



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

## 1965 CHAPTER 49

### PART II

#### REGISTRATION OF BIRTHS

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

- (1) For every registration district there shall be kept by the district registrar—
  - (a) a register of births, and
  - (b) a register of still-births,containing such particulars as may be prescribed for them respectively; and the prescribed particulars of the birth of every child born in Scotland shall, subject to the following provisions of this Part of this Act, be registered by the registrar in the relevant register kept for the appropriate district, or, if there are two appropriate districts, in the relevant register kept for either of them.
- (2) In the foregoing subsection, and in the following provisions of this Part of this Act, “the registrar” in relation to the birth of any child means the district registrar for the appropriate district, or, if there are two appropriate districts, the district registrar for either of them; and any reference in the following provisions of this Part of this Act to the register of births or still-births in relation to the birth of any child shall be construed as a reference to the register in which the particulars of the birth are, or may be, registered in pursuance of the said subsection.
- (3) For the purposes of the foregoing subsections the appropriate districts in relation to the birth of any child shall be—
  - (a) the registration district in which the birth took place, and
  - (b) any other registration district in which the mother of the child was ordinarily resident at the time of the birth, and
  - (c) in a case where a living infant child is found exposed, or the body of a dead infant child is found, and the place in which the birth took place is not known,

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the registration district in which the child, or, as the case may be, the body of the dead child, was found.

- (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.

#### 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>F1</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 the next following subsection is qualified to give information concerning the birth,

within twenty-one days from the date of the birth, to attend personally at the registration office and give to the registrar information of the particulars required to be registered concerning the birth and sign the register in the presence of the registrar: Provided that the giving of that information and the signing of the register 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.

- (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.

- (3) Nothing in this or the last foregoing 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.

- [<sup>F2</sup>(5) In this section, any reference to the father or parent of the child shall not include a reference to a father who is not married to the mother and has not been married to her since the child's conception.]

#### Textual Amendments

**F1** Words in s. 14(1)(a) substituted (1.11.1995) by 1995 c. 36, s. 99(1); S.I. 1995/2787, art. 3, Sch.

**F2** 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)

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

**C1** S. 14(1) modified (1.11.1995) by 1995 c. 36, s. 99(2); S.I. 1995/2787, art. 3, Sch.

**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>F3</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 registrar, 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 particulars required to be registered concerning the birth, and to sign the register in the presence of the said registrar.
- (2) If there is produced to the said registrar a certificate signed 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 register 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>F3</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>F4</sup>(4) .....

**Textual Amendments**

- F3** 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
- F4** 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

**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 particulars required to be registered concerning the birth of that child has not been given to the registrar in accordance with section 14 of this Act, the 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—
  - (a) to attend personally at the registration office for the registration district before such date (being not less than eight days nor more than fifteen days after the date of service of the notice) as may be specified in the notice;
  - (b) to give information to the best of that person's knowledge and belief of the particulars required to be registered concerning the birth; and
  - (c) to sign the register in the presence of the registrar.
- (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 registrar

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may serve on that person a second notice in the prescribed form requiring him to attend personally as aforesaid within eight days from the date of service of the second notice.

- (3) If on summary application by the 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 decreed *factum praestandum*.
- (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.

## **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 a registrar 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.
- (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.

## **[<sup>F5</sup>18 Births of children born out of wedlock.**

- (1) No person who is not married to the mother of a child and has not been married to 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 registrar shall not enter in the register 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 that person shall sign the register together with 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.

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- (1A) Where a person acknowledging himself to be the father of a child makes a request to the registrar 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 signing of the register by him in the presence of the registrar 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 [F6]a child has not been entered in the register, 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 [F7]a declaration and a statutory declaration such as are mentioned in paragraph (b) or (c) of subsection (1) of this section]; or
  - (c) if, where the mother is [F8]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 . . . F9 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.

- [F10](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.]

