

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

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

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## **EXPLANATORY NOTES**

### **THE ACT**

#### **Part 2: Registration Services**

##### **Introduction**

69. **Part 2** of the Act makes provision about the registration of births, death, marriages and civil partnerships etc. in Scotland.
70. Registration services in Scotland are provided by a partnership of the Registrar General for Scotland's department – the General Register Office for Scotland (GROS), which is part of the devolved Scottish Administration – and the 32 local councils. Local registrars are employees of the local authorities, which are responsible for pay and conditions and for accommodation, but their registration work is governed by instructions and guidelines set by the Registrar General within the existing legislative framework.
71. The registration of births, deaths and marriages in Scotland operates under the Registration of Births, Deaths and Marriages (Scotland) Act 1965 – “the 1965 Act”. Arrangements for marriage preliminaries and the solemnisation of civil marriages are governed by the Marriage (Scotland) Act 1977. Arrangements for civil partnership preliminaries and the registration of civil partnerships are governed by the Civil Partnership Act 2004. The Act does not change that basic framework.
72. Provisions of Part 2 of the Act were brought into force on 1st October 2006 and 1st January 2007 by the Local Electoral Administration and Registration Services (Scotland) Act 2006 (Commencement No. 1 and Transitional Provision) Order 2006 (S.S.I.2006/469), with transitional provision for marriage notices, as described below. The commencement of the provisions of Part 2 of the Act and its implementation is described below as it stood at the date of publication of these Notes. The fees set by the Registrar General for registration services generally were amended and consolidated, using various powers amended and created by the Act, in the Registration Services (Fees) (Scotland) Regulations 2006 (S.S.I. 2006/575).

##### **Reorganisation of local registration services**

##### ***Section 37 Registration districts and authorities***

73. Prior to the Act there were 230 Registration Districts (RDs) in Scotland. The RDs sometimes matched the area covered by one of the 32 local councils (a large example was the City of Glasgow; a smaller one Clackmannanshire). More often, the local council was responsible for more than one RD. In some cases, for historical reasons, a single RD overlapped a council boundary and included the territory of 2 or more

councils. It was not always obvious to the citizen where the birth of a baby should be registered or in which RD the death of a relative had occurred. Subsection (2) therefore amends the 1965 Act by providing that each local authority area is a registration district and that the relevant local authority is the local registration authority. Subsection (3) repeals the current provision for a local authority or local authorities to alter the boundaries of their registration districts – these will simply be the local authority area. Subsections (4) to (6) make changes to the administrative provisions on senior and district registrars and other staff, registration offices and area repositories in the 1965 Act which are consequential on the changes in subsections (2) and (3). Section 37 came into force on 1st January 2007.

### ***Section 38 Registration offices: opening times***

74. Under section 8(3) of the 1965 Act, all the registration offices in an RD had to have the same hours of business. This made it more difficult for councils to run local offices, because they had to be open throughout normal working hours even if there was little demand. The problem was more acute when the entire council area was a single RD. Section 38 therefore amends the 1965 Act to allow the local registration authority to set different opening hours for different registration offices, subject to the approval of the Registrar General. Section 38 came into force on 1st January 2007.

## **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 the district registrar, once corroborative information has been received from the health

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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.

#### ***Section 40 Registration of still-births***

81. Section 21 of the 1965 Act makes provision for where a still-birth may be registered (applying, unless otherwise provided for, the same rules as for a birth - as described in paragraph 76 above). It also provides for the certification of a still-birth and for the certification of registration of a still-birth. Section 40 makes minor amendments to section 21 including for documents to be attested, rather than signed, to pave the way for electronic registration of still-births. It came into force on 1st January 2007, except in relation to electronic registration as described in paragraph 81 above.

#### ***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;

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- 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.

### ***Section 42 Registration of deaths***

85. Subsections (2) to (3) and (5) to (7) amend the 1965 Act provisions about the registration of deaths, in the same way that section 39(2) to (7) amends the provisions on the registration of births – see paragraphs 76, 77, 79 and 80 above.
86. Subsection (4) reflects the creation of a single registration district for each local authority area and paves the way for electronic registration by making minor amendments to section 24 of the 1965 Act, which provides for a medical certificate of cause of death.
87. Section 27 of the 1965 Act provides for a free certificate of registration of death for use by the person having charge of the place of interment or cremation. It also makes provision for the person having charge of the place of interment to notify the registrar where a burial has taken place without a certificate of registration of death. Subsection (8) makes minor consequential amendments to existing provisions as a result of the provisions in section 42 that enable a death to be registered anywhere in Scotland.
88. **Section 42** came into operation on 1st January 2007, except in relation to electronic registration as described for birth registration at paragraph 80 above.

