” means prescribed by regulations made under section 54 of this Act;

“qualified informant”, in relation to any birth or death, means a person who is by this Act required or stated to be qualified to give information concerning that birth or death;

“relative” includes a relative by marriage, . . . [<sup>F228</sup> [<sup>F229</sup> a civil partner and anyone related to the civil partner of the person as regards whom the expression is being construed];

[<sup>F230</sup> “senior medical reviewer” means a person appointed under paragraph 7A(2) of Schedule 5A to the National Health Service (Scotland) Act 1978 (c. 29);]

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“still-born child” means a child which has issued forth from its mother after the [<sup>F231</sup>twenty-fourth week] of pregnancy and which did not at any time after being completely expelled from its mother breathe or show any other signs of life, and the expression “still-birth” shall be construed accordingly;

<sup>F224</sup> . . .

- (2) Except in so far as the context otherwise requires, any reference in this Act to any other enactment shall be construed as a reference to that enactment as amended by or under any other enactment, including this Act.
- [<sup>F232</sup>(3) Section 1(1) (legal equality of children) of the Law Reform (Parent and Child) (Scotland) Act 1986 shall apply to this Act; and any reference (however expressed) in this Act to a relative shall, unless the contrary intention appears, be construed accordingly.]

#### Subordinate Legislation Made

**P12** S. 56: s. 54(1) (with ss. 28A(4), 37(2)(3), 38(2)(3), 40(1), 43(8), 47 and 56) power exercised by [S.I. 1991/2817](#).

#### Textual Amendments

- F221** Words in s. 56(1) inserted (13.5.2015) by [Certification of Death \(Scotland\) Act 2011 \(asp 11\)](#), s. 32(3), [Sch. 2 para. 6\(a\)](#); [S.S.I. 2015/115](#), art. 3
- F222** Definition of “local authority” in s. 56(1) inserted (1.4.1996) by [1994 c. 39](#), s. 51(5) (with s. 7(2)); [S.I. 1996/323](#), art. 4(1)(a), [Sch. 1](#)
- F223** Words in s. 56(1) inserted (13.5.2015) by [Certification of Death \(Scotland\) Act 2011 \(asp 11\)](#), s. 32(3), [Sch. 2 para. 6\(b\)](#); [S.S.I. 2015/115](#), art. 3
- F224** Definitions in s. 56(1) repealed (25.9.1991) by [Age of Legal Capacity \(Scotland\) Act 1991 \(c. 50, SIF 49:8\)](#), ss. 10(2), 11(2), [Sch. 2](#)
- F225** Definition repealed by [Local Government \(Scotland\) Act 1973 \(c. 65\)](#), [Sch. 29](#)
- F226** Definitions inserted by [Law Reform \(Parent and Child\) \(Scotland\) Act 1986 \(c. 9, SIF 49:8\)](#), s. 10(1), [Sch. 1 para. 8\(9\)](#)
- F227** Definition in s. 56(1) inserted (1.11.1995) by [1995 c. 36](#), s. 105(4), [Sch. 4 para. 12\(5\)](#); [S.I. 1995/2787](#), art. 3, [Sch.](#)
- F228** Words repealed by [Children Act 1975 \(c. 72\)](#), [Sch. 4 Pt. I](#)
- F229** Words in s. 56(1) inserted (14.9.2005) by [Civil Partnership Act 2004 \(c. 33\)](#), ss. 136, 263(3); [S.S.I. 2005/428](#), art. 2, [Sch.](#)
- F230** Words in s. 56(1) inserted (13.5.2015) by [Certification of Death \(Scotland\) Act 2011 \(asp 11\)](#), s. 32(3), [Sch. 2 para. 6\(c\)](#); [S.S.I. 2015/115](#), art. 3
- F231** Words in s. 56(1) substituted (1.10.1992) by [Still-Birth \(Definition\) Act 1992 \(c. 29\)](#), ss. 1(2), 4(2).
- F232** S. 56(3) added by [Law Reform \(Parent and Child\) \(Scotland\) Act 1986 \(c. 9, SIF 49:8\)](#), s. 10(1), [Sch. 1 para. 8\(10\)](#)

#### 57 Savings etc.

- (1) Any registration effected, extract or certificate issued, notice or information given, order, regulations or return made or other thing done under any enactment repealed by this Act shall, if in force at the commencement of this Act, continue in force and have effect as if effected, issued, given, made or done under the corresponding provision of this Act.

<sup>F233</sup>(2) . . . . .

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- <sup>F233</sup>(3) .....
- (4) Any document referring to an enactment repealed by this Act shall, unless the contrary intention appears, be construed as referring to the corresponding provision of this Act.
- (5) Nothing in this Act shall affect any provision of the <sup>M9</sup>Population Statistics Act 1938 requiring particulars to be furnished for the purposes of that Act.
- (6) Nothing in the foregoing provisions of this section or in the provisions of the next following section shall be taken as prejudicing the operation of [<sup>F234</sup>sections 16(1) and 17(2)(a) of the <sup>M10</sup>Interpretation Act 1978] which [<sup>F234</sup>relate] to the effect of repeals.

