

# Registration of Births, Deaths and Marriages (Scotland) Act 1965

## CHAPTER 49

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## ELIZABETH II



### 1965 CHAPTER 49

An Act to make new provision as respects the registration of births, deaths and marriages in Scotland, and as respects the recording of changes of name or surname there, and for purposes connected therewith.  
[5th August 1965]

**B**E IT ENACTED by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

#### PART I

##### GENERAL ORGANISATION OF REGISTRATION SERVICE

###### *Central Organisation*

1.—(1) The office of the Registrar General of Births, Deaths and Marriages for Scotland shall continue, and any vacancy in that office shall be filled by an appointment made by the Secretary of State. The Registrar General.

(2) References in this Act to the Registrar General are references to the person for the time being holding the said office.

(3) The Registrar General shall exercise the functions pertaining to the said office by virtue of this or any other Act; and subject to that general duty, shall have power to do all such things as appear to him necessary or expedient for maintaining the utility and efficiency of the registration service in Scotland.

(4) The Registrar General shall send to the Secretary of State annually, in such form as the Secretary of State may from time to time require, a report containing the numbers of births, deaths and marriages registered in Scotland in the year to which the

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report relates and such other information as the Registrar General thinks expedient or the Secretary of State may require; and the Secretary of State shall lay every such report before each House of Parliament.

Registrar  
General's  
staff.

2.—(1) The Registrar General may appoint a Deputy Registrar General and, subject to the consent of the Treasury as to number, such other officers including district examiners as he may determine.

(2) Any officer employed at the commencement of this Act under the Registrar General for the purposes of any other enactment or of any enactment repealed by this Act shall be deemed to have been appointed in pursuance of the power conferred by the foregoing subsection.

(3) Any act or thing required by or under any enactment to be done by, to or before the Registrar General may be done by, to or before the Deputy Registrar General.

General  
Register  
Office.

3.—(1) There shall be maintained for the purposes of this Act premises which shall be known as the General Register Office of Births, Deaths and Marriages in Scotland (in this Act referred to as "the General Register Office").

(2) Any registers in the custody of the Registrar General by virtue of this or any other Act shall be kept and preserved in the General Register Office.

(3) The Registrar General may, with the approval of the Secretary of State, direct that any other premises shall be used for the deposit of any registers or records in the custody of the Registrar General by virtue of this or any other Act, and such premises, so long as they are so used, shall be deemed for the purposes of the last foregoing subsection to be part of the General Register Office.

Salaries,  
receipts and  
expenses.

4.—(1) There shall be paid to the Registrar General and to the officers appointed by him such salaries or remuneration as the Treasury may from time to time determine.

(2) Every sum received under this or any other Act by or on behalf of the Registrar General, otherwise than under the foregoing subsection, shall be accounted for by the Registrar General and paid by him, at such times as the Treasury may from time to time direct, into the Exchequer.

(3) The salary of the Registrar General and his expenses under this Act, including salaries or remuneration of officers appointed by him, shall be paid out of moneys provided by Parliament.

*Local Organisation*

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5.—(1) For the purposes of this Act Scotland shall be divided into districts (in this Act referred to as “registration districts”).

Registration districts and registration authorities.

(2) Subject to the next following section, the said districts shall be the districts constituted as districts for registration purposes immediately before the commencement of this Act.

(3) For each registration district there shall be a local registration authority which shall be the local authority responsible for the district immediately before the commencement of this Act.

(4) References in this Act to the area of a local registration authority are references to the area consisting of all the registration districts for which that authority is the local registration authority.

6.—(1) If a local registration authority or two or more adjoining local registration authorities consider it expedient that the number, boundaries or titles of the registration districts within their area or areas, as the case may be, should be altered they may, after consultation with the Registrar General, prepare and submit to the Secretary of State a scheme for that purpose.

Alteration of registration districts.

(2) A scheme under this section shall specify the date on which the scheme is to come into operation, and may specify different dates for different provisions of the scheme.

(3) Before a scheme under this section is submitted to the Secretary of State the local registration authority or authorities, as the case may be, shall publish in at least two newspapers circulating in their area a notice—

- (a) stating the general effect of the scheme ;
- (b) specifying a place in the area where a copy of the scheme, and of any relevant map, may be inspected by any person free of charge at all reasonable hours during a period of one month from the date of the publication of the notice ; and
- (c) stating that, within the said period, any person may by notice to the Secretary of State object to the approval of the scheme.