## **Registration information**

### ***Section 43 Registers kept by district registrars***

89. Since 1855, identical “master copies” of every register of births, deaths and marriages have been held locally and in Edinburgh. GROS, having in the 1990s completed the electronic indexing of all the registers, has recently completed a project to provide a digital image of every register page, linked to the searchable electronic indexes. This gives registrars throughout Scotland access through a secure computer network to the indexes and to the digital image of any register page. The paper register, however, remains the authoritative source. Subsection (2) enables the Registrar General to determine that the registers are to be kept in electronic rather than in paper form. All of section 43 came into force on 1st October 2006.
90. To ensure the accuracy of register entries, the registers are inspected by “District Examiners” nominated by the Registrar General under section 34 of the 1965 Act. The District Examiner visits each registration district once per year, and checks the previous year's register entries. Subsection (3) substitutes a new section 34 which allows the District Examiner to examine the electronic version of the register continuously throughout the year instead of by an annual visit – in order to identify and correct any errors more swiftly. The Examiner continues to check entries in the Register of Corrections Etc., but there is no need for those entries to be sent back to the Registrar General. Instead a report is sent of any circumstances arising from the examination to which the Registrar General's attention should be drawn.
91. Subsection (4) repeals section 35 of the 1965 Act, which allows the Registrar General to copy the paper registers once submitted to him. This is unnecessary when the electronic register comes into force. Subsection (5) is consequential.
92. Subsection (6) adjusts the District Examiner's power to correct errors in the registers, to reflect the introduction of electronic registers.

**Section 44 Indexing of registers and provision of registration information**

93. This section takes advantage of the flexibility of electronically-available registration information to provide for new registration services.
94. Subsection (2) repeals section 19 of the 1965 Act, which is superseded by new section 39E of the 1965 Act (added by section 44(5) of the Act - see paragraph 102 below). Subsection (3) substitutes a new section 37 of the 1965 Act. This section restates the powers for a district registrar to issue, on payment of a fee prescribed by regulations, an extract of an entry in the registers currently operated by the registrar. The new section is similar to the existing section 37 of the 1965 Act, except that the requirement on district registrars to keep and search indexes of the current registers is no longer required because district registrars can also use section 39D of the 1965 Act (added by section 44(5) of the Act - see paragraph 101 below). Subsection (2) also ensures that the current statutory restrictions on access to the register of still-births are retained.
95. Subsection (4) amends section 38 of the 1965 Act, to delete a requirement on the Registrar General to keep alphabetical indexes in the General Register Office – which is redundant with the introduction of electronic indexes.
96. Subsection (5) replaces sections 39 and 40 of the 1965 Act with 5 new sections. Section 39 is concerned with the process of producing paper extracts from the register, which is redundant now that extracts are produced electronically, and section 40 with the issuing of abbreviated birth certificates (which is superseded by new section 39E).
97. New section 39A allows the Registrar General, for a fee to be prescribed by regulations, to give official notification of a birth, death, marriage or change of name to nominated private-sector bodies (insurance firms, banks, solicitors, utility firms etc). This is a new service. It will require to be triggered by a qualified informant (in the case of a birth or death), a party to a marriage or, in the case of a change of name, the person concerned or (for a child) a person who has parental responsibilities. The request for this service will most likely be made to the district registrar when registering a birth or death or when submitting notice of intention to marry.
98. New section 39B allows third parties to ask the Registrar General to notify them of the death of a person if and when it occurs in Scotland, in return for a fee to be prescribed by regulations. Such requests might be made individually or relate to batches of names. This will enable for instance pensions or insurance firms to check whether pensioners or annuitants had died. The provision makes the existing “particular search” process, which is open to any member of the public on payment of a prescribed fee, more automatic.
99. New section 39C authorises the operation of electronic arrangements to provide information to district registrars. It requires the Registrar General to provide to district registrars throughout Scotland the images of the main Scottish register entries (including divorce records, pre-1855 parish registers not currently available to them and pre-1965 register entries), together with an alphabetical index. It gives the Registrar General flexibility to provide copies in the way which best suits the needs of the area concerned – on paper or in digitised form.
100. New section 39D similarly updates the powers under which district registrars search the indexes and issue extracts of events in return for payment of a fee. Any correction must also be taken into account in issuing such a copy extract. It also paves the way for local authorities to provide family history research centres.
101. New section 39E makes provision for issuing abbreviated extracts, replacing section 40 of the 1965 Act. In addition, it introduces an abbreviated extract from the death register. The 1965 Act did not allow the issue of an abbreviated extract from the death register, as can be issued for births under section 19 of that Act. A paper extract from the register of deaths shows the full entry on the page of the public register, omitting nothing. In some circumstances, the deceased’s executors may wish to have an official document

