



Children (Scotland) Act 1995

1995 CHAPTER 36

PART IV

GENERAL AND SUPPLEMENTAL

99 Registration of births by persons who are themselves children

- (1) In paragraph (a) of section 14(1) of the Registration of Births, Deaths and Marriages (Scotland) Act 1965 (duty of father and mother to give information of particulars of birth), for the words “father or mother of the child” substitute “child’s father or mother (whether or not they have attained the age of sixteen years)”.
- (2) Where, at any time after the coming into force of the Age of Legal Capacity (Scotland) Act 1991 but before the coming into force of subsection (1) above, a person mentioned in the said paragraph (a) who had not at that time attained the age of sixteen years purported to fulfill the duty mentioned in the said section 14(1), he shall be presumed to have had legal capacity to fulfill that duty.
- (3) In section 18 of the said Act of 1965 (registration of birth of child born out of wedlock), after subsection (2) add—
 - “(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.”.
- (4) Where, at any time after the coming into force of the Age of Legal Capacity (Scotland) Act 1991 but before the coming into force of subsection (3) above, a person who had not at that time attained the age of sixteen years made a request, declaration, statutory declaration or application mentioned in subsection (1) or (2) of the said section 18 in

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relation to a child in respect of whose birth an entry was consequently made under the said subsection (1) in a register of births, or as the case may be under the said subsection (2) in the Register of Corrections etc., the person shall be presumed to have had legal capacity to make the request, declaration, statutory declaration, or application in question.