(4) The Secretary of State may, if he thinks fit, cause a local inquiry to be held in respect of any scheme submitted to him under this section ; and subsections (2) to (9) of section 355 of the Local Government (Scotland) Act 1947 shall apply in relation to any such inquiry, with the substitution for any reference to the local authority of a reference to the local registration authority and with any other necessary modifications.

1947 c. 43.

(5) The Secretary of State, after considering any representations duly made to him, and, where a local inquiry is held, the report of the person who held the inquiry, may approve, with or without modifications, any scheme submitted to him under this

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section; and the scheme as so approved shall have effect accordingly.

(6) A scheme under this section may contain such incidental, consequential or supplemental provisions as may appear necessary or proper for the purposes of the scheme, and may be varied or revoked by a subsequent scheme under this section.

Senior and district registrars and other staff.

7.—(1) Subject to the following provisions of this section a local registration authority shall appoint for each registration district in their area a registrar of births, deaths and marriages (in this Act referred to as a “district registrar”), and may appoint—

- (a) such additional district registrars for any registration district in their area as they think necessary;
- (b) one or more senior registrars of births, deaths and marriages (in this Act referred to as “senior registrars”);
- (c) such assistant registrars of births, deaths and marriages (in this Act referred to as “assistant registrars”) for any registration district in their area or for the purposes of section 9(1) of this Act as they think necessary.

A senior registrar appointed under paragraph (b) of this subsection may be a person who already holds the appointment of district registrar.

(2) A local registration authority shall not exercise the power conferred on them by paragraph (a) or (b) of the foregoing subsection except after consultation with the Registrar General, and on making an appointment under this section shall forthwith inform the Registrar General of the name and surname of the person appointed and the date when his appointment is to take effect.

(3) No person shall be appointed to any office mentioned in subsection (1) or (8) of this section unless he possesses the appropriate qualifications.

(4) Any person who at the commencement of this Act holds the appointment of a registrar, interim registrar or an assistant registrar under any council which is a local registration authority shall be deemed to hold his appointment, as a district registrar, an additional district registrar, interim district registrar or an assistant registrar, as the case may be, under that local registration authority by virtue of this section, whether or not he possesses the appropriate qualifications.

(5) Any person holding, or deemed to be holding, an appointment under this section shall have the functions set out in this Act and such functions as may be prescribed in relation to that appointment, and in exercising his functions under this or any other Act shall be subject to such instructions or directions as the Registrar General may give.

(6) Without prejudice to the last foregoing subsection or to section 5 of the Local Government Superannuation (Scotland) Act 1937 any person holding, or deemed to be holding, an appointment under this section shall be deemed to be an employee of the local registration authority by whom he was appointed to that appointment. PART I  
1937 c. 69.

(7) Any person holding, or deemed to be holding, an appointment under this section may be removed from office by the local registration authority under which he holds the appointment :

Provided that, if he has not reached the age of compulsory retirement having effect under section 7 of the Local Government Superannuation (Scotland) Act 1937, he shall not be removed from office under this subsection except after consultation between the local registration authority and the Registrar General.

(8) If a vacancy occurs in the office of district registrar for any registration district the local registration authority shall, if for any reason they are unable to fill the vacancy immediately,—

(a) forthwith appoint an interim district registrar, and

(b) proceed to fill the vacancy as soon as is reasonably practicable ;

and if the local registration authority fail to fill the vacancy within a reasonable time, the Registrar General may require the authority to do so within such period, being not less than twenty-eight days from the date of the giving of the requirement, as may be specified in the requirement, and, if the authority fail to fill the vacancy within that period, the vacancy shall be filled by the Secretary of State on the application of the Registrar General.

Any person appointed by the Secretary of State under this subsection to fill a vacancy shall be deemed to have been appointed by the local registration authority concerned.

(9) A local registration authority shall provide such officers and servants as are, in their opinion, required to enable any person holding, or deemed to be holding, an appointment under this section to exercise his functions.