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attesting to the fact and date of the death, but leaving out (possibly embarrassing) details of the cause of death. The new abbreviated extract from the death register could be used for purposes such as closing a bank account where the bank manager has no need to know the cause of death of the account-holder. The new section 39E was implemented by regulations 3 to 5 of [S.S.I. 2006/598](#) with effect from 1st January 2007 and by [S.S.I. 2007/52](#).

102. Subsection (6) replaces section 41 of the 1965 Act (which deals with the authentication of extracts and their admissibility as evidence) with 2 new sections 41 and 41A. The changes are consequential on the repeal of section 39 and on the new sections 39A and 39B. [S.S.I. 2006/597](#) re-prescribed under these powers the existing law for the form and authentication requirements for extracts of register entries. Subsection (7) makes a similar consequential change to section 44 of the 1965 Act, removing wording superseded by new section 39E. Subsection (8) similarly amends section 53 of the 1965 Act, removing words superseded by the replacement of section 41.
103. [Section 44](#) was brought into force on 1st October 2006 and 1st January 2007 by [S.S.I. 2006/469](#) except for subsection (5) for the purpose of adding the new section 39A to the 1965 Act (although its regulation-making powers were commenced).

### ***Section 45 Correction of errors in registers***

104. Under section 42(2) of the 1965 Act a registrar was able to correct any **clerical** errors in entries in the birth and death registers, from the faulty transcription of particulars provided by an informant. The registrar was also able to correct other errors that are prescribed by the Registrar General. If the error was discovered after the entry in the registers has been signed, then the error could still be corrected – but only within 7 days and in the presence of the informant. A similar provision in section 42(3) related to the correction of errors in the marriage register due to faulty transcription of particulars from a Marriage Schedule. The correction could be made within one month of the date of registration, provided that no extract containing the information has been issued.
105. These rules placed unrealistic prohibitions on the registrars and made it inconvenient for the informant who had to go to the registration office simply to witness the correction of what could be a trivial error (e.g. “McKenzie” entered as “MacKenzie”). Subsection (2) allows registrars to correct errors of transcription or other prescribed errors without the informant being present or without the restriction, in relation to marriages, for there to have been no extract issued. In cases where a more significant error is discovered, the other provisions in section 42 of the 1965 Act continue to apply.
106. Subsection (3) provides for the correction of an error in the pre-1855 registers kept by individual parishes. It allows the Registrar General to take into account suitable electronic evidence that an error has been made, as well as written evidence.
107. [Section 45](#) came into force and was implemented by regulations 7 and 8 of [S.S.I. 2006/598](#) with effect from 1st January 2007.

### ***Section 46 Recording change of name or surname***

108. Section 43(3)(a) of the 1965 Act previously allowed the registration of a new baptismal name if, within 12 months of the birth, the child’s name were changed, or given, in baptism. That had the unintended side effect of allowing a mother or father to change a child’s name through baptism without the knowledge or agreement of the other parent. This had the effect of allowing the ceremony of baptism to take precedence over parental responsibilities in a way which is incompatible with the Children (Scotland) Act 1995. Section 46(a) makes amendments to section 43(3) which mean that only persons who have parental responsibilities for a child may apply to the Registrar General to change the name of the child.

