



# Coronavirus (Recovery and Reform) (Scotland) Act 2022

## 2022 asp 8

### PART 3

#### PUBLIC SERVICE REFORM

##### *Registration of births*

#### **25 Giving information of particulars of birth remotely**

- (1) The Registration of Births, Deaths and Marriages (Scotland) Act 1965 is modified as follows.
- (2) In section 14 (duty to give information of particulars of birth)—
  - (a) in subsection (1)(b), for “the next following subsection” substitute “subsection (2)”,
  - (b) in subsection (1A)—
    - (i) in the opening words, the word “by” is repealed,
    - (ii) in paragraph (a), before “attending” insert “by”,
    - (iii) after paragraph (a), the word “or” is repealed,
    - (iv) for paragraph (b) substitute—
      - “(b) in a manner permitted in the circumstances (or any circumstances) by a direction issued by the registrar, or
      - (c) in a manner permitted in the circumstances (or any circumstances) by a direction issued by the Registrar General.”,
  - (c) after subsection (1A) insert—

“(1B) A person has not discharged the duty under subsection (1) in relation to a birth until the birth registration form containing the information given by the person of the prescribed particulars concerning the birth is attested by, or on behalf of, the person.

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(1C) References in this section to a birth registration form being attested—

- (a) by a person are to the person attesting the form—
  - (i) in the prescribed manner in the presence of the district registrar, or
  - (ii) in a manner approved by the Registrar General,
- (b) on behalf of a person are to the form being attested by the district registrar in a manner approved by the Registrar General (once the person has provided the registrar with any information the registrar requests).

(1D) Where there is a way for—

- (a) a person (“the informant”) to give information of the prescribed particulars of a birth that does not entail the informant attending personally at a registration office, or
  - (b) a birth registration form to be attested that does not entail the informant attesting it in the presence of a district registrar,
- it is for the informant to choose whether to give the information, or attest the form, that way.”.

(3) After section 14 insert—

**“14A Directions about giving information of particulars of birth**

- (1) A direction under section 14(1A)(b) may only permit information to be given in a manner approved by the Registrar General.
- (2) A direction under section 14(1A)(c) may not make different provision for different areas.
- (3) A power to issue a direction under section 14(1A) includes the power to revise or revoke an earlier direction issued under the power.
- (4) Directions under section 14(1A) must be made publicly available.
- (5) There is no duty to issue any direction under section 14(1A)(b) or (c).”.

(4) In section 16 (registrar’s power to require information concerning birth to be given)—

- (a) in subsection (1)—
  - (i) after “requiring him” insert “before such date (being not less than 8 days and not more than 15 days after the date of service of the notice) as may be specified in the notice”,
  - (ii) paragraph (a) is repealed,
  - (iii) in paragraph (b), after “birth” insert “in one of the following ways—
    - “(i) by attending personally at the registration office for that district and giving the information to the registrar there; or
    - (ii) in a manner permitted in the circumstances (or any circumstances) by a direction under section 14(1A)(b) or (c)”,
  - (iv) for paragraph (c) substitute—
    - “(c) to either—

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- (i) attest, in the prescribed manner, the birth registration form concerning the birth in the presence of the registrar; or
    - (ii) provide the registrar with any information the registrar requests in order for the registrar to attest the form, in a manner approved by the Registrar General, on the person's behalf.”
  - (b) in subsection (2), for “him to attend personally as aforesaid” substitute “the person to do the things mentioned in subsection (1)(b) and (c)”;
  - (c) after subsection (3) insert—
    - “(3A) Where there is a way for—
      - (a) a person on whom a notice under subsection (1) or (2) is served (“the informant”) to give information of the prescribed particulars of a birth that does not entail the informant attending personally at a registration office, or
      - (b) a birth registration form to be attested that does not entail the informant attesting it in the presence of a district registrar,it is for the informant to choose whether to give the information, or attest the form, that way.”
- (5) In section 16B(2) (registration of births)—
  - (a) for “he obtained the attested birth registration by virtue of” substitute “information was given in a manner permitted by a direction under”;
  - (b) after “14(1A)(b)” insert “or (c)”.
- (6) In section 18 (which makes provision about registration by a father not married to, or in a civil partnership with, the child's mother)—
  - (a) in subsection (1)(a), for “that person” to “together with” substitute “the birth registration form is to be attested by, or on behalf of, both that person and”;
  - (b) in subsection (1A), for “by him” to “the registrar” substitute “by, or on behalf of, that person”;
  - (c) after subsection (3) insert—
    - “(4) References in this section to a birth registration form being attested—
      - (a) by a person are to the person attesting the form—
        - (i) in the prescribed manner in the presence of the district registrar, or
        - (ii) in a manner approved by the Registrar General,
      - (b) on behalf of a person are to the form being attested by the district registrar in a manner approved by the Registrar General (once the person has provided the registrar with any information the registrar requests).
  - (5) Where—
    - (a) a person is required by this section to attest a birth registration form, and
    - (b) there is a way for the person to do so that does not entail attesting it in the presence of a district registrar,it is for the person to choose whether to attest the form that way.”

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- (7) In section 18B (births of children where second female parent by virtue of section 43 of the Human Fertilisation and Embryology Act 2008)—
- (a) in subsection (1)(a), for “woman concerned shall” to “together with” substitute “birth registration form is to be attested by, or on behalf of, both the woman concerned and”,
  - (b) in subsection (2), for “in the presence of the registrar” substitute “, or on her behalf”,
  - (c) after subsection (3) insert—
    - “(4) References in this section to a birth registration form being attested—
      - (a) by a person are to the person attesting the form—
        - (i) in the prescribed manner in the presence of the district registrar, or
        - (ii) in a manner approved by the Registrar General,
      - (b) on behalf of a person are to the form being attested by the district registrar in a manner approved by the Registrar General (once the person has provided the registrar with any information the registrar requests).
- (5) Where—
- (a) a person is required by this section to attest a birth registration form, and
  - (b) there is a way for the person to do so that does not entail attesting it in the presence of a district registrar,
- it is for the person to choose whether to attest the form that way.”.
- (8) After section 21 insert—

**“21A Meaning of birth registration form**

In this Part, references to a birth registration form are to the prescribed form in which—

- (a) a person gives a district registrar information of the prescribed particulars concerning a birth, or
- (b) a district registrar records information of the prescribed particulars concerning a birth.”.

**Commencement Information**

- I1** S. 25(1)-(5)(8) in force at 24.9.2022, see **s. 59(2)(b)**
- I2** S. 25(6)(7) in force at 1.9.2022 for specified purposes, see **s. 59(2)(a)(i)**
- I3** S. 25(6)(7) in force at 24.9.2022 in so far as not already in force, see **s. 59(2)(a)(ii)**

**Changes to legislation:**

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