(10) Any person holding, or deemed to be holding, an appointment under this section and any person employed by virtue of the last foregoing subsection shall receive from the local registration authority such remuneration and allowances as that authority after consultation with the Registrar General may determine.

(11) (a) The Secretary of State may by regulations provide for the payment by a local registration authority, subject to such exceptions or conditions as may be specified in the regulations, of compensation to or in respect of any person holding or



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deemed to be holding an appointment under this section or any officer or servant provided under subsection (9) of this section, or any person who, but for such service of his as may be so specified, would be such a person, officer or servant as aforesaid, who suffers loss of employment or loss or diminution of emoluments which is attributable to any provision contained in this Act or in a scheme under the last foregoing section or anything done in pursuance of this Act or of any such scheme.

(b) Different regulations may be made under this subsection in relation to different classes of persons.

(c) Regulations made under this subsection may include provision as to the manner in which and the persons to whom any claim for compensation by virtue of this subsection is to be made, and for the determination of all questions arising under the regulations.

(d) Regulations made under this subsection shall be made by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament.

(12) Any reference in this Act or any other Act to the district registrar for a registration district includes, unless the context otherwise requires, a reference to any additional district registrar or interim district registrar for that district; and anything required by this Act or any other Act to be done by or before the district registrar for a registration district may be done by or before any assistant registrar for that district.

(13) In this section “appropriate qualifications”, in relation to any appointment, means such qualifications as the Registrar General may from time to time determine, and “appointment under this section” means an appointment under subsection (1) or (8) of this section.

Registration  
offices.

**8.**—(1) Every local registration authority shall provide and maintain for each registration district in their area a registration office, shall defray the running expenses thereof, and shall provide therein to the satisfaction of the Registrar General a suitable fireproof repository or fireproof safes or cabinets for the safe custody of the records in the custody of the district registrar or registrars.

(2) For avoidance of doubt it is declared that a registration office for any registration district need not be situated within the district, and may consist of accommodation in the dwelling house of the district registrar for the district or in an office used by any such registrar for other purposes, subject to agreement as to terms between the authority and the registrar.

(3) It shall be a duty of the district registrar for a registration district to arrange that either he or any additional district registrar or an assistant registrar for the district is in attendance

at the registration office for the district on such days and at such hours as may be fixed by the local registration authority with the approval of the Registrar General, for the purpose of registering births, deaths and marriages.

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(4) Every local registration authority shall cause to be displayed in a conspicuous position on or near the outside of the main entrance to the registration office for each registration district in their area a notice stating, in characters which can conveniently be read by the public, the name of the registration district and the hours fixed for attendance at the office under the last foregoing subsection.

(5) Every local registration authority shall make arrangements for the custody by their county clerk or, as the case may be, their town clerk of duplicates of all necessary keys for each repository, safe or cabinet provided by them under subsection (1) of this section.

9.—(1) A local registration authority may, with the approval of the Registrar General, provide and maintain a suitable repository or repositories for the deposit of such registers and other documents connected with the registration service in their area as may be agreed from time to time between the authority and the Registrar General; and all registers and documents so deposited shall be placed in the custody of a senior registrar or a district registrar who shall in relation thereto carry out the functions assigned by or under this Act to a district registrar in relation to registers and documents kept in a registration office for a registration district.

Area  
repositories.

Anything required by this subsection to be done by a senior registrar or district registrar may be done by an assistant registrar designated for the purpose.

(2) Two or more local registration authorities may combine for the purpose of executing their functions under this section but shall not so combine without the approval of the Registrar General; and section 119 of the Local Government (Scotland) Act 1947 (voluntary combination of local authorities) shall apply accordingly subject to such approval.

1947 c. 43.

10.—(1) When any person ceases to hold the office of senior registrar, district registrar, additional district registrar, interim district registrar or assistant registrar, all registers, safes, cabinets, keys, books and documents in his possession as holder of that office shall be delivered up to his successor in office or, if there is no successor, to such person as the Registrar General may designate.

Delivery up  
of books etc.  
on ceasing  
to hold office.

(2) If any person who has in his custody or control any such article as aforementioned wilfully fails to deliver it up to, or

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account for it to the satisfaction of, the person in whose custody it should be, he shall be guilty of an offence, and on summary conviction shall be liable to a fine not exceeding £100.