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109. [Section 46\(b\)](#) amends section 43 of the 1965 Act to remove the 2 year time limit which applied to an official change of name (forenames and/or surname). Previously, during that 2 year period the new name had to be in use. This means that it is now possible for anyone whose birth has been registered in Scotland to apply immediately to the Registrar General to record a change of forename or surname. Any new birth certificate, issued after the change will show the new name, together with the former name, for purposes of continuity.
110. [Section 46](#) came into force and was implemented by regulation 6 of [S.S.I. 2006/598](#) with effect from 1st January 2007.

## **Other amendments of the 1965 Act**

### ***Section 47 Other amendments of the 1965 Act***

111. [Section 47](#), subsection (2) extends the offence of giving false information to a district registrar, to cover any information given to the Registrar General. This is necessary because of the increasing volume of information provided directly to GROS, examples of which have later been discovered to be false. Subsection (2) was brought into force on 1st January 2007. Subsection (3) adds a new section 54A to the 1965 Act which enables documents to be prescribed in electronic form and for the manner of attestation of documents to be prescribed. Subsection (3) came into force on 1st October 2006 – see regulation 2(a) of [S.S.I.2006/597](#) for its initial use in relation to the 1965 Act, temporarily preserving the existing position.

## **Marriages and civil partnerships: procedure**

### ***Section 48 Marriage procedure: marriages at sea***

112. Subsection (1) refers to the Marriage (Scotland) Act 1977 (“the 1977 Act”), which is the principal Scottish marriage legislation.
113. Subsection (2) defines the “district registrar” in line with the changes made by section 37 of the Act. It also makes special provision for the definition of the “district registrar”, where the marriage is to be solemnised in Scottish waters. The Marriage (Scotland) Act 2002 allowed civil marriages to be solemnised by registrars in a wide range of approved places, including on vessels. Marriage on board a vessel at sea between 2 places led to difficulty in determining the registration district in which the marriage was solemnised. Subsection (2) provides that any district registrar can accept notification of intention to marry, in the case of a religious marriage. In the case of a civil marriage, notification has to be given to the district registrar for the registration district which is to provide the registrar who will solemnise the marriage. Transitional provision was also made for marriage notices generally by article 4 of [S.S.I. 2006/469](#).
114. Subsection (3) makes similar provision for the definition of the district registrar who will record the intended marriage in the marriage notice book and the list of intended marriages.
115. Subsection (4) deals with what happens when arrangements for a marriage change and the marriage is taking place at sea rather than in a registration district or vice-versa. It allows the Registrar General to decide whether a new marriage schedule needs to be issued, or whether the new location can be substituted in the marriage schedule, or whether the couple have to submit a new marriage notice.
116. Subsection (5) provides that, where a marriage has been solemnised in Scottish waters, it should be registered in the district of the registrar who issued the initial marriage schedule.
117. Subsection (6) adds to the choice of places at which civil marriage may be solemnised, an approved vessel, while in Scottish waters. It defines “approved vessel” as a vessel

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approved by the local registration authority whose registrar will solemnise the marriage. This parallels the arrangements for approving other places outwith registration offices at which marriages can be solemnised.

118. Subsection (7) widens Scottish Ministers' regulation-making powers concerning the approval by local authorities of places in their areas where civil marriages may be solemnised. The amendments ensure that regulations can cover vessels operating in Scottish waters, as well as places on dry land.
119. Subsection (8) ensures that a marriage taking place on an approved vessel in Scottish waters is properly registered by the authorised registrar.
120. Subsection (9) makes various provisions for interpretation, deleting the definition of "district registrar" which is no longer required, defining "Scottish waters" in line with the Scotland Act 1998, defining the meaning of "vessel" as a vehicle or other structure and defining exactly when a vessel is part of a registration district (e.g. when it is berthed) and when it is in Scottish waters.
121. [Section 48](#) was brought fully into force on 1st January 2007. The Marriage (Approval of Places) (Scotland) Amendment Regulations 2006 ([S.S.I.2006/573](#)) implemented this section with effect from that date to provide for new arrangements for the approval of vessels on board which civil marriages may be solemnised, in particular in Scottish waters.

