



Local Electoral Administration and Registration Services (Scotland) Act 2006

2006 asp 14

PART 2

REGISTRATION SERVICES

Reorganisation of local registration services

37 Registration districts and authorities

- (1) The 1965 Act is amended in accordance with subsections (2) to (6).
- (2) For section 5 (registration districts and authorities) there is substituted—

“5 Registration districts and local registration authorities

- (1) For the purposes of this Act, the area of each local authority shall be a registration district.
 - (2) There shall be a local registration authority for each registration district.
 - (3) The local registration authority for a registration district shall be the local authority whose area comprises that district.”
- (3) Section 6 (alteration of registration districts) is repealed.
 - (4) In section 7 (senior and district registrars and other staff)—
 - (a) in subsection (1), for “each registration district in their area” there is substituted “their registration district”;
 - (b) in subsection (1)(a), for “any registration district in their area” there is substituted “their registration district”;
 - (c) in subsection (1)(c), for “any registration district in their area” there is substituted “their registration district”;
 - (d) in subsection (8), for “any”, where first occurring, there is substituted “their”; and

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Changes to legislation: *There are currently no known outstanding effects for the Local Electoral Administration and Registration Services (Scotland) Act 2006, Part 2. (See end of Document for details)*

- (e) in subsection (11)(a), the words “or in a scheme under the last foregoing section” and “or of any such scheme” are repealed.
- (5) In section 8 (registration offices)—
 - (a) in subsection (1), for “each registration district in their area” there is substituted “their registration district”; and
 - (b) in subsection (4)—
 - (i) for “each registration district in their area” there is substituted “their registration district”;
 - (ii) for “the office” there is substituted “those premises”; and
 - (iii) for “the last foregoing subsection” there is substituted “subsection (3) above”.
- (6) In section 9(1) (provision of area repositories), for “area” there is substituted “registration district”.

38 Registration offices: opening times

In section 8 of the 1965 Act (attendance of district registrar at registration office), after subsection (3) there is inserted—

“(3A) Different days and different hours may be fixed under subsection (3) above for each of the premises provided and maintained by the local registration authority as part of the registration office.”.

Registration of births and deaths

39 Registration of births

- (1) The 1965 Act is amended in accordance with subsections (2) to (8).
- (2) In section 13 (particulars of births to be registered), for subsections (1) to (3) there is substituted—
 - “(1) The prescribed particulars of the birth of every child born in Scotland shall be registered in accordance with this Part of this Act and for that purpose each district registrar for each registration district shall keep—
 - (a) a register of births, and
 - (b) a register of still-births.”.
- (3) In section 14 (duty to give information of particulars of birth)—
 - (a) in subsection (1)—
 - (i) for the words from “attend” to “registrar”, where secondly occurring, there is substituted “give to the district registrar for a registration district information of the prescribed particulars concerning the birth”; and
 - (ii) in the proviso, the words “and the signing of the register” are repealed;
 - (b) after subsection (1) there is inserted—
 - “(1A) For the purposes of subsection (1) above, a person shall give information of the prescribed particulars concerning a birth to the district registrar for a registration district by—

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- (a) attending personally at the registration office for that district and—
 - (i) giving to the registrar information of the particulars required to be registered concerning the birth, and
 - (ii) attesting, in the prescribed manner, the prescribed form (in this Part, the “birth registration form”) concerning the birth in the presence of the registrar, or
 - (b) submitting to the registrar by a prescribed means a birth registration form concerning the birth which has been completed by the person and attested by him in the prescribed manner.”; and
 - (c) in subsection (3), the words “or the last foregoing” are repealed.
- (4) In section 15 (duty to give information concerning finding of infant children)—
- (a) in subsection (1)—
 - (i) for “registrar”, where first occurring, there is substituted “ district registrar for the registration district in which the child was found ”;
 - (ii) for the words “particulars required to be registered” there is substituted “ prescribed particulars ”; and
 - (iii) for “sign the register” there is substituted “ attest, in the prescribed manner, the birth registration form concerning the birth ”; and
 - (b) in subsection (2)—
 - (i) for “signed” there is substituted “ attested in the prescribed manner ”; and
 - (ii) for “register” there is substituted “ birth registration form concerning the birth ”.
- (5) In section 16 (registrar's power to require information concerning birth to be given)—
- (a) in subsection (1)—
 - (i) for “particulars required to be registered” there is substituted “ prescribed particulars ”;
 - (ii) for “registrar”, where first occurring, there is substituted “ district registrar for a registration district ”;
 - (iii) after “the”, where sixthly occurring, there is inserted “ district ”; and
 - (iv) in paragraph (c), for “sign the register” there is substituted “ attest, in the prescribed manner, the birth registration form concerning the birth ”;
 - (b) in subsection (2), after “the”, where fourthly occurring, there is inserted “ said ”; and
 - (c) in subsection (3), after “the”, where first occurring, there is inserted “ said ”.
- (6) After section 16 there is inserted—

“16A Provision of birth particulars to Registrar General

- (1) Each Health Board shall in respect of each birth that occurs in its area, provide to the Registrar General, in such manner and at such times as the Registrar General and that body may agree, the prescribed particulars.

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- (2) The Registrar General shall, as soon as reasonably practicable after the prescribed particulars of a birth have been provided to the Registrar General under subsection (1) above, make those particulars available to the district registrar for each registration district.

16B Registration of births

- (1) Subject to subsection (2) below, the district registrar for a registration district shall register the particulars of a birth where, in accordance with this Part of this Act, the registrar has an attested birth registration form concerning the birth.
- (2) The registrar is not to register a birth in respect of which he obtained the attested birth registration by virtue of section 14(1A)(b) of this Act until the registrar is satisfied that the prescribed particulars of the birth have been—
- (a) provided to the Registrar General under section 16A of this Act; or
 - (b) provided to the relevant district registrar under section 50 of this Act.
- (3) For the purposes of this Part of this Act, particulars of a birth are registered by entering the birth registration form concerning the birth in the relevant register kept by the district registrar performing the registration.
- (4) In subsection (3) above, the “relevant register” means the register of births or, as the case may be, still-births.”
- (7) In section 17 (prohibition on late registration of births)—
- (a) in subsection (1), for “a registrar” there is substituted “ the district registrar for a registration district ”; and
 - (b) after that subsection there is inserted—

“(1A) For the purposes of subsection (1) above, authority which is given by electronic means is to be treated as if in writing if it is received in a form which is legible and capable of being used for subsequent reference.”
- (8) In section 18 (births of children to unmarried parents)—
- (a) in subsection (1)—
 - (i) for “registrar” there is substituted “ district registrar for the registration district ”;
 - (ii) for “register” there is substituted “ birth registration form concerning the birth ”; and
 - (iii) in paragraph (a), for “sign the register” there is substituted “ attest, in the prescribed manner, the birth registration form ”;
 - (b) in subsection (1A)—
 - (i) for “registrar”, where first occurring, there is substituted “ district registrar for the registration district ”; and
 - (ii) for “signing of the register” there is substituted “ attesting of the birth registration form concerning the birth ”; and
 - (c) in subsection (2), for “register” there is substituted “ birth registration form concerning the birth ”.

Status: Point in time view as at 01/01/2007.