(3) If, on an application by the Registrar General or some other person appointed by him for the purpose, a sheriff or justice of the peace is satisfied by evidence on oath that there is reasonable cause to believe that any article withheld in contravention of this section is in any specified premises or place, he may grant a warrant authorising any constable to enter and search those premises or that place at any time and seize any such article found therein, and any article so seized shall be delivered to the person in whose custody it should be.

11. Subject to such exceptions as may be prescribed, a district registrar may refuse to comply with any application voluntarily made to him under this Act until the appropriate fee, if any, provided for by this Act is paid to him; and any such fee, if not prepaid, shall be recoverable by the registrar to whom it is payable.

12. Every district registrar shall, at such times and in such manner as the local registration authority may require, account to the local registration authority under whom he is employed for all fees received by, or payable to, him in respect of the execution of his duties under this Act.

## PART II

## REGISTRATION OF BIRTHS

13.—(1) For every registration district there shall be kept by the district registrar—

- (a) a register of births, and
- (b) a register of still-births,

containing such particulars as may be prescribed for them respectively; and the prescribed particulars of the birth of every child born in Scotland shall, subject to the following provisions of this Part of this Act, be registered by the registrar in the relevant register kept for the appropriate district, or, if there are two appropriate districts, in the relevant register kept for either of them.

(2) In the foregoing subsection, and in the following provisions of this Part of this Act, “the registrar” in relation to the birth of any child means the district registrar for the appropriate district, or, if there are two appropriate districts, the district registrar for either of them; and any reference in the following provisions of this Part of this Act to the register of births or still-births in relation to the birth of any child shall be construed as a reference to the register in which the particulars of the birth are, or may be, registered in pursuance of the said subsection.

General provision as to fees.

Fees to be accounted for.

Particulars of births to be registered.

(3) For the purposes of the foregoing subsections the appropriate districts in relation to the birth of any child shall be—

- (a) the registration district in which the birth took place, and
- (b) any other registration district in which the mother of the child was ordinarily resident at the time of the birth, and
- (c) in a case where a living infant child is found exposed, or the body of a dead infant child is found, and the place in which the birth took place is not known, the registration district in which the child, or, as the case may be, the body of the dead child, was found.

(4) Where a child is born (whether within or out of Scotland) in a ship, aircraft or land vehicle in the course of a journey, and that child is brought by such ship, aircraft or land vehicle to any place in Scotland, the birth shall, unless the Registrar General otherwise directs, be deemed for the purposes of this section to have occurred at that place.

**14.**—(1) Subject to the subsequent provisions of this Part of this Act, in the case of every birth it shall be the duty of— Duty to give information of particulars of birth.

- (a) the father or mother of the child, or
- (b) in the case of the death or inability of the father and mother, each other person who under the next following subsection is qualified to give information concerning the birth,

within twenty-one days from the date of the birth, to attend personally at the registration office and give to the registrar information of the particulars required to be registered concerning the birth and sign the register in the presence of the registrar :

Provided that the giving of that information and the signing of the register by the father or the mother or by any one of those persons shall constitute a discharge of any duty imposed by this subsection on any other person.

(2) The following persons, in addition to the father and mother, shall be qualified to give information concerning the birth of a child, that is to say—

- (a) any relative of either parent of the child, being a relative who has knowledge of the birth ;
- (b) the occupier of the premises in which the child was, to the knowledge of that occupier, born ;
- (c) any person present at the birth ;
- (d) any person having charge of the child.

(3) Nothing in this or the last foregoing section shall authorise the registration of the particulars of any birth in two or more registers, or more than once in any one register.

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(4) If it appears to the Registrar General that the particulars of the birth of any child have been registered in two or more registers, or more than once in any one register, he may give directions for the cancellation of all those registrations except such one of them as may be specified in the directions.

Duty to give information concerning finding of infant children.

**15.**—(1) Where any living infant child is found exposed and the finding has been reported to the local authority in whose area the child was found, it shall be the duty of the children's officer of the local authority, or such other person as may be appointed for the purpose by the local authority, to give to the registrar, within two months from the date on which the child was found, information as to the finding of the child and such evidence as may be in the local authority's possession as to the particulars required to be registered concerning the birth, and to sign the register in the presence of the said registrar.