***Section 49 Marriage procedure: miscellaneous amendments***

122. This section changes the arrangements for the display of a list of people who have submitted notice of their intention to marry. Until now, the list had to be displayed conspicuously at the registration office where the parties had submitted notice to marry. This was burdensome for a local registration authority with many registration offices, each of which had to display the forthcoming marriages for the entire registration district. Instead, it is now sufficient to display the list conspicuously at the main registration office in the local registration authority area. In addition, however, the district registrar is obliged to notify the intended marriage to the Registrar General, who will maintain a list of all proposed marriages in Scotland and make it available for public inspection, including on the GROS website. This will enable anyone with internet access, potentially anywhere in the world, to learn of a proposed marriage in Scotland and to offer a legal objection if they have good reason. Section 49 was brought into force on 1st January 2007.

***Section 50 Marriage procedure: electronic communications***

123. This section paves the way for completion of certain parts of marriage arrangements by electronic means.
124. Subsection (2) allows the marriage notice to be submitted electronically, and the prescribed fee and birth certificate to be submitted separately. Subsection (3) allows for an objection to marriage to be submitted separately from a medical certificate showing that a party to the marriage is incapable of understanding or consenting to marriage, which certificate can be submitted electronically. Subsection (4) allows electronic submission of a request by a marriage party for the marriage to take place within the normal 14 day notification period. Subsection (5) makes similar provision for electronic submission of objections, where a Scottish resident is getting married outwith Scotland. Subsection (6) allows the Registrar General to give notice by electronic means instead of in writing, where he rejects a nomination as authorised celebrant for a religious marriage, subsection (7) where the Registrar General removes a person from the register of celebrants, subsection (8) where the Registrar General issues a temporary authorisation of a marriage celebrant and subsection (9) where a party wishes a civil marriage to take place within the normal 14 days period of notice. Subsection (10)



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adds a new section 24A of the 1977 Act which enables documents to be prescribed in electronic form and for the manner of attestation of documents to be prescribed.

125. [Section 50](#) came into force on 1st January 2007 – but see regulation 2(b) of [S.S.I. 2006/597](#) for its initial use, temporarily preserving the existing position on attestation.

### ***Section 51 Civil partnership procedure: registrations at sea***

126. [Section 51](#) amends section 93 of the Civil Partnership Act 2004, which specifies where a civil partnership may be registered, to provide for which registrar is to register a civil partnership registered in Scottish waters, and in which register that registration is to be recorded, paralleling the provision made for marriage by Section 48 of the Act. Section 51 came into force on 1st January 2007 - but see [S.S.I. 2006/574](#) for its initial use, temporarily preserving the existing position on attestation.

### ***Section 52 Civil partnership procedure: miscellaneous amendments***

127. [Section 52](#) amends the Civil Partnership Act 2004 (“the 2004 Act”). Subsection (2) paves the way for electronic submission of the notice of a proposed civil partnership, by allowing regulations to provide for this, for the fee and the prescribed documents (including the partners’ birth certificates) to be sent separately, and by allowing the notice to be attested rather than signed. Subsection (3) brings the period of notice which must be given to the registrar of a civil partnership in Scotland into line with the period of notice for a marriage, correcting an error in the 2004 Act. Subsection (4) paves the way for electronic submission of an objection to a civil partnership registration by regulations and by allowing any supporting certificate to be sent separately and to be attested rather than signed. Subsection (5) mirrors, for a civil partnership which has been validly registered, existing provisions preventing challenge to the validity of a marriage on a minor technical flaw. Subsection (6) brings section 98 of the 2004 Act, which applies to civil partnerships certain sections of the 1965 Act, into line with the 1965 Act as amended by the Act. Subsection (7) amends section 122 of the 2004 Act to apply the provisions of section 39C of the 1965 Act (see section 44(5) of the Act) to the Register of Dissolutions of Civil Partnership.
128. [Section 52](#) was brought into force on 1st October 2006 and 1st January 2007, except for subsection (6) insofar as it relates to the new section 39A of the 1965 Act (to be inserted by section 44(5) of the Act).

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

129. This section provides for fees for the issue of certificates or certified copies from the civil partnership register for certain specified purposes, and for those fees to be varied by order, in the same way as for the other statutory registers. It was brought into force on 1st October 2006.

