

LOCAL ELECTORAL ADMINISTRATION AND REGISTRATION SERVICES (SCOTLAND) ACT 2006

EXPLANATORY NOTES

THE ACT

Part 2: Registration Services

Registration of births and deaths

Section 39 Registration of births

75. Prior to the Act, a family had the option of registering a birth in the RD where the birth occurred or – if this was different - in the RD where the mother was usually resident. This option was important where a mother was well enough to take her new baby back to her home in another area after only a day or so in hospital, perhaps before the baby's name was decided on. The 2 district registrars made appropriate cross-indexing arrangements, so that the birth-entry could readily be found. Computer links now allow this option to be extended to allow the birth to be registered in any Scottish RD, which is more convenient in today's highly mobile society. Subsection (2) therefore amends the 1965 Act to specify that every child born in Scotland must be registered in the birth or still-birth registers to be kept by district registrars and dispenses with the restrictions on the choice of RD in which the birth must be registered.
76. Subsection (3) amends section 14 of the 1965 Act, by removing the requirement that a person registering the birth must attend personally at the registration office and sign the register in the presence of the registrar. This paves the way for registration of births to be initiated electronically. Birth or death registration by internet could be more convenient to the family than the present face-to-face interview with the registrar. Births are not required to be registered electronically, because many people value the help of the registrar. But personal attendance will no longer be obligatory - for electronic registration which is not face to face the opportunity for fraud will be reduced by taking advantage of advances in NHS information services, which would allow details of births and deaths to be independently corroborated before the registration of the event was finalised.
77. Subsection (4) amends section 15 of the 1965 Act, which concerns abandoned infant children, to reflect the changes described in paragraphs 76 and 77. Subsection (5) amends the registrar's power under section 16 of the 1965 Act to obtain information concerning a birth, to reflect the same changes.
78. Subsection (6) adds 2 new sections to the 1965 Act. Both are designed to pave the way for electronic registration of birth. The first obliges NHS Health Boards to provide to the Registrar General information about every birth in their area – and for the Registrar General to make these details available to the district registrars. The second requires

These notes relate to the Local Electoral Administration and Registration Services (Scotland) Act 2006 (asp 14) which received Royal Assent on 1 August 2006

the district registrar, once corroborative information has been received from the health service, to complete the registration of a birth which has been initiated electronically as described in paragraph 77 above.

79. Section 17 of the 1965 Act prohibits registration more than 3 months after the birth without the written authority of the Registrar General. Subsection (7) amends that section to enable the Registrar General to authorise electronically the late registration of a birth. Subsection (8) amends section 18 of the 1965 Act, which provides for the registration of children born to unmarried parents, in order to reflect the changes described in paragraphs 76 and 77.
80. [Section 39](#) came into operation on 1st January 2007 aside from its provisions enabling the completion of an electronic birth registration as described in paragraph 77 above. [S.S.I. 2006/597](#) preserved the existing law pending the implementation of those provisions.