(2) If there is produced to the said registrar a certificate signed by a registered medical practitioner stating that in the opinion of the medical practitioner a specified date is likely to have been the approximate date of the birth of the child, that date may be entered in the register as the date of birth of the child.

(3) The foregoing provisions of this section shall apply to the finding of the body of a dead infant child as they apply to the finding of a living infant child, with the substitution for any reference to the children's officer of or other person appointed by the local authority of a reference to any procurator-fiscal to whom the finding has been reported.

(4) In this section "local authority" has the same meaning as in the Children and Young Persons (Scotland) Act 1937, and "area" in relation to such an authority shall be construed accordingly.

1937 c. 37.

Registrar's power to require information concerning birth to be given.

**16.**—(1) Where after the expiration of twenty-one days from the date of birth of any child information of the particulars required to be registered concerning the birth of that child has not been given to the registrar in accordance with section 14 of this Act, the registrar for the registration district in which the child was born may serve a notice in the prescribed form on any person who is a qualified informant in relation to the birth requiring him—

- (a) to attend personally at the registration office for the registration district before such date (being not less than eight days nor more than fifteen days after the date of service of the notice) as may be specified in the notice;
- (b) to give information to the best of that person's knowledge and belief of the particulars required to be registered concerning the birth; and
- (c) to sign the register in the presence of the registrar.

(2) If any person on whom a notice has been served in pursuance of the foregoing subsection fails to comply with the notice before the date specified therein the registrar may serve on that person a second notice in the prescribed form requiring him to attend personally as aforesaid within eight days from the date of service of the second notice.

(3) If on summary application by the registrar it appears to the sheriff that any person on whom a second notice has been served in pursuance of the last foregoing subsection has failed without reasonable cause to comply therewith within the period specified therein, the sheriff may grant decree ordaining the person to comply with the notice within such further period as may be specified in the decree; and any such decree may be enforced in like manner as a decree *ad factum praestandum*.

(4) Any notice served under subsection (1) or subsection (2) of this section shall cease to have effect if, before it is complied with, particulars of the birth are duly registered.

17.—(1) In no case shall the particulars of the birth of a child be registered by a registrar after the expiration of three months from the date of birth of the child or, in the case of a living infant child who has been found exposed or a dead infant child who has been found exposed and in respect of whom evidence is produced that he was born alive, from the date of finding, without the authority in writing of the Registrar General.

Registration after expiration of three months from date of birth or finding. §

(2) The Registrar General may authorise the registration of the particulars of the birth of a child after the expiration of the said period although the information required for the registration of the particulars has not been given by a qualified informant:

Provided that the Registrar General shall not exercise his power under this subsection unless he is satisfied, after such inquiry as he thinks necessary, that the correct particulars concerning the birth are available.

18.—(1) In the case of an illegitimate child the registrar shall not register the birth upon information supplied by the father alone, and shall not enter in the register the name and surname of any person as father of the child except on the joint request of the mother and the person acknowledging himself to be the father of the child; and no person shall be treated for the purposes of this subsection as having acknowledged himself as aforesaid unless either—

Births of illegitimate children.

- (a) he attends personally at the registration office together with the mother and signs the register, in the presence of the registrar, together with her; or

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(b) there is produced to the registrar—

(i) a declaration in the prescribed form made by the mother stating that the said person is the father of the child, and

(ii) a statutory declaration made by the said person acknowledging himself to be the father of the child.

(2) In any case where the name and surname of the father of an illegitimate child has not been entered in the register, the Registrar General may record that name and surname by causing an appropriate entry to be made in the Register of Corrections Etc.—

(a) if a decree of paternity has been granted by a competent court ; or

(b) if there is produced to him—

(i) a declaration in the prescribed form made by the mother of the child stating that the person mentioned in the following sub-paragraph is the father of the child, and

(ii) a statutory declaration made within twelve months of the birth of the child to the effect that the person making that declaration acknowledges himself to be the father of the child ; or

(c) if, where the mother is dead, he is ordered so to do by the sheriff upon application made to the sheriff within the like period by the person acknowledging himself to be the father of the child.

