# LOCAL ELECTORAL ADMINISTRATION AND REGISTRATION SERVICES (SCOTLAND) ACT 2006

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## EXPLANATORY NOTES

**THE ACT**

**Part 2: Registration Services**

**Registration of births and deaths**

*Section 41 Re-registration of births*

82. Section 41 amends sections 20 and 54 of the 1965 Act. Section 20 allows the Registrar General to authorise the re-registration of a birth of any person, if:

   (a) the entry relating to him or her in the register of births is affected by any matter contained in the Register of Corrections Etc. respecting his or her status or parentage or non-parentage, or

   (b) the entry relating to him or her in the register of births has been so made as to imply that he or she was found exposed, or

   (c) the entry relating to him or her in the register of births has been so made as to imply that his or her parents were not then married to one another and the parents have subsequently married one another.

83. Section 41 allows registrars, in certain circumstances, to handle applications for the re-registration of births themselves, in addition to the Registrar General. It does so by empowering the Registrar General to prescribe cases or classes of case where a birth may be re-registered (in regulations made under section 54 of the 1965 Act, which are subject to negative resolution procedure in the Scottish Parliament).

84. The Registrar General has used this power to make the Registration of Births, Deaths and Marriages (Re-registration) (Scotland) Regulations 2007 (S.S.I. 2007/54). Those Regulations should be looked at for their full details (along with the consequential amendments made by S.S.I. 2007/52), but from 1st March 2007 local registrars can re-register a birth where:

   • paternity has been shown in the Register of Corrections Etc., the applicant is the child's mother who has parental responsibilities and is also the qualified informant;

   • the parents have subsequently married, paternity has previously been acknowledged by statutory declaration or a court decree and the child's father's details are already recorded;

- the child has died, details are missing from the child's birth entry and the responsible parent wants to include either the father's details or the parents' marriage; or

- the child is still-born and the parents apply to re-register the child's still-birth to include either the father's details or the parents' subsequent marriage.