Changes to legislation: There are currently no known outstanding effects for the Local Electoral Administration and Registration Services (Scotland) Act 2006, Part 2. (See end of Document for details)

Commencement Information

- II** S. 39 partly in force; s. 39 not in force at Royal Assent see s. 63(2); s. 39 in force for specified purposes at 1.10.2006 and s. 39(1) in force for further specified purposes and s. 39(2)(3)(c)(4)(5)(7)(8) in force at 1.1.2007 by S.S.I. 2006/469, arts. 2, 3 Schs. 1, 2 (with art. 4)

40 Registration of still-births

- (1) Section 21 of the 1965 Act (registration of still-births) is amended in accordance with subsections (2) to (4).
- (2) In subsection (2)—
- (a) for “registrar” there is substituted “ district registrar for a registration district ”; and
 - (b) in paragraph (a)—
 - (i) for “deliver” there is substituted “ produce ”; and
 - (ii) for “signed”, in both places where it occurs, there is substituted “ attested in the prescribed manner ”.
- (3) In subsection (3)—
- (a) the words from “give” to the end become paragraph (a); and
 - (b) after that paragraph there is inserted “; or
 - (b) deliver such a certificate on that person's behalf to a district registrar for a registration district nominated by that person”.
- (4) In subsection (4)—
- (a) for “registrar” there is substituted “ district registrar for a registration district ”; and
 - (b) after “registered” there is inserted “ or, if the person so requests, deliver such a certificate on that person's behalf to a keeper or other person having charge of a place of interment nominated by that person ”.

Commencement Information

- II** S. 40 wholly in force at 1.1.2007; s. 40 not in force at Royal Assent see s. 63(2); s. 40 in force for specified purposes at 1.10.2006 and s. 40 in force in so far as not already in force at 1.1.2007 by S.S.I. 2006/469, arts. 2, 3, Schs. 1, 2 (with art. 4)

41 Re-registration of births

- (1) The 1965 Act is amended in accordance with subsections (2) and (3).
- (2) In section 20 (re-registration of birth)—
- (a) in subsection (1)—
 - (i) in paragraph (c), after “another”, where secondly occurring, there is inserted “ and subject to subsection (1B) below ”;
 - (ii) for the words from “Registrar”, where first occurring, to “birth”, where first occurring, there is substituted “ birth may, where subsection (1A) below applies, be re-registered ”;

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(iii) for the words from “Provided” to “birth”, where secondly occurring, there is substituted—

“(1A) This subsection applies—

- (a) where the Registrar General authorises the re-registration, and
- (b) in such other cases or classes of case as may be prescribed.

(1B) A birth may not be re-registered”; and

(iv) for “this subsection” there is substituted “ subsection (1) above ”; and

(b) subsection (3) is repealed.

(3) In section 54 (parliamentary procedure), in subsection (2)—

- (a) the words “prescribing fees for the purposes of this Act” become paragraph (a) of that subsection; and
- (b) after “Act” there is inserted—

“(b) prescribing cases or classes of case for the purpose of section 20(1A)(b) of this Act.”.

Commencement Information

I3 S. 41 wholly in force at 1.1.2007; s. 41 not in force at Royal Assent see s. 63(2); s. 41(1) in force for specified purposes and s. 41(2)(a)(3) in force at 1.10.2006 and s. 41 in force in so far as not already in force at 1.1.2007 by S.S.I. 2006/469, arts 2, 3, Schs. 1, 2 (with art. 4)

42 Registration of deaths

(1) The 1965 Act is amended in accordance with subsections (2) to (8).

(2) In section 22 (particulars of deaths to be registered), for subsections (1) to (3) there is substituted—

“(1) The prescribed particulars of the death of every person dying in Scotland shall be registered in accordance with this Part of this Act and for that purpose the district registrar for each registration district shall keep a register of deaths.”.

(3) In section 23 (duty to give information of particulars of death)—

(a) in subsection (1)—

- (i) the words “to attend personally at a registration office and give to the registrar” are repealed;
- (ii) after “finding,” there is inserted “ give ”;
- (iii) for “and to sign the register in the presence of the registrar” there is substituted “ to the district registrar for a registration district ”; and
- (iv) in the proviso, the words “and the signing of the register” are repealed;

(b) after subsection (1) there is inserted—

“(1A) For the purposes of subsection (1), a person shall give information of the prescribed particulars concerning a death to the district registrar for a registration district by—

- (a) attending personally at the registration office for that district and—

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- (i) giving to the registrar information of the particulars required to be registered concerning the death, and
 - (ii) attesting, in the prescribed manner, the prescribed form (in this Part, the “death registration form”) concerning the death in the presence of the registrar, or
 - (b) submitting to the registrar by a prescribed means a death registration form concerning the death which has been completed by the person and attested by him in the prescribed manner.”; and
 - (c) in subsection (2), the words “or the last foregoing” are repealed.
- (4) In section 24 (certificate of cause of death)—
 - (a) in subsection (1)—
 - (i) for “registrar” there is substituted “ district registrar for a registration district ”; and
 - (ii) for “signed” there is substituted “ attested, in the prescribed manner, ”; and
 - (b) in subsection (2)—
 - (i) for “signed” there is substituted “ attested, in the prescribed manner, ”; and
 - (ii) for “registrar” there is substituted “ district registrar for a registration district ”.
- (5) In section 25 (registrar's power to require information concerning death to be given)—
 - (a) in subsection (1)—
 - (i) for “particulars required to be registered” there is substituted “ prescribed particulars ”;
 - (ii) for “registrar”, where first occurring, there is substituted “ district registrar for a registration district ”;
 - (iii) after “the”, where ninthly occurring, there is inserted “ district ”; and
 - (iv) in paragraph (c), for “sign the register” there is substituted “ attest, in the prescribed manner, the death registration form concerning the death ”;
 - (b) in subsection (2), after “the”, where fourthly occurring, there is inserted “ said ”; and
 - (c) in subsection (3), after “the”, where first occurring, there is inserted “ said ”.
- (6) After section 25 there is inserted—

“25A Provision of death particulars to Registrar General

- (1) Each Health Board shall in respect of each death that occurs in its area, provide to the Registrar General, in such manner and at such times as the Registrar General and that body may agree, the prescribed particulars.
- (2) The Registrar General shall, as soon as reasonably practicable after the prescribed particulars of a death have been provided to the Registrar General under subsection (1) above, make those particulars available to the district registrar for each registration district.

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25B Registration of deaths

- (1) Subject to subsection (2) below, the district registrar for a registration district shall register the particulars of a death where, in accordance with this Part of this Act, the registrar has an attested death registration form concerning the death.
- (2) The registrar is not to register a death in respect of which he obtained the attested death registration form by virtue of section 23(1A)(b) of this Act unless the registrar is satisfied that the prescribed particulars of the death have been—
 - (a) provided to the Registrar General under section 25A of this Act, or
 - (b) provided to the relevant district registrar under section 50 of this Act.
- (3) For the purposes of this Part of this Act, particulars of a death are registered by entering the death registration form concerning the death in the register of deaths kept by the district registrar performing the registration.”.
- (7) In section 26 (prohibition on late registration of deaths)—
 - (a) in subsection (1), for “a registrar” there is substituted “ the district registrar for a registration district ”; and
 - (b) after that subsection there is inserted—

“(1A) For the purposes of subsection (1) above, authority which is given by electronic means is to be treated as if in writing if it is received in a form which is legible and capable of being used for subsequent reference.”.
- (8) In section 27 (free certificate of registration of death)—
 - (a) in subsection (1), for “registrar” there is substituted “ district registrar for a registration district ”; and
 - (b) in subsection (3), for “registrar of the registration district in which the death occurred” there is substituted “ district registrar for a registration district ”.