Where a decree of paternity has been granted by any court the clerk of court shall, where no appeal has been made against such decree, on the expiration of the time within which such an appeal may be made, or where an appeal has been made against such a decree, on the conclusion of any appellate proceedings, notify the import of such decree in the prescribed form to the Registrar General.

Free  
abbreviated  
certificate  
of birth.

**19.**—(1) At the time of registering the birth of any child, the registrar shall without charge give to the informant, or transmit by post to him within two working days after the date of registration, an abbreviated certificate of birth.

(2) Any such certificate shall be in the prescribed form and shall contain such particulars as may be prescribed including particulars of the name, surname, sex, date and place of birth of the child, but shall not include any particulars relating to parentage.

(3) This section shall not apply to re-registration of a birth under section 20 of this Act or to the registration of a still-birth under section 21 of this Act.

20.—(1) In the case of any person, if—

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- (a) the entry relating to him in the register of births is affected by any matter contained in the Register of Corrections Etc. respecting his status or paternity, or
- (b) the entry relating to him in the register of births has been so made as to imply that he was found exposed, or
- (c) the entry relating to him in the register of births having been so made as to imply that he was illegitimate, he has subsequently (whether before or after the commencement of this Act) been legitimated by subsequent marriage of the parents,

Re-registration in certain cases.

the Registrar General may at any time authorise the re-registration of the birth, and any such re-registration shall be effected in such manner as may be prescribed :

Provided that the Registrar General shall not authorise the re-registration of a birth in pursuance of paragraph (c) of this subsection, in a case where the paternity of the person has not been entered in the register of births or in the Register of Corrections Etc. in accordance with section 18 of this Act, or any corresponding enactment in force before the commencement of this Act, save with the sanction of the sheriff granted upon the application—

- (i) of both parents of the person jointly, or
- (ii) where one of the parents is dead, of the surviving parent, or
- (iii) where both parents are dead, of or on behalf of the person,

after such intimation as the sheriff may direct, and after due inquiry, and a hearing of any party having interest who may appear to oppose such application.

(2) In this section any reference to the register of births includes a reference to any register of births kept under any enactment in force at any time before the commencement of this Act.

21.—(1) Except so far as otherwise provided by this section or as may be prescribed, the provisions of this Part of this Act shall, so far as applicable, apply to still-births in like manner as they apply to births of children born alive.

(2) Any qualified informant giving information to the registrar of the particulars required to be registered concerning a still-birth shall—

- (a) deliver to the registrar a certificate in the prescribed form stating that the child was not born alive, and, where possible, the cause or probable cause of death



## PART II

and such particulars of the condition of the mother before the still-birth as may be requested in that form, which certificate shall, if a registered medical practitioner was present at the birth or has examined the body of the child, be signed by him, and otherwise shall be signed by any certified midwife who was present or examined the body; or

- (b) make a declaration in the prescribed form to the effect that to the best of his knowledge and belief no registered medical practitioner or certified midwife was present at the birth or has examined the body, or that his or her certificate cannot be obtained and that the child was not born alive.

(3) Every registered medical practitioner or certified midwife who was present at a still-birth or examined the body of a still-born child shall, at the request of any person who by virtue of this Act is required to give information concerning that birth, give to that person a certificate for the purposes of paragraph (a) of the last foregoing subsection.

(4) The registrar, upon registering a still-birth, shall give to the informant without fee a certificate in the prescribed form stating that the still-birth has been registered.

(5) The keeper or other person having the charge of a place of interment in which the body of a still-born child shall have been buried shall, unless a certificate given under the last foregoing subsection in respect of the still-birth has been delivered to him, give, within three days after the burial, notice thereof in the prescribed form to the registrar of the registration district in which the still-birth took place.

(6) In this section "certified midwife" means a woman who is certified under the Midwives (Scotland) Act 1951.

1951 c. 54.

## PART III

## REGISTRATION OF DEATHS

Particulars of deaths to be registered.

22.—(1) For every registration district there shall be kept by the district registrar a register of deaths containing such particulars as may be prescribed, which particulars shall include the cause of death; and the prescribed particulars of the death of every person dying in Scotland shall, subject to the following provisions of this Part of this Act, be registered by the registrar in the register of deaths kept for the appropriate district, or, if there are two appropriate districts, in the register of deaths kept for either of them.