## **Recording of events relating to persons outwith Scotland**

### ***Section 54 Recording of certain events in Book of Scottish connections***

130. Subsection (1) obliges the Registrar General to keep a new register to be known as the “Book of Scottish Connections” (BSC). In some circumstance and in certain countries, people with a Scots connection can arrange for a birth, death or marriage abroad to be recorded in the register held by the Registrar General in Edinburgh, who is thereafter able to issue an official copy, in English, of the entry in the foreign register. The event has first to be registered with the civil registration authorities of the country in question. The BSC will offer, for an appropriate fee, the facility for Scots abroad to apply directly to the Registrar General to add to the records held in Edinburgh a copy of any suitably-authenticated entry in a statutory register of births, deaths, marriages or divorces outwith Scotland, where the subject of the entry has or had a connection with

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Scotland to be preserved a part of the family history record. Section 55 came into force on 1st October 2006 for the limited purpose of making regulations.

131. Subsection (2) defines the events which can be recorded on the BSC – a birth, death, marriage or divorce, formation or dissolution of a civil partnership and entering into or dissolution of an overseas relationship (as defined by the Civil Partnership Act 2004) – so long as the person involved qualifies under later subsections.
132. Subsection (3) defines an event occurring outside Scotland, as an event that occurs in the rest of the UK or elsewhere in the world, and an overseas relationship (defined by reference to section 212 of the Civil Partnership Act 2004).
133. Subsection (4) states that a person qualifies if a parent or grandparent was born in Scotland or if the BSC already records an event relating to a parent or grandparent.
134. Subsection (5) states that a person qualifies if born in Scotland or was normally resident in Scotland at the time of the event.
135. Subsection (6) requires the Registrar General to make an entry in the BSC on receipt of an application in the form containing the necessary information, together with a fee and any necessary supporting documents, all of which the Registrar General has the power to prescribe by regulations. The Registrar General is given discretion not to make an entry if he does not consider it appropriate to do so.

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

136. This section gives details of the way in which the BSC and its index is to be kept, and the arrangements for access to the index and the BSC entries. The Registrar General is obliged to give district registrars access to all prescribed parts of the BSC and its index, in the same way as to the other registers in his care. The Registrar General and district registrars must make arrangements for the public to research the index and purchase an extract. Section 55 came into force on 1st October 2006 for the limited purpose of making regulations.

**Other provisions about information held by Registrar General**

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

137. The 1965 Act already allows the Registrar General to exchange data concerning all births or deaths in Scotland with the National Health Service and to notify deaths to the Department for Work and Pensions as well as to local council tax departments. Otherwise, the basic personal details involved in birth, death or marriage registration, though publicly available, are not automatically passed on to other parts of government, even at the citizen's request. In the interests of convenience for the citizen and of efficiency of public administration, section 56 allows for birth, death and marriage details already visible publicly on the registers to be supplied to any relevant government body. Examples are the departments interested in family tax credit, driving licence and passport records, benefits, income tax and student loans. This service will be provided in reaction to specific requests from the public bodies concerned and may be on payment by them of a fee. The consent of the individual citizen would not be required for the provision of this information which is already available on a public register.
138. Subsection (1) allows the Registrar General to provide any registration information to any public body or office holder in Scotland, the rest of the UK or outside the UK. Subsection (2) specifies the registers concerned – births, still births, deaths, marriages, civil partnerships, divorces, civil partnership dissolutions and corrections. Subsection (3) allows the Registrar General to make charges for the provision of the information. Section 56 came into force on 1st October 2006.