Commencement Information

- I4** S. 42 partly in force; s. 42 not in force at Royal Assent see s. 63(2); s. 42 in force for specified purposes at 1.10.2006 and s. 42(1) in force for further specified purposes and s. 42(2)(3)(a)(iii)(iv)(c)(4)(5)(7)(8) in force at 1.1.2007 by S.S.I. 2006/469, arts. 2, 3, Schs. 1, 2 (with art. 4); S. 42(1)(3)(b)(6) in force for specified purposes at 14.1.2008 by S.S.I. 2007/566, art. 2 (with art. 3)

Registration information

43 Registers kept by district registrars

- (1) The 1965 Act is amended in accordance with subsections (2) to (6).
- (2) In section 32 (form and provision of registers etc.)—
 - (a) after subsection (1) there is inserted—

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- “(1A) A register of births, deaths, still-births or marriages or the Register of Corrections Etc. may, if the Registrar General so determines, be electronic rather than paper-based.”; and
- (b) in subsection (2), for “the foregoing subsection” there is substituted “subsection (1) above”.
- (3) For section 34 (examination of registers by district examiners) there is substituted—

“34 Examination and transmission of registers

- (1) The district examiner, or such other officer as may be nominated for the purpose by the Registrar General, shall, at such time or times and in such manner as the Registrar General may direct, examine the unexamined part of a relevant register kept or held by a district registrar within the district examiner's district.
- (2) An examination under subsection (1) above shall include an examination of any entry in the Register of Corrections Etc. which relates to an entry in a part of a relevant register which is the subject of the examination.
- (3) On completion of an examination under subsection (1) above—
- (a) the district registrar shall endorse the register so examined, and
- (b) the district examiner shall—
- (i) endorse that register, and
- (ii) transmit to the Registrar General a report of any circumstances arising from the examination to which he considers that the attention of the Registrar General should be drawn.
- (4) The district registrar for a registration district shall, at such time or times as the Registrar General may direct, transmit a relevant register to the Registrar General.
- (5) In this section—
- “the unexamined part” of a register is that part of the register which has not previously been examined under subsection (1) above, and
- “the relevant registers” are—
- (a) the registers of births, still-births, deaths and marriages, and
- (b) any duplicate or copy registers kept in pursuance of directions given by the Registrar General under section 33 of this Act.”.
- (4) Section 35 (reproduction of registers following transmission) is repealed.
- (5) In section 36 (replacement of lost registers etc.), in subsection (1), the words “or before reproduction in accordance with section 35 of this Act” are repealed.
- (6) In section 42 (power of district examiner to correct registers), in subsection (4)—
- (a) after “entries” there is inserted “ in a register ”; and
- (b) the words “of the registers” are repealed.

44 Indexing of registers and provision of registration information

- (1) The 1965 Act is amended in accordance with subsections (2) to (8).

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- (2) Section 19 (free abbreviated certificate) is repealed.
- (3) For section 37 (search of indexes kept by registrars), there is substituted—

“37 Issuing of extracts of entries in current registers

- (1) Subject to subsection (2) below, where a person pays such fee as may be prescribed, the district registrar for a registration district shall, if the part of the registration office concerned is open for the purpose, issue to the person an extract of an entry in the register of births, still-births, deaths or marriages kept by the registrar.
- (2) An extract from the register of still-births may be issued only with the consent of the Registrar General in the particular case.”.
- (4) In section 38(1) (search of indexes kept by Registrar General), for “kept in the General Register Office” there is substituted “ keep ”.
- (5) For sections 39 (production of extracts by photography etc.) and 40 (abbreviated certificates of birth) there are substituted the following sections—

“39A Notice of registration events to third parties

- (1) Where—
- (a) the Registrar General receives an application for notice to be given to a person specified in the application of—
 - (i) a birth (other than a still-birth),
 - (ii) a death,
 - (iii) a marriage,
 - (iv) a change of name or surname or an alternative name,
 - (b) the application is in the prescribed form,
 - (c) such fee as may be prescribed has been paid, and
 - (d) subsection (2) below applies,
- the Registrar General shall, if the Registrar General considers it appropriate to do so, give such notice to such person.
- (2) This subsection applies—
- (a) in the case of a birth, if—
 - (i) the birth has been registered in accordance with section 16B of this Act, and
 - (ii) the application is made by a qualified informant in relation to the birth,
 - (b) in the case of a death, if—
 - (i) the death has been registered in accordance with section 25B of this Act, and
 - (ii) the application is made by a qualified informant in relation to the death,
 - (c) in the case of a marriage, if—
 - (i) the marriage has been registered in accordance with section 15 or 19 of the Marriage (Scotland) Act 1977, and

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- (ii) the application is made by a party to the marriage, and
- (d) in the case of a change of name or surname or an alternative name, if—
 - (i) the change or alternative has been recorded in pursuance of section 43 of this Act, and
 - (ii) the application is made by a relevant person.
- (3) In subsection (2)(d)(ii) above, “relevant person” means—
 - (a) in the case of a change of name or surname recorded in pursuance of section 43(3) of this Act, the qualified applicant,
 - (b) in any other case, the person upon whose application the recording in pursuance of section 43 of this Act proceeded.
- (4) An application for the giving of notice under subsection (1) above may be made to—
 - (a) the Registrar General, or
 - (b) the district registrar for any registration district.
- (5) If such an application is made to a district registrar, the district registrar shall as soon as practicable submit the application to the Registrar General.
- (6) For the purpose of subsection (1) above notice shall be given—
 - (a) in such form as may be prescribed, and
 - (b) by such means as the Registrar General may determine.

39B Application by third party for notification of death

- (1) Where—
 - (a) an application is made to the Registrar General for notice to be given of a death in Scotland to the applicant,
 - (b) the application is in the prescribed form,
 - (c) such fee as may be prescribed has been paid, and
 - (d) the death has been registered in accordance with section 25B of this Act,the Registrar General shall, if the Registrar General considers it appropriate to do so, give such notice to such person.
- (2) For the purpose of subsection (1) above notice shall be given—
 - (a) in such form as may be prescribed, and
 - (b) by such means as the Registrar General may determine.

39C Provision of information to district registrars

- (1) The Registrar General shall make arrangements for the district registrar for each registration district to have access to—
 - (a) a copy of such of the entries in—
 - (i) the registers of births, deaths and marriages transmitted to the Registrar General under section 34(3) of this Act, or any enactment repealed by this Act, by any district registrar,
 - (ii) the Register of Divorces, and
 - (iii) the parochial registers in the custody of the Registrar General,

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- as the Registrar General may determine,
 - (b) an alphabetical index of those entries, and
 - (c) a copy of any entry in the Register of Corrections Etc. which relates to an entry referred to in that index.
- (2) For the purposes of subsection (1) above—
- (a) a copy may be made by such means as the Registrar General shall determine, and
 - (b) different arrangements and determinations may be made in respect of different registration districts.

39D Searching of indexes and issuing of extracts by district registrars

- (1) Where a person pays such fee as may be prescribed, the district registrar for a registration district shall, if the part of the registration office concerned is open for the purpose—
- (a) search the index to which the registrar has access by virtue of section 39C(1)(b) of this Act (or permit the person to do so), and
 - (b) issue to the person an extract of a copy of an entry to which the registrar has access by virtue of section 39C(1)(a) of this Act.
- (2) Section 44(3) of this Act shall apply to the issue under this section of an extract of a copy of an entry as it applies to the issue of an extract of an entry.