(2) In the foregoing subsection, and in the following provisions of this Part of this Act, "the registrar" in relation to the death of any person means the district registrar for the appropriate district, or, if there are two appropriate districts,

the district registrar for either of them ; and any reference in the following provisions of this Part of this Act to the register of deaths in relation to the death of any person shall be construed as a reference to the register in which the particulars of the death are, or may be, registered in pursuance of the said subsection.

(3) For the purposes of the foregoing subsections the appropriate districts in relation to the death of any person shall be—

- (a) the registration district in which the death took place ; and
- (b) any other registration district in which the deceased was ordinarily resident immediately before his death ; and
- (c) in a case where the body of a dead person is found and the place in which the death took place is unknown, either the registration district in which the body was found or any other registration district which is appropriate by virtue of the preceding paragraph.

(4) Where a person dies (whether within or out of Scotland) in a ship, aircraft or land vehicle during the course of a journey, and the body of that person is brought by such ship, aircraft or land vehicle to any place in Scotland, the death shall, unless the Registrar General otherwise directs, be deemed for the purposes of the last foregoing subsection to have occurred at that place.

**23.**—(1) Subject to the subsequent provisions of this Part of this Act, in the case of every death it shall be the duty of— Duty to give information of particulars of death.

- (a) any relative of the deceased ;
- (b) any person present at the death ;
- (c) the deceased's executor or other legal representative ;
- (d) the occupier, at the time of death, of the premises where the death took place ; or
- (e) if there is no such person as is mentioned in the foregoing paragraphs, any other person having knowledge of the particulars to be registered,

to attend personally at the registration office and give to the registrar, within eight days, or such other period, not being less than three days, as may be prescribed, from the date of the death or, in a case where the body of a dead person has been found, from the date of the finding, information to the best of his knowledge and belief of the particulars required to be registered concerning the death, and to sign the register in the presence of the registrar :

Provided that the giving of that information and the signing of the register by any one of those persons shall constitute a discharge of any duty imposed by this subsection on any other person.

## PART III

(2) Nothing in this or the last foregoing section shall authorise the registration of the particulars of any death in two or more registers, or more than once in any one register.

(3) If it appears to the Registrar General that the particulars of the death of any person have been registered in two or more registers, or more than once in any one register, he may give directions for the cancellation of all those registrations except such one of them as may be specified in the directions.

Certificate  
of cause  
of death.

**24.**—(1) For the purpose of enabling information to be given, in pursuance of the last foregoing section, of the cause of death of any person, any registered medical practitioner who was in attendance on the deceased during his last illness shall, within seven days, or such other period, not being less than two days, as may be prescribed, after the death of the person, transmit to any person who is a qualified informant in relation to the death, or to the registrar, a certificate in the prescribed form signed by the medical practitioner stating to the best of his knowledge and belief the cause of death.

Different forms of certificate may be prescribed in respect of persons of different ages, and in the case of the death of a child under one year of age such forms may provide for the giving of particulars of the condition of the mother before the death of the child.

(2) If there was no registered medical practitioner in attendance on the deceased during his last illness, or if any registered medical practitioner, having been in attendance as aforesaid, is unable to provide a certificate such as is required by the last foregoing subsection, such a certificate may be signed by any medical practitioner who is able to do so, and may be transmitted by him to any person who is a qualified informant in relation to the death, or to the registrar.

Registrar's  
power to  
require  
information  
concerning  
death to  
be given.

**25.**—(1) Where after the expiration of eight days, or such other period, not being less than three days, as may be prescribed, from the date of the death of any person, or the finding of the dead body of any person, information of the particulars required to be registered concerning the death of that person has not been given to the registrar in accordance with section 23 of this Act, the registrar for the registration district in which the death occurred may serve a notice in the prescribed form on any person who is a qualified informant in relation to the death requiring him—

(a) to attend personally at the registration office for the registration district before such date (being not less than eight days nor more than fifteen days after the date of service of the notice) as may be specified in the notice ;

- (b) to give information to the best of that person's knowledge and belief of the particulars required to be registered concerning the death ; and
- (c) to sign the register in the presence of the registrar.

(2) If any person on whom a notice has been served in pursuance of the foregoing subsection fails to comply with the notice before the date specified therein the registrar may serve on that person a second notice in the prescribed form requiring