#### Textual Amendments

- F5** 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\(2\)](#)
- F6** Words substituted by [Law Reform \(Parent and Child\) \(Scotland\) Act 1986 \(c. 9, SIF 49:8\)](#), s. 10(1), [Sch. 1 para. 8\(3\)\(a\)](#)
- F7** Words substituted by [Law Reform \(Parent and Child\) \(Scotland\) Act 1986 \(c. 9, SIF 49:8\)](#), s. 10(1), [Sch. 1 para. 8\(3\)\(b\)](#)
- F8** Words substituted by [Law Reform \(Parent and Child\) \(Scotland\) Act 1986 \(c. 9, SIF 49:8\)](#), s. 10(1), [Sch. 1 para. 8\(3\)\(c\)](#)
- F9** 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
- F10** S. 18(3) added (1.11.1995) by [1995 c. 36, s. 99\(3\)](#); [S.I. 1995/2787](#), art. 3, [Sch.](#)

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

**C2** S. 18(1)(2) modified (1.11.1995) by 1995 c. 36, s. 99(4); S.I. 1995/2787, art. 3, Sch.

**[<sup>F11</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**

**F11** 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)

**19 Free abbreviated certificate of birth.**

- (1) At the time of registering the birth of any child, the registrar shall without charge give to the informant, or transmit by post to him within two working days after the date of registration, an abbreviated certificate of birth.
- (2) Any such certificate shall be in the prescribed form and shall contain such particulars as may be prescribed including particulars of the name, surname, sex, date and place of birth of the child, but shall not include any particulars relating to parentage.
- (3) This section shall not apply to re-registration of a birth under section 20 of this Act or to the registration of a still-birth under section 21 of this Act.

**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>F12</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>F13</sup> has been so made as to imply that his parents were not then married to one another and his parents have subsequently married one another],

the Registrar General may at any time authorise the re-registration of the birth, and any such re-registration shall be effected in such manner as may be prescribed:

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Provided that the Registrar General shall not authorise the re-registration of a birth in pursuance of paragraph (c) of this subsection, in a case where the paternity of the person has not been entered in the register of births or in the Register of Corrections Etc. in accordance with section 18 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>F14</sup>(3) Subject to the proviso in subsection (1) of this section, an application for re-registration of a person's birth under this section may be made—

- (a) if the person is under 16 years of age [<sup>F15</sup>, by any person (whether or not he has himself attained the age of sixteen years) having parental responsibilities in relation to that person;]

<sup>F16</sup>(b) .....

- (c) if the person is of or over [<sup>F17</sup>16] years of age, by the person himself; or
- (d) in any case, by any person who may be prescribed by regulations made under this Act.]

#### Textual Amendments

- F12** 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)**
- F13** 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)**
- F14** S. 20(3) added by Law Reform (Parent and Child) (Scotland) Act 1986 (c. 9, SIF 49:8), s. 10(1), **Sch. 1 para. 8(6)**
- F15** Words in s. 20(3)(a) substituted (1.11.1995) for s. 20(3)(a)(i)(ii) by 1995 c. 36, s. 105(4), **Sch. 4 para. 12(2)**; S.I. 1995/2787, art. 3, **Sch.**
- F16** S. 20(3)(b) repealed (25.9.1991) by Age of Legal Capacity (Scotland) Act 1991 (c. 50, SIF 49:8), ss. 10(2), 11(2), **Sch. 2**
- F17** Word in s. 20(3)(c) substituted (25.9.1991) by Age of Legal Capacity (Scotland) Act 1991 (c. 50, SIF 49:8), ss. 10(1), 11(2), **Sch. 1**, para. 28

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

- C3** 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**

## 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.

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- (2) Any qualified informant giving information to the registrar of the particulars required to be registered concerning a still-birth shall—
- (a) deliver 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 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 signed by him, and otherwise shall be signed by any [<sup>F18</sup>registered midwife] who was present or examined the body; or
  - (b) make a declaration in the prescribed form to the effect that to the best of his knowledge and belief no registered medical practitioner or [<sup>F18</sup>registered midwife] was present at the birth or has examined the body, or that his or her certificate cannot be obtained and that the child was not born alive.
- (3) Every registered medical practitioner or [<sup>F18</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 give information concerning that birth, give to that person a certificate for the purposes of paragraph (a) of the last foregoing subsection.
- (4) The registrar, 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.
- (5) The keeper or other person having the charge of a place of interment in which the body of a still-born child shall have been buried shall, unless a certificate given under the last foregoing subsection in respect of the still-birth has been delivered to him, give, within three days after the burial, notice thereof in the prescribed form to the registrar of the registration district in which the still-birth took place.
- (6) . . . . . <sup>F19</sup>

#### Textual Amendments

**F18** 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](#)

**F19** S.21(6) repealed by [Nurses, Midwives and Health Visitors Act 1979 \(c. 36\)](#), s. 24(2), [Sch. 7 para. 13](#), [Sch. 8](#)



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