39E Abbreviated extracts

- (1) Where the district registrar for a registration district registers the particulars of a birth or death, that person shall without charge—
- (a) immediately after so doing, give to the informant, or
 - (b) before the expiry of two working days beginning with the date of registration, send to the informant by post,
- an abbreviated extract of the entry in the register of births or, as the case may be, deaths.
- (2) Subsection (1) above shall not apply to—
- (a) re-registration of a birth under section 20 of this Act, or
 - (b) registration of a still-birth under section 21 of this Act.
- (3) Subject to subsection (5) below, where a person pays such fee as may be prescribed—
- (a) the district registrar for a registration district shall issue to the person an abbreviated extract of—
 - (i) an entry in a register of births or deaths kept by the registrar; or
 - (ii) a copy of an entry in a register of births or deaths to which the registrar has access by virtue of section 39C of this Act,
 - (b) the Registrar General shall issue to the person an abbreviated extract of an entry in a register of births or deaths kept by the Registrar General.
- (4) An abbreviated extract shall contain such particulars as may be prescribed.

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Changes to legislation: There are currently no known outstanding effects for the Local Electoral Administration and Registration Services (Scotland) Act 2006, Part 2. (See end of Document for details)

- (5) An abbreviated extract based on information contained in the Adopted Children Register maintained under section 45(1) of the Adoption Act 1978 (c. 28)—
- (a) shall not include any reference to adoption, and
 - (b) may be obtained only from the Registrar General.”.
- (6) For section 41 (authentication and admissibility of extracts), there are substituted the following sections—

“41 Form and authentication of registration information

- (1) The documents mentioned in subsection (2) below shall be—
- (a) in such form as may be prescribed, and
 - (b) authenticated in such manner as may be prescribed.
- (2) Those documents are—
- (a) extracts issued under this Act, and
 - (b) notices given under section 39A or 39B of this Act.

41A Admissibility of registration information as evidence

- (1) A document mentioned in subsection (2) below shall be sufficient evidence of the birth, still-birth, death, marriage, civil partnership, divorce, dissolution of civil partnership, change of name or surname, alternative name or declarator of nullity of marriage to which, as the case may be, it relates.
- (2) Those documents are—
- (a) an extract issued under this Act,
 - (b) a notice given under section 39A or 39B of this Act.”.
- (7) In section 44 (extracts etc. to take account of corrections), the following are repealed—
- (a) in subsection (3), the words “and in issuing an abbreviated certificate in respect of such entry”; and
 - (b) in subsection (4), the words “or in any abbreviated certificate of birth”.
- (8) In section 53 (offences), in subsection (3)(e), the words “or certificate” are repealed.

Commencement Information

- 15** S. 44 partly in force; s. 44 not in force at Royal Assent see s. 63(2); s. 44(1)(5)(6) in force for specified purposes and s. 44(3)(4) in force at 1.10.2006 and s. 44(1)(5) in force for further specified purposes and s. 44(2)(6)(7)(8) in so far as not already in force at 1.1.2007 by S.S.I. 2006/469, arts. 2, 3, Schs. 1, 2 (with art. 4)

45 Correction of errors in registers

- (1) The 1965 Act is amended in accordance with subsections (2) and (3).
- (2) In section 42 (correction of errors in registers), for subsections (2) and (3) there is substituted—

Status: Point in time view as at 01/01/2007.

Changes to legislation: There are currently no known outstanding effects for the Local Electoral Administration and Registration Services (Scotland) Act 2006, Part 2. (See end of Document for details)

“(2) Subject to subsection (3A) below, the district registrar for a registration district may correct a relevant error in an entry in a register of births, still-births, deaths or marriages kept or held by him.

(3) In subsection (2) above, “relevant error” means—

- (a) in respect of an entry relating to a birth or death—
 - (i) a clerical error arising from the faulty transcription of particulars provided by a qualified informant, or
 - (ii) an error of such other description as may be prescribed, and
- (b) in respect of an entry relating to a marriage—
 - (i) a clerical error arising from the faulty transcription of particulars from a Marriage Schedule, or
 - (ii) an error of such other description as may be prescribed.

(3A) Subsection (2) above does not apply if the entry is in a part which has been examined under section 34 of this Act.”.

(3) Section 45 (correction of errors in parochial registers) is amended as follows—

- (a) the existing provision becomes subsection (1) of that section; and
- (b) after that subsection there is inserted—

“(2) The reference in subsection (1) above to written evidence includes evidence which is submitted by electronic means if it is received in a form which is legible and capable of being used for subsequent reference.”.

46 Recording change of name or surname

In section 43 of the 1965 Act (recording of baptismal name or change of name or surname)—

- (a) in subsection (3)—
 - (i) the words from “upon” to “applicant” are repealed;
 - (ii) after “shall” there is inserted “, where, within two years from the date of the birth of the child, an application in the prescribed form is made to the Registrar General in respect of that matter by the qualified applicant, ”; and
 - (iii) for “certificate”, where secondly occurring, there is substituted “ application ”; and
- (b) in each of subsections (4) and (5), the following are repealed—
 - (i) paragraph (a);
 - (ii) the word “and” where it occurs immediately after that paragraph; and
 - (iii) paragraph (b).

Commencement Information

- I6** S. 46 wholly in force at 1.1.2007; s. 46 not in force at Royal Assent see s. 63(2); s. 46 in force for specified purposes at 1.10.2006 and s. 46 in force in so far as not already in force at 1.1.2007 by S.I. 2006/469, arts. 2, 3, Schs. 1, 2 (with art. 4)

Status: Point in time view as at 01/01/2007.

Changes to legislation: There are currently no known outstanding effects for the Local Electoral Administration and Registration Services (Scotland) Act 2006, Part 2. (See end of Document for details)

Other amendments of the 1965 Act

47 Other amendments of the 1965 Act

- (1) The 1965 Act is amended in accordance with subsections (2) and (3).
- (2) In section 53 (offences), in subsection (1)(a), after “registrar” there is inserted “ or the Registrar General ”.
- (3) After section 54 there is inserted—

“54A Form, and manner of attestation, of documents

- (1) Regulations prescribing the form of a document may, unless the document requires to be signed, make provision for the document to be electronic rather than paper-based.
- (2) Regulations prescribing the manner in which a document requires to be attested may make different provision for different cases or circumstances.”.

Commencement Information

- 17** S. 47 wholly in force at 1.1.2007; s. 47 not in force at Royal Assent see s. 63(2); s. 47(1) in force for specified purposes and s. 47(3) in force at 1.10.2006 and s. 47 in force in so far as not already in force at 1.1.2007 by S.S.I. 2006/469, arts. 2, 3, Schs. 1, 2 (with art. 4)

Marriages and civil partnerships: procedure

48 Marriage procedure: marriages at sea

- (1) The 1977 Act is amended in accordance with subsections (2) to (9).
- (2) In section 3 (submission of notice of intention to marry), after subsection (5) there is inserted—

“(6) In this section, “the district registrar” means—

- (a) where the marriage is to be solemnised in a registration district, the district registrar for that district;
 - (b) where the marriage is to be solemnised in Scottish waters—
 - (i) in the case where the marriage is to be solemnised by an approved celebrant, the district registrar for any registration district;
 - (ii) in the case where the marriage is to be solemnised by an authorised registrar, the district registrar for the registration district of the proposed authorised registrar.”.
- (3) In section 4 (marriage notice book and list of intended marriages), after subsection (4) (as inserted by section 49(b)) there is inserted—

“(5) In this section and sections 5 and 6 of this Act, “the district registrar” means—

- (a) where the marriage is to be solemnised in a registration district, the district registrar for that district;

Status: Point in time view as at 01/01/2007.