**Textual Amendments**

**F233** S. 57(2)(3) repealed (5.11.1993) by 1993 c. 50, s.1(1), **Sch. 1 Pt. VIII**.

**F234** Words substituted by virtue of **Interpretation Act 1978 (c. 30), s. 25(2)**

**Marginal Citations**

**M9** 1938 c. 12.

**M10** 1978 c. 30.

**58 Consequential amendments and repeals.**

- (1) The enactments mentioned in Schedule 1 to this Act shall have effect subject to the amendments respectively specified in that Schedule, being amendments consequential on the provisions of this Act.
- (2) ..... <sup>F235</sup>

**Textual Amendments**

**F235** S. 58(2) repealed by **Statute Law (Repeals) Act 1974 (c. 22), Sch. Pt XI**

**Modifications etc. (not altering text)**

**C32** The text of s. 58(1) is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

**59 Short title, extent and commencement.**

- (1) This Act may be cited as the Registration of Births, Deaths and Marriages (Scotland) Act 1965.
- (2) This Act shall extend to Scotland only.
- (3) This Act shall come into force on 1st January 1966.



*Status: Point in time view as at 25/01/2023.*

*Changes to legislation: There are currently no known outstanding effects for the Registration of Births, Deaths and Marriages (Scotland) Act 1965. (See end of Document for details)*

## SCHEDULES

### SCHEDULE 1

Section 58(1).

#### CONSEQUENTIAL AMENDMENTS OF OTHER ENACTMENTS

##### General Modification

- 1 Any reference in any other enactment to a registrar in relation to births, deaths or marriages shall be construed as a reference to a district registrar within the meaning of this Act.

##### Specific Modification

#### *The <sup>M11</sup>Marriage Notice (Scotland) Act 1878*

##### Marginal Citations

**M11** 41 & 42 Vict. c.43

F236<sub>2</sub> .....

##### Textual Amendments

**F236** Sch. 1 para. 2 repealed (5.11.1993) by 1993 c. 50, s. 1(1), **Sch. 1 Pt. VIII**.

#### *The <sup>M12</sup>Marriage (Scotland) Act 1939*

##### Marginal Citations

**M12** 2 & 3 Geo. 6 c. 34

F237<sub>3</sub> .....

##### Textual Amendments

**F237** Sch. 1 para. 3 repealed (5.11.1993) by 1993 c. 50, s. 1(1), **Sch. 1 Pt. VIII**.

F238<sub>4</sub> .....

##### Textual Amendments

**F238** Sch. 1 para. 4 repealed (5.11.1993) by 1993 c. 50, s. 1(1), **Sch. 1 Pt. VIII**.

*Status: Point in time view as at 25/01/2023.*

*Changes to legislation: There are currently no known outstanding effects for the Registration of Births, Deaths and Marriages (Scotland) Act 1965. (See end of Document for details)*

*The <sup>M13</sup>Family Allowances Act 1945*

**Marginal Citations**

**M13** 8 & 9 Geo. 6 c. 41

F239<sup>5</sup> .....

**Textual Amendments**

**F239** [Sch. 1 para. 5](#) repealed (5.11.1993) by 1993 c. 50, s. 1(1), [Sch. 1 Pt. VIII](#).

*The <sup>M14</sup>National Insurance Act 1946*

**Marginal Citations**

**M14** 9 & 10 Geo. 6 c. 67

F240<sup>6</sup> .....

**Textual Amendments**

**F240** [Sch. 1 para. 6](#) repealed (5.11.1993) by 1993 c. 50, s. 1(1), [Sch. 1 Pt. VIII](#).

*The <sup>M15</sup>Adoption Act 1958*

**Marginal Citations**

**M15** 7 & 8 Eliz. 2 c. 5

F241<sup>7</sup> .....

**Textual Amendments**

**F241** [Sch. 1 para. 7](#) repealed (5.11.1993) by 1993 c. 50, s. 1(1), [Sch. 1 Pt. VIII](#).

F242<sup>8</sup> .....

**Textual Amendments**

**F242** [Sch. 1 para. 8](#) repealed (5.11.1993) by 1993 c. 50, s. 1(1), [Sch. 1 Pt. VIII](#).

F243<sup>9</sup> .....

*Status: Point in time view as at 25/01/2023.*

*Changes to legislation: There are currently no known outstanding effects for the Registration of Births, Deaths and Marriages (Scotland) Act 1965. (See end of Document for details)*

**Textual Amendments**

F243 Sch. 1 para. 9 repealed (5.11.1993) by 1993 c. 50, s. 1(1), Sch. 1 Pt. VIII.

*The <sup>M16</sup>Adoption Act 1964*

**Marginal Citations**

M16 1964 c. 57

F244 10 .....

**Textual Amendments**

F244 Sch. 1 para. 10 repealed (5.11.1993) by 1993 c. 50, s. 1(1), Sch. 1 Pt. VIII.

F245F245 SCHEDULE 2

**Textual Amendments**

F245 Sch. 2 repealed by Statute Law (Repeals) Act 1974 (c. 22), Sch. Pt XI

..... F245

**Status:**

Point in time view as at 25/01/2023.

**Changes to legislation:**

There are currently no known outstanding effects for the Registration of Births, Deaths and Marriages (Scotland) Act 1965.