



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

## 1965 CHAPTER 49

### PART V

#### GENERAL

##### *Searches and Extracts, etc.*

#### **[<sup>F1</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.]

#### **Textual Amendments**

- F1** 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>F2</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indexes of the entries in the registers of births, deaths and marriages sent to him under this Act or any enactment repealed by this Act.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—

*Status: Point in time view as at 01/01/2007.*

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- (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

- P1** S. 3\*: for previous exercises of this power see Index to Government Orders.
- P2** 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

- F2** 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)

- C1** 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)
- C2** 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))

### [<sup>F3</sup> 39A Notice of registration events to third parties

- (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,
    - (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

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- (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

- F3** 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)

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

- C3** 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.

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- (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

- F3** 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 section 34(3) 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.

#### Textual Amendments

- F3** 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)

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

- C4** 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—

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- (a) 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
  - (b) 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

**F3** 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—
- (a) immediately after so doing, give to the informant, or
  - (b) 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—
- (a) re-registration of a birth under section 20 of this Act, or
  - (b) 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—
- (a) the district registrar for a registration district shall issue to the person an abbreviated extract of—
    - (i) an entry in a register of births or deaths kept by the registrar; or
    - (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 section 45(1) of the Adoption Act 1978 (c. 28)—
- (a) shall not include any reference to adoption, and
  - (b) may be obtained only from the Registrar General.]

#### Textual Amendments

**F3** 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)

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#### [<sup>F4</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

- F4** 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—
  - (a) an extract issued under this Act,
  - (b) a notice given under section 39A or 39B of this Act.]

##### Textual Amendments

- F4** 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)

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