Changes to legislation: *There are currently no known outstanding effects for the Local Electoral Administration and Registration Services (Scotland) Act 2006, Part 2. (See end of Document for details)*

- (b) where the marriage is to be solemnised in Scottish waters—
 - (i) in the case where the marriage is to be solemnised by an approved celebrant, the district registrar to whom the marriage notices or approved certificates in respect of the marriage were submitted;
 - (ii) in the case where the marriage is to be solemnised by an authorised registrar, the district registrar for the registration district of the proposed authorised registrar.”.
- (4) In section 6 (issuing of Marriage Schedule), in subsection (7)—
 - (a) after “district”, where first occurring, there is inserted “, is in Scottish waters instead of a registration district or is in a registration district instead of Scottish waters ”; and
 - (b) in paragraph (a), the words “for the district in which the marriage is to be solemnised” are repealed.
- (5) In section 15 (registration of religious marriage), after subsection (4) there is inserted—
 - “(5) In this section and section 16 of this Act, “the district registrar” means—
 - (a) where the marriage has been solemnised in a registration district, the district registrar for that district;
 - (b) where the marriage has been solemnised in Scottish waters, the district registrar who issued the Marriage Schedule in respect of the marriage.”.
- (6) In section 18 (places at which civil marriages may be solemnised)—
 - (a) in subsection (1)—
 - (i) at the end of paragraph (a), “or” is repealed; and
 - (ii) at the end of paragraph (b), there is inserted “; or
 - (c) on or in an approved vessel, while in Scottish waters.”; and
 - (b) after subsection (6) there is inserted—
 - “(7) For the purposes of this section, “approved vessel” means a vessel approved by virtue of regulations made under section 18A of this Act, by the home local authority.
 - (8) In subsection (7) above, the “home local authority” means the local authority which is the local registration authority for the authorised registrar's registration district.”.
- (7) In section 18A (approved places regulations)—
 - (a) in subsection (1)—
 - (i) the words “of places in their areas in which civil marriages may be solemnised” become paragraph (a); and
 - (ii) at the end of that paragraph there is inserted “; or
 - (b) of vessels on or in which, while they are in Scottish waters, their authorised registrars may solemnise marriages.
 - (1A) For the purposes of subsection (1)(b) above, a local authority's authorised registrars are the authorised registrars

Status: Point in time view as at 01/01/2007.

Changes to legislation: *There are currently no known outstanding effects for the Local Electoral Administration and Registration Services (Scotland) Act 2006, Part 2. (See end of Document for details)*

- for whose registration district the local authority is the local registration authority.”;
- (b) in subsection (2)—
- (i) in paragraph (a), after “place” there is inserted “ or vessel ”;
 - (ii) in paragraph (c), after “places” there is inserted “ or vessels ”;
 - (iii) in paragraph (f)(i), after “places” there is inserted “ or vessels ”; and
 - (iv) in paragraph (j), after “places” there is inserted “ and vessels ”; and
- (c) in subsection (9), for the words from the beginning to “instrument”, where secondly occurring, there is substituted “ Subject to subsection (10) below, a statutory instrument containing regulations made under subsection (1) above ”.
- (8) In section 19 (registration of civil marriage)—
- (a) for paragraphs (a) and (b) of subsection (4) there are substituted—
- “(a) in a case where the marriage has been solemnised by the authorised registrar—
 - (i) in his registration office;
 - (ii) in any such place as is mentioned in section 18(3) of this Act;
 - (iii) at an approved place in his district; or
 - (iv) in or on an approved vessel in Scottish waters, - that authorised registrar;”
 - (b) in a case where the marriage has been solemnised by the authorised registrar—
 - (i) in the registration office of another authorised registrar; or
 - (ii) at an approved place in the district of another authorised registrar, - that other authorised registrar;”; and
- (b) after subsection (4) there is inserted—
- “(5) In this section, “approved place” and “approved vessel” have the meanings given to those expressions, respectively, by subsections (6) and (7) of section 18 of this Act.”.
- (9) In section 26 (interpretation)—
- (a) in subsection (1), for “subsection (2)” there is substituted “ subsections (2) and (2A) ”;
- (b) in subsection (2)—
- (i) the definition of “district registrar” is repealed; and
 - (ii) after the definition of “religious body” there are inserted the following definitions—
- ““Scottish waters” means the area comprising such of the internal waters and territorial sea of the United Kingdom as are within Scotland (“Scotland” having the meaning given by section 126(1) and (2) of the Scotland Act 1998 (c. 46)), other than any area which is part of a registration district;
- “vessel” includes any—

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Changes to legislation: There are currently no known outstanding effects for the Local Electoral Administration and Registration Services (Scotland) Act 2006, Part 2. (See end of Document for details)

- (a) vehicle; or
- (b) other structure.”;
- (c) after subsection (2) there is inserted—
 - “(2A) For the purposes of this Act—
 - (a) the seaward boundary of a registration district which extends into the sea shall, subject to paragraph (b) below, be the low water mark of the ordinary spring tide;
 - (b) a vessel which is below the low water mark of the ordinary spring tide is to be regarded as within a registration district if it is—
 - (i) positioned adjacent to land which is within the district;
 - (ii) affixed to the land for the purpose of maintaining its position; and
 - (iii) so positioned for the purpose of enabling access to and from the land;
 - (c) a jetty or similar structure which is partly above the low water mark of the ordinary spring tide and partly below that mark is to be regarded as being wholly above that mark.”.

Commencement Information

I8 S. 48 wholly in force at 1.1.2007; s. 48 not in force at Royal Assent see s. 63(2); s. 48(1) in force for specified purposes and s. 48(7)(9)(a)(b)(ii)(c) in force at 1.10.2006 and s. 48 in force in so far as not already in force at 1.1.2007 by S.S.I. 2006/469, arts. 2, 3, Schs. 1, 2 (with art. 4)

49 Marriage procedure: miscellaneous amendments

In section 4 of the 1977 Act (notice of intended marriages)—

- (a) for subsection (2) there is substituted—
 - “(2) The district registrar shall maintain a list of the intended marriages in respect of which he has received a marriage notice or an approved certificate (the “district list”).
 - (2A) Subject to subsection (2B) below, the district list shall be displayed in a conspicuous place at the registration office.
 - (2B) If the registration office comprises more than one set of premises, it shall be sufficient for the purpose of subsection (2A) above if the district registrar displays the list in a conspicuous place at the principal premises only.
 - (2C) The district registrar shall, as soon as practicable after he has received a marriage notice or an approved certificate in relation to an intended marriage—
 - (a) make an entry in the district list containing the relevant particulars of the marriage; and

Status: Point in time view as at 01/01/2007.

Changes to legislation: There are currently no known outstanding effects for the Local Electoral Administration and Registration Services (Scotland) Act 2006, Part 2. (See end of Document for details)

- (b) provide (in such form and by such means as the Registrar General thinks fit) the relevant particulars of the marriage to the Registrar General.
- (2D) The Registrar General shall maintain a list of proposed marriages in Scotland (the “Scottish list”).
- (2E) The Registrar General shall make the Scottish list available for public inspection (at such locations, by such means and in such forms as the Registrar General thinks fit).
- (2F) The Registrar General shall, as soon as practicable after the relevant particulars of a marriage are provided to him under subsection (2C)(b) above, make an entry in the Scottish list containing those particulars.
- (2G) An entry in a district list or the Scottish list shall remain in that list until the proposed date of the marriage to which it relates has elapsed.”; and
- (b) after subsection (3) there is inserted—
 - “(4) For the purpose of this section, the relevant particulars of a marriage are such particulars, extracted from the marriage notice book, as may be prescribed.”.

