

STATUTORY INSTRUMENTS

1985 No. 2005 (S.150)

REGISTRATION OF BIRTHS, DEATHS,
MARRIAGES, ETC.The Registration of Divorces (Fees)
(Scotland) Regulations 1985

<i>Made</i>	- - - - -	16th December 1985
<i>Laid before Parliament</i>		7th January 1986
<i>Coming into Operation</i>		1st February 1986

In exercise of the powers conferred upon me by sections 28A(4) and 54(1) and (3) of the Registration of Births, Deaths and Marriages (Scotland) Act 1965(a), and of all other powers enabling me in that behalf, and with the approval of the Secretary of State, I hereby make the following regulations:—

Citation and commencement

1. These regulations may be cited as the Registration of Divorces (Fees) (Scotland) Regulations 1985 and shall come into operation on 1st February 1986.

Interpretation

2. In these regulations—

“extract of an entry” means an extract of an entry in the Register of Divorces;

“general search” means a search in the index of the Register of Divorces over any period of years for any number of entries, made by any person with the permission of the Registrar General;

“particular search” means a search in the index of the Register of Divorces for a particular entry, caused to be made by the Registrar General.

Fees

3. Subject to regulations 4 and 5 of these regulations, the fees payable to the Registrar General for the searches and issue of extracts described in column 1 of the table below shall be the amounts specified in column 2 for the period from 1st February 1986 to 31st March 1986 and in column 3 for the period from 1st April 1986.

(a) 1965 c. 49. Section 28A was inserted into the Registration of Births, Deaths and Marriages (Scotland) Act 1965 by section 50(1) of the Law Reform (Miscellaneous Provisions) (Scotland) Act 1985 (c. 73).

6202 REGISTRATION OF BIRTHS, DEATHS, MARRIAGES, ETC.

<i>Column 1</i> (Service)	<i>Column 2</i> (1st February 1986 to 31st March 1986)	<i>Column 3</i> (From 1st April 1986)
	£	£
A general search for a day or part of a day	5.25	5.50
The issue of an extract of an entry following a general search	2.50	2.50
A particular search followed by—		
(i) the issue of an extract of an entry	5.00	5.00
or		
(ii) the issue of a second or subsequent extract of that entry	2.00	2.50
A particular search and the entry sought is untraced	1.60	2.50

Remission of fees

4.—(1) The Registrar General may, on application by any body or organisation not operating for profit, determine an annual inclusive fee for a general search made by such body or organisation in lieu of the fee for a general search as set out in regulation 3 of these regulations and any fee so determined shall be subject to annual review thereafter and shall not exceed the fee otherwise payable under that regulation.

(2) The Registrar General may remit a fee or part of a fee where—

- (a) the payment of the fee is likely to cause hardship to the person by whom it is payable, or
- (b) the service in respect of which the fee is payable is performed for research purposes.

5. No fee shall be chargeable to any person for a general search under these regulations on the same day as a fee is paid in whole or in part by that same person for a general search other than a search in the parochial registers alone under Schedule 1 to the Registration of Births, Deaths and Marriages (Fees) (Scotland) Regulations 1983(a) or under the Registration of Births, Deaths and Marriages (Fees) (Scotland) Regulations 1985(b).

New Register House
Edinburgh.
13th December 1985.

C. M. Glennie,
Registrar General.

I approve.

New St Andrew's House,
Edinburgh.
16th December 1985.

George Younger,
One of Her Majesty's Principal
Secretaries of State.

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

Section 28A of the Registration of Births, Deaths and Marriages (Scotland) Act 1965 imposes a duty for the first time on the Registrar General to keep a register of decrees of divorce and of declarator of nullity of marriage (the Register of Divorces). These regulations prescribe fees for searches in the index of the Register of Divorces both when caused to be made by the Registrar General or when made by anyone else and for the issue of extracts of entries in the Register, for the period from 1st February 1986 to 31st March 1986 and from 1st April 1986 when 3 of the fees are increased. The regulations also make provision for remission of fees and for no fee for a general search where a general search is made by the same person on the same day in the indexes of other registers (other than the parochial registers).

(a) S.I. 1983/1795, amended by S.I. 1985/268.

(b) S.I. 1985/1890.

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