



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

1965 CHAPTER 49

PART II

REGISTRATION OF BIRTHS

[^{F1}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 [^{F2}birth registration form is to be attested by, or on behalf of, both the woman concerned and] the mother); or
 - (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

Changes to legislation: There are currently no known outstanding effects for the Registration of Births, Deaths and Marriages (Scotland) Act 1965, Section 18B. (See end of Document for details)

- (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 [^{F3}, 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.]
- [^{F4}(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

- F1** 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)
- F2** 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)
- F3** 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)
- F4** 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)

Changes to legislation:

There are currently no known outstanding effects for the Registration of Births, Deaths and Marriages (Scotland) Act 1965, Section 18B.