Commencement Information

- 19** S. 49 wholly in force at 1.1.2007; s. 49 not in force at Royal Assent see s. 63(2); s. 49 in force for specified purposes at 1.10.2006 and s. 49 in force in so far as not already in force at 1.1.2007 by S.S.I. 2006/469, arts. 2, 3, Schs. 1, 2 (with art. 4)

50 Marriage procedure: electronic communications

- (1) The 1977 Act is amended in accordance with subsections (2) to (10).
- (2) In section 3 (submission of notice of intention to marry)—
 - (a) in subsection (1), for “accompanied by” there is substituted “ and ”;
 - (b) in subsection (3), for “attach to that document” there is substituted “ also submit ”; and
 - (c) after subsection (3), there is inserted—
 - “(3A) A person submitting a notice under subsection (1) above shall make and attest in the prescribed manner the necessary declaration (the form for which shall be included in any form prescribed for the notice).
 - (3B) The necessary declaration is a declaration that the person submitting the notice believes that the parties to the marriage are eligible to be married to each other.”.
- (3) In section 5 (objections to marriage)—
 - (a) in subsection (1)—
 - (i) for “be accompanied by” there is substituted “ not be treated as submitted until there has also been produced to the registrar ”; and

Status: Point in time view as at 01/01/2007.

Changes to legislation: There are currently no known outstanding effects for the Local Electoral Administration and Registration Services (Scotland) Act 2006, Part 2. (See end of Document for details)

- (ii) for “signed” there is substituted “ attested in the prescribed manner ”; and
- (b) after subsection (1) (submission in writing of objection to marriage) there is inserted—
- “(1A) For the purpose of subsection (1) above, an objection which is submitted to the registrar by electronic means is to be treated as in writing if it is received in a form which is legible and capable of being used for subsequent reference.”.
- (4) In section 6 (issuing of Marriage Schedule), after subsection (4) there is inserted—
- “(4A) For the purpose of subsection (4)(a)(i) above, a request which is made by electronic means is to be treated as being written if it is received in a form which is legible and capable of being used for subsequent reference.”.
- (5) In section 7 (marriage outside Scotland where a party resides in Scotland), after subsection (3) there is inserted—
- “(4) For the purpose of subsection (3) above, an objection which is submitted by electronic means is to be treated as in writing if it is received in a form which is legible and capable of being used for subsequent reference.”.
- (6) In section 9 (registration of nominated persons as celebrants), after subsection (5) there is inserted—
- “(5A) For the purpose of subsection (5)(b) above, notice which is given by electronic means is to be treated as in writing if it is received in a form which is legible and capable of being used for subsequent reference.”.
- (7) In section 10 (removal of celebrant's name from register), after subsection (2) there is inserted—
- “(2A) For the purpose of subsection (2) above, notice which is given by electronic means is to be treated as in writing if it is received in a form which is legible and capable of being used for subsequent reference.”.
- (8) In section 12 (temporary authorisation of celebrants)—
- (a) the existing section becomes subsection (1) of that section; and
- (b) after that subsection there is inserted—
- “(2) For the purpose of subsection (1) above, an authorisation which is issued by electronic means is to be treated as written if it is received in a form which is legible and capable of being used for subsequent reference.”.
- (9) In section 19 (marriage ceremony and registration of marriage), after subsection (1) there is inserted—
- “(1A) For the purpose of subsection (1) above, a request which is made by electronic means is to be treated as written if it is received in a form which is legible and capable of being used for subsequent reference.”.
- (10) After section 24 there is inserted—

Status: Point in time view as at 01/01/2007.

Changes to legislation: There are currently no known outstanding effects for the Local Electoral Administration and Registration Services (Scotland) Act 2006, Part 2. (See end of Document for details)

“24A Form, and manner of attestation, of documents

- (1) Regulations prescribing the form of a document may, unless the document requires to be signed, make provision for the document to be electronic rather than paper-based.
- (2) Regulations prescribing the manner in which a document requires to be attested may make different provision for different cases or circumstances.”.

Commencement Information

I10 S. 50 wholly in force at 1.1.2007; s. 50 not in force at Royal Assent see s. 63(2); s. 50(1)(2)-(9) in force for specified purposes and s. 50(10) in force at 1.10.2006 and s. 50 in force in so far as not already in force at 1.1.2007 by S.S.I. 2006/469, arts. 2, 3, Schs. 1, 2 (with art. 4)

51 Civil partnership procedure: registrations at sea

In section 93 of the 2004 Act (place of registration)—

- (a) in subsection (2), for the words from “outwith” to the end there is substituted “—
 - (a) in a registration district other than that of the authorised registrar carrying out the registration, or
 - (b) in or on Scottish Waters.”; and
- (b) after subsection (4) there is inserted—

“(5) “Scottish Waters” has the meaning given by section 26(2) of the Marriage (Scotland) Act 1977 (c. 15).”.

52 Civil partnership procedure: miscellaneous amendments

- (1) The 2004 Act is amended in accordance with subsections (2) to (7).
- (2) In section 88 (notice of proposed civil partnership)—
 - (a) in subsection (1), the words “and accompanied by the prescribed fee” are omitted;
 - (b) in subsection (2), for the words from the beginning, to the end of paragraph (a), there is substituted—

“Each of the intended civil partners must also pay the prescribed fee and submit the following documents—

 - (a) that person's birth certificate.”;
 - (c) in subsection (5), for “sign” there is substituted “ attest in the prescribed manner ”; and
 - (d) after subsection (5) there is inserted—

“(5A) Regulations prescribing the form of the notice of proposed civil partnership may make provision for the notice to be electronic rather than paper-based.”.
- (3) In section 90 (publicisation of proposed civil partnership), in subsection (1)—

Status: Point in time view as at 01/01/2007.

Changes to legislation: *There are currently no known outstanding effects for the Local Electoral Administration and Registration Services (Scotland) Act 2006, Part 2. (See end of Document for details)*

- (a) for “submitted to” there is substituted “ received by ”;
 - (b) for “the day on which they are submitted” there is substituted “ such receipt ”;
 - (c) for “submitted”, where thirdly occurring, there is substituted “ received ”; and
 - (d) for “the day on which the first is submitted” there is substituted “ the first is received ”.
- (4) In section 92 (objections to registration)—
- (a) after subsection (1) there is inserted—
 - “(1A) For the purpose of subsection (1), an objection which is submitted to the registrar by electronic means is to be treated as in writing if it is received in a form which is legible and capable of being used for subsequent reference.”; and
 - (b) in subsection (2)—
 - (i) for “be accompanied by” there is substituted “ not be treated as submitted until there has also been produced to the registrar ”; and
 - (ii) for “signed” there is substituted “ attested in the prescribed manner ”.
- (5) After section 95 there is inserted—

“95A Validity following entry in civil partnership register

- (1) Subsection (2) applies where the particulars set out in a civil partnership schedule signed in accordance with section 85 are entered in the civil partnership register in pursuance of section 95(2).
- (2) The validity of the registration as civil partners to which the schedule relates is not to be questioned in any legal proceedings on the ground of failure to comply with a requirement or restriction imposed by or under this Part.
- (3) Subsection (2)—
 - (a) is subject to section 85(2), and
 - (b) does not prejudice section 100.”.
- (6) For section 98 (application of certain sections of 1965 Act to civil partnership register) there is substituted—

“98 Application of certain provisions to civil partnerships

- (1) The following sections of the 1965 Act apply in relation to the civil partnership register as they apply in relation to the registers of births, marriages and deaths—
 - (a) section 34 (examination and transmission of registers),
 - (b) section 38(1) and (2) (search of indexes kept by Registrar General),
 - (c) section 39C (provision of information to district registrars), and
 - (d) section 44 (Register of Corrections Etc.).
- (2) Section 39A of the 1965 Act (notice of registration events to third parties) applies in relation to a civil partnership as it applies in relation to a marriage.
- (3) In that application, the reference in section 39A(2)(c) to the marriage having been registered in accordance with section 15 or 19 of the Marriage (Scotland) Act 1977 (c. 15) is to be read as a reference to the particulars of the formation

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of the civil partnership having been entered in the civil partnership register under section 95(2) of this Act.”.