**Section 57 Keeping of central register for health and local authority purposes**

139. Section 57 empowers the Registrar General to keep a central register of information about people, to help the efficient running of the NHS and local authorities in Scotland.
140. The Registrar General already runs the National Health Service Central Register (NHSCR) on behalf of the NHS in Scotland. The NHSCR, which dates from the early 1950s, contains basic details of everyone born in Scotland, plus anyone else who is (or has been) on the list of a GP in Scotland. The details are name, sex, date of birth, Health Board of current and past residence, and NHS number. The Register exists mainly to allow the smooth transfer of patients who move between Health Board areas (or across borders within the UK). The Act puts the Register on a clear statutory footing (prior to this Act it had operated partly under sections 1(3) and 51 of the 1965 Act as far as the Registrar General is concerned, but is not explicitly mentioned there) and allows its information to be used to assist in the operation of local authority schemes, i.e. the Citizen's Account.
141. The Citizen's Account is a voluntary scheme, under which each citizen will be able to apply to have an account recording all entitlements and transactions with local authorities. A national infrastructure for the Citizen's Account, holding basic details of every account holder (name, sex, date of birth, address and unique identifier) is accessible to all authorities where a particular citizen has opted to allow that by giving their informed consent. The database does not contain information about the transactions relating to account holders which is kept only by the individual authority. So the national infrastructure is in effect an index.
142. The Registrar General's powers did not allow the NHSCR data to be used for that purpose. Section 57 extends his powers in the necessary way, as well as giving a clearer statutory basis for the NHSCR itself. The Registrar General may need to agree certain aspects of the information sharing with the recipient to ensure he is satisfied that it is appropriate to share the information.
143. Subsection (1) empowers the Registrar General to create and maintain a register of people to which Health Boards, the Common Services Agency and local authorities have provided or are providing statutory services. The subsection makes clear that the register is kept to help Health Boards and local authorities perform their functions.
144. Subsection (2) sets out the sources of the information on the register which can include other persons described in regulations (covering for instance medical researchers – see paragraph 147 below). It includes:
- information about births and deaths in Scotland;
  - information about children who have been adopted;
  - information provided by a Health Board or local authority;
  - equivalent information from the rest of the UK – which is necessary when someone moves across the border to Scotland.
145. Subsection (3) specifies the information which may be held on the register. This is restricted to basic personal data and details of which health authority the patient has been registered with, but may be extended to include other information prescribed by the Registrar General, by subordinate legislation requiring negative resolution procedure.
146. Subsection (4) gives access to the register for Health Boards, the Common Services Agency and local authorities – and other persons, or persons of a certain description, prescribed by the Registrar General (which would cover cases such as medical researchers).
147. Subsection (5) makes clear that the purposes for which information may be provided are not limited to those referred to in subsection (1).

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

148. Subsection (6) requires that the information which may be, or must not be, provided to those given access under subsection (4) must be prescribed in regulations.
149. Subsection (7) is consequential to subsection (6).
150. Subsection (8) makes clear that this section does not reduce the Registrar General's other powers to provide information.
151. [Section 57](#) came into force on 1st October 2006. The National Health Service Central Register (Scotland) Regulations 2006 ([S.S.I. 2006/484](#)) prescribed the information contained in a register entry, and with whom it may be shared, with effect from 11th November 2006.

***Section 58 Issuing of other material kept or held by Registrar General***

152. [Section 58](#) codifies the arrangements for issuing to the public and to the district registrar other information held by the Registrar General. These include the register of neglected entries (events recorded between 1801 and 1854 not recorded in the old parish records, where not covered by section 39C of the 1965 Act as inserted by section 44(5) of the Act); other registers of births, deaths and marriages in foreign countries; foreign marriages and already publicly available census records. The section specifies arrangements which parallel those for the main statutory registers. The section also lists registers and documents excluded from the power to share residual documents, to ensure that different regimes for sharing different registers are set out separately and clearly, so registrars and those accessing the registers know under which powers they are acting. Section 58 came into force on 1st October 2006.

***Section 59 Part 2: minor and consequential modifications***

153. Subsection (1) repeals a requirement in the 1965 Act for the local registration authority to consult the Registrar General before removing registrars they have appointed from office. It also extends a provision in that Act which requires district registrars to account to their local registration authority for fees charged to the fees provided for in the Act. Section 59 was brought into force on 1st October 2006 and 1st January 2007.
154. Subsections (2) and (3) repeal certain provisions of the statutes that provide for the structure of local authorities in Scotland, as a consequence of the reorganisation of local registration districts in the Act.
155. Subsections (4) and (5) make consequential amendments to the Asylum and Immigration (Treatment of Claimants, etc.) Act 2004 and the Civil Partnership Act 2004 to reflect the changes made by sections 50(2) and 52(2) of the Act which provide that a marriage or civil partnership notice no longer requires to be "accompanied by" a fee and certain documents. Those Acts currently refer to that procedure to identify and prevent sham marriages and civil partnerships for immigration purposes.

***Section 60 Interpretation of Part 2***

156. This section interprets 4 terms used in the registration services Part of the Act, and also imports the interpretation provisions in the 1965 Act. It was brought into force on 1st October 2006.