



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

1965 CHAPTER 49

PART III

REGISTRATION OF DEATHS

22 Particulars of deaths to be registered.

[^{F1}(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.

Textual Amendments

- F1** 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—
- any relative of the deceased;
 - any person present at the death;
 - the deceased's executor or other legal representative;

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- (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,
- ^{F2}..., 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, [^{F3}give] information to the best of his knowledge and belief of the particulars required to be registered concerning the death, [^{F4}to the district registrar for a registration district]:
- Provided that the giving of that information ^{F5}... by any one of those persons shall constitute a discharge of any duty imposed by this subsection on any other person.
- [^{F6}(1A) For the purposes of subsection (1), a person shall give information of the prescribed particulars concerning a death to the district registrar for a registration district [^{F7}by]—
- (a) [^{F8}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, [^{F9}or]
- (b) [^{F10}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.]
- [^{F11}(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.
- (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 ^{F12}... 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,

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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

- F2** 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)
- F3** 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)
- F4** 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)
- F5** 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)
- F6** 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)
- F7** 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)
- F8** 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)
- F9** 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)
- F10** 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)
- F11** 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)
- F12** 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)

Modifications etc. (not altering text)

- C1** S. 23(1) extended (temp.) (26.3.2020) by [Coronavirus Act 2020 \(c. 7\)](#), s. 87(2), [Sch. 13 para. 11](#) (with [ss. 88-90](#), [Sch. 13 para. 15](#)); S.I. 2020/361, [reg. 2\(a\)](#) (which affecting provision is continued until 24.9.2022 by [The Coronavirus Act 2020 \(Alteration of Expiry Date\) \(Scotland\) Regulations 2022 \(S.S.I. 2022/40\)](#), [regs. 1, 2\(a\)](#)) (and which affecting provision expires (25.9.2022) by [Coronavirus Act 2020 \(c. 7\)](#), s. 89)

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 ^{F13} 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

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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 [^{F14}district registrar for a registration district], a certificate in the prescribed form [^{F15}attested, in the prescribed manner,] by the medical practitioner stating to the best of his knowledge and belief the cause of death [^{F16}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.

[^{F17}(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 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 [^{F18}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 [^{F19}district registrar for a registration district].

Textual Amendments

- F13** 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.
- F14** 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)
- F15** 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)
- F16** 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.
- F17** 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
- F18** 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)
- F19** 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)

[^{F20}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.

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- (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,
 - (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 ^{F21}... make different provision for different purposes.
- (9) An order made under subsection (7) (other than one to which subsection (11) applies)
—
 - ^{F22}(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.

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- (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.
- (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

- F20** 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
- F21** 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)
- F22** 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)

[^{F23}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

- F23** 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 [^{F24}prescribed particulars] concerning

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the death of that person has not been given to the [^{F25}district registrar for a registration district] in accordance with section 23 of this Act, the [^{F26}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 [^{F27}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]—

- (a) [^{F28}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 death [^{F29}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 23(1A)(b) or (c)]; and
 - (c) [^{F30}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 [^{F32}said] registrar may serve on that person a second notice in the prescribed form requiring [^{F33}him to attend personally as aforesaid][^{F33}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 [^{F34}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*.

[^{F35}(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.

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Textual Amendments

- F24** 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)
- F25** 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)
- F26** 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)
- F27** 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)
- F28** 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)
- F29** 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)
- F30** 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)
- F31** Words in s. 25(1)(c) 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)(iv)**, 63(2); S.S.I. 2006/469, arts. 2, 3, Schs. 1, 2 (with art. 4)
- F32** 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)
- F33** 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)
- F34** 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)
- F35** 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)

[^{F36}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

- F36** 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

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25B Registration of deaths

(1) Subject to subsection (2) [^{F37} 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 he obtained the attested death registration form by virtue of section 23(1A)(b) of this Act unless the registrar is satisfied that the prescribed particulars of the death have been—

- (a) provided to the Registrar General under section 25A of this Act, or
- (b) provided to the relevant district registrar under section 50 of this Act.

[^{F38} (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—
 - (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

F36 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

F37 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

F38 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

Status: Point in time view as at 01/09/2022.

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

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 [^{F39}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.

[^{F40}(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.

Textual Amendments

- F39** 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)
- F40** 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 [^{F41}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.

^{F42}(2)

^{F42}(3)

Textual Amendments

- F41** 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)
- F42** 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

[^{F43}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 interrs, cremates or otherwise disposes of the body of a still-born child or a deceased person (or who knowingly permits such interment,

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- 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).
- (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

F43 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-

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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.

[^{F44}28ZAMeaning of death registration form

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

- (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

F44 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)

Status:

Point in time view as at 01/09/2022.

Changes to legislation:

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