- (7) In section 122 (registration of dissolution of civil partnership), after subsection (6) there is inserted—

“(7) Section 39C of the 1965 Act applies in relation to the Register of Dissolutions of Civil Partnership as it applies in relation to the Register of Divorces.”.

Commencement Information

- III** S. 52 partly in force; s. 52 not in force at Royal Assent see s. 63(2); s. 52(1)(2)(a)-(c)(4)(6) in force for specified purposes and s. 52(2)(d)(3)(5)(7) in force at 1.10.2006 and s. 52(1)(6) in force for specified purposes and s. 52(2)(a)-(c)(4) in force in so far as not already in force at 1.1.2007 by S.S.I. 2006/469, art. 2, 3, Schs. 1, 2 (with art. 4)

53 Provision of information about civil partnerships for certain purposes: fees

- (1) In section 10B of the Savings Bank Act 1887 (c. 40) (civil partnership certificates: Scotland), in subsection (2), after “Scotland” there is inserted “ and on payment of the sum of £8.50 ”.
- (2) In section 124B of the Social Security Administration Act 1992 (c. 5) (provisions relating to civil partnership: Scotland), after “behalf,” there is inserted “ and on payment of the sum of £8.50, ”.
- (3) In Schedule 3 to the Public Expenditure and Receipts Act 1968 (c. 14)—
- (a) in the entry for the Savings Bank Act 1887, for “section 10” there is inserted “ sections 10 and 10B(2) ”; and
 - (b) in the entry for the Social Security Administration Act 1992, for “section 124(3)” there is inserted “ sections 124(3) and 124B(1) ”.

Recording of events relating to persons outwith Scotland

54 Recording of certain events in Book of Scottish Connections

- (1) The Registrar General is to keep a register to be known as the Book of Scottish Connections (“the BSC”) for the purpose of recording, in accordance with subsection (6), qualifying events.
- (2) The following events are qualifying events—
- (a) a person's birth, where—
 - (i) the birth occurred outside Scotland; and
 - (ii) the person falls within subsection (4);
 - (b) a person's death, where—
 - (i) the death occurred outside Scotland; and
 - (ii) the person falls within subsection (4) or (5);
 - (c) a marriage, where—
 - (i) the marriage occurred outside Scotland; and
 - (ii) at least one of the parties falls within subsection (4) or (5);

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- (d) the formation in a part of the United Kingdom other than Scotland, of a civil partnership, where at least one of the parties falls within subsection (4) or (5);
 - (e) the entering into of an overseas relationship, where at least one of the parties falls within subsection (4) or (5);
 - (f) a divorce or dissolution of a civil partnership (formed in any part of the United Kingdom) or overseas relationship, where—
 - (i) the divorce or dissolution occurred outside Scotland; and
 - (ii) at least one of the parties to the divorce or dissolution falls within subsection (4) or (5).
- (3) In subsection (2)—
- (a) a reference to an event occurring outside Scotland is a reference to its occurring in any other part of the United Kingdom or elsewhere; and
 - (b) “overseas relationship” has the meaning given by section 212 of the 2004 Act.
- (4) A person falls within this subsection if—
- (a) one of the person's parents or grandparents was born in Scotland; or
 - (b) there is an entry in the BSC in respect of any event relating to one of the person's parents or grandparents.
- (5) A person falls within this subsection if—
- (a) the person was born in Scotland; or
 - (b) the person was normally resident in Scotland at the time of the event.
- (6) The Registrar General is to make an entry in the BSC in respect of a qualifying event where—
- (a) an application has been made for the recording of the event;
 - (b) the application is in the prescribed form;
 - (c) such fees as may be prescribed are paid;
 - (d) such documents as may be prescribed are submitted; and
 - (e) the Registrar General considers it appropriate to do so.

Commencement Information

I12 S. 54 wholly in force at 5.1.2009; s. 54 not in force at Royal Assent see s. 63(2); s. 54 in force for specified purposes at 1.10.2006 by S.S.I. 2006/469, art. 2, Sch. 1 (with art. 4); s. 54 in force in so far as not already in force at 5.1.2009 by S.S.I. 2008/405, art. 2

55 Keeping of, and access to, the Book of Scottish Connections

- (1) The BSC is to be kept in such form as the Registrar General determines.
- (2) An entry in the BSC is to be in such form as may be prescribed.
- (3) Each entry in the BSC is to be included in an index maintained by the Registrar General (“the BSC index”).
- (4) The BSC index is to be kept in such form as the Registrar General determines.
- (5) The Registrar General may delete or amend any entry in the BSC or substitute another for it.

Status: Point in time view as at 01/01/2007.

Changes to legislation: There are currently no known outstanding effects for the Local Electoral Administration and Registration Services (Scotland) Act 2006, Part 2. (See end of Document for details)

- (6) Where a person pays such fee as may be prescribed, the Registrar General is, if the General Register Office is open for the purpose, to—
 - (a) search (or permit the person to search) the BSC index; and
 - (b) issue to the person a copy of an entry in the BSC.
- (7) The Registrar General is to make arrangements for the district registrar for each registration district to have access to—
 - (a) a copy of such of, or such parts of, the BSC as the Registrar General may determine; and
 - (b) an index of that material.
- (8) For the purposes of subsection (7)—
 - (a) a copy is to be made by such means as the Registrar General may determine; and
 - (b) different arrangements and determinations may be made in respect of different registration districts.
- (9) Where a person pays such fee as may be prescribed, the district registrar for a registration district is, if the part of the registration office concerned is open for the purpose, to—
 - (a) search (or permit the person to search) the index to which the registrar has access by virtue of subsection (7)(b); and
 - (b) issue to the person a copy or extract of any of the material so indexed.

Commencement Information

I13 S. 55 wholly in force at 5.1.2009; s. 55 not in force at Royal Assent see s. 63(2); s. 55 in force for specified purposes at 1.10.2006 by S.S.I. 2006/469, art. 2, Sch. 1 (with art. 4); s. 55 in force in so far as not already in force at 5.1.2009 by S.S.I. 2008/405, art. 2

Other provisions about information held by Registrar General

56 Provision of registration information to public bodies and office-holders

- (1) The Registrar General may provide any information contained in a register mentioned in subsection (2) to any public body or office-holder (in Scotland, in any other part of the United Kingdom or in a country or territory outside the United Kingdom).
- (2) Those registers are—
 - (a) a register of births, still-births, deaths or marriages transmitted to the Registrar General under the 1965 Act or any enactment repealed by that Act;
 - (b) a Register of Corrections Etc. or a civil partnership register transmitted to the Registrar General under the 1965 Act;
 - (c) the Register of Divorces;
 - (d) the Register of Dissolutions of Civil Partnership.
- (3) The Registrar General may charge for the provision of information under this section.

Status: Point in time view as at 01/01/2007.

Changes to legislation: There are currently no known outstanding effects for the Local Electoral Administration and Registration Services (Scotland) Act 2006, Part 2. (See end of Document for details)

57 Keeping of central register for health and local authority purposes

- (1) The Registrar General may, for the purposes of facilitating the carrying out of the functions of Health Boards, the Common Services Agency and local authorities, create and maintain, using the information mentioned in subsection (2), a register of individuals.
- (2) That information is—
 - (a) information contained in—
 - (i) the registers of births and deaths transmitted to the Registrar General under the 1965 Act;
 - (ii) the Adopted Children Register;
 - (b) such information as the Registrar General may direct a Health Board or the Common Services Agency to provide for the purposes of the creation and maintenance of the register referred to in subsection (1);
 - (c) information contained in a register of births, deaths or adoptions held by the Registrar General for England and Wales;
 - (d) information contained in a register held by a Minister of the Crown or a government department which is a register of individuals which exists for the same purpose as, or a similar purpose to, a register created under subsection (1);
 - (e) information contained in a register held by the Northern Ireland Central Services Agency for the Health and Social Services which is a register of individuals which exists for the same purpose as, or a similar purpose to, a register created under subsection (1);
 - (f) such other information held by such persons, or persons within such descriptions, or contained in such places as may be prescribed.
- (3) An entry in a register created under subsection (1) may contain only the following information—
 - (a) the person's name and surname and any previous names or surnames;
 - (b) the person's sex;
 - (c) the person's date of birth;
 - (d) a reference code indicating the Health Board which made the arrangements in consequence of which the person is presently provided with primary medical services (that expression being construed in accordance with the National Health Service (Scotland) Act 1978 (c. 29));
 - (e) a reference code indicating any Health Board which made arrangements in consequence of which the person was previously provided with such services;
 - (f) a reference code indicating any body having, or having had, for an area in England or Wales, functions the same as, or similar to, those of a Health Board, in whose area is, or was, situated—
 - (i) any general medical practitioner practice with which the person was previously registered; or
 - (ii) the premises whose address was recorded for the purposes of such a registration as being the person's home address;
 - (g) a reference code indicating that the person was previously registered with a general medical practitioner practice in Northern Ireland;
 - (h) such reference numbers relating uniquely to the person as the Registrar General may determine; and
 - (i) such other information about the person as may be prescribed.

Status: Point in time view as at 01/01/2007.

Changes to legislation: There are currently no known outstanding effects for the Local Electoral Administration and Registration Services (Scotland) Act 2006, Part 2. (See end of Document for details)

- (4) The Registrar General may provide to Health Boards, the Common Services Agency, local authorities or such persons, or persons within such descriptions, as may be prescribed such information from a register created under subsection (1) as may, in accordance with regulations under subsection (6), be provided.
- (5) The purposes for which information may be provided under subsection (4) are not limited to those referred to in subsection (1).
- (6) The information which may be, or must not be, provided under subsection (4) to such recipients as are prescribed in relation to that information must be prescribed.
- (7) In subsection (6), references to information include references to information of prescribed kinds, and the reference to recipients includes a reference to recipients of prescribed descriptions.
- (8) This section does not prejudice section 1(3) of the 1965 Act or section 56 of this Act.

58 Issuing of other material kept or held by Registrar General

- (1) In this section, “the accessible material” means such of, or such parts of, the relevant material as the Registrar General may determine.
- (2) In subsection (1), “the relevant material” means the documents kept or held by the Registrar General (whether by virtue of an enactment or otherwise) other than—
 - (a) a register of births, still-births, deaths or marriages transmitted to the Registrar General under the 1965 Act or any enactment repealed by that Act;
 - (b) a civil partnership register transmitted to the Registrar General under the 1965 Act;
 - (c) the Register of Divorces;
 - (d) the Register of Dissolutions of Civil Partnership;
 - (e) a parochial register;
 - (f) the Register of Corrections Etc.;
 - (g) the BSC;
 - (h) a register created under section 57(1);
 - (i) a document containing census information which is personal census information (“census information” and “personal census information” having the meanings given to those expressions by section 8(7) of the Census Act 1920 (c. 41));
 - (j) a document containing information obtained by virtue of the Population Statistics Act 1938 (c. 12);
 - (k) the Adopted Children Register or a register or book kept under section 45(4) of the Adoption (Scotland) Act 1978 (c. 28);
 - (l) the Gender Recognition Register.
- (3) The Registrar General is to prepare and maintain an index of the accessible material.
- (4) Subsection (3) does not prejudice any other power or duty of the Registrar General to prepare an index of any of the relevant material.
- (5) Where a person pays such fee as may be prescribed, the Registrar General is, if the General Register Office is open for the purpose, to—

Status: Point in time view as at 01/01/2007.

Changes to legislation: There are currently no known outstanding effects for the Local Electoral Administration and Registration Services (Scotland) Act 2006, Part 2. (See end of Document for details)

- (a) search the index maintained under subsection (3) (or permit the person to do so); and
 - (b) issue to the person a copy or extract of any of the material so indexed.
- (6) The Registrar General is to make arrangements for the district registrar for each registration district to have access to—
- (a) a copy of such of, or such parts of, the accessible material as may be prescribed; and
 - (b) an index of that material.
- (7) For the purposes of subsection (6)—
- (a) a copy is to be made by such means as the Registrar General may determine; and
 - (b) different arrangements and determinations may be made in respect of different registration districts.
- (8) Where a person pays such fee as may be prescribed, the district registrar for a registration district is, if the part of the registration office concerned is open for the purpose, to—
- (a) search (or permit the person to search) the index to which the registrar has access by virtue of subsection (6)(b); and
 - (b) issue to the person a copy of any of the material so indexed.

General

59 Part 2: minor and consequential modifications

- (1) In the 1965 Act—
- (a) the proviso to section 7(7) is repealed; and
 - (b) in section 12 (fees: accounting of district registrars)—
 - (i) the word “and”, where secondly occurring, is repealed; and
 - (ii) after “1977” there is inserted “ and Part 2 of the Local Electoral Administration and Registration Services (Scotland) Act 2006 (asp 14) ”.
- (2) In section 28 of the Local Government (Scotland) Act 1973 (c. 65) (supplementary), subsection (3) is repealed.
- (3) In section 51 of the Local Government etc. (Scotland) Act 1994 (c. 39) (registration of births, deaths and marriages), subsection (2) is repealed.
- (4) In section 21 of the Asylum and Immigration (Treatment of Claimants, etc.) Act 2004 (c. 19) (procedure for marriage in Scotland of person subject to immigration control), in subsection (4)(a), for “which accompanied them” there is substituted “ submitted in pursuance of section 3 of the Marriage (Scotland) Act 1977 (c. 15) in relation to the marriage ”.
- (5) In Schedule 23 to the 2004 Act (immigration control and formation of civil partnerships), in paragraph 10(2)(a), for “certificate or declaration which accompanied them” there is substituted “ paid, or any certificate or declaration submitted, in pursuance of section 88 in relation to the proposed civil partnership ”.

Status: Point in time view as at 01/01/2007.

Changes to legislation: *There are currently no known outstanding effects for the Local Electoral Administration and Registration Services (Scotland) Act 2006, Part 2. (See end of Document for details)*

Commencement Information

I14 S. 59 wholly in force at 1.1.2007; s. 59 not in force at Royal Assent see s. 63(2); s. 59(1)(b) in force at 1.10.2006 and s. 59 in force in so far as not already in force at 1.1.2007 by S.S.I. 2006/469, arts. 2, 3, Schs. 1, 2 (with art. 4)

60 Interpretation of Part 2

(1) In this Part—

“prescribed” means prescribed by regulations made by the Registrar General with the approval of the Scottish Ministers;

“the 1965 Act” means the Registration of Births, Deaths and Marriages (Scotland) Act 1965 (c. 49);

“the 1977 Act” means the Marriage (Scotland) Act 1977 (c. 15); and

“the 2004 Act” means the Civil Partnership Act 2004 (c. 33).

(2) Subject to subsection (1), any word or expression used in this Part which is also used in the 1965 Act has the same meaning for the purposes of this Part as it has for the purposes of that Act.

Status:

Point in time view as at 01/01/2007.

Changes to legislation:

There are currently no known outstanding effects for the Local Electoral Administration and Registration Services (Scotland) Act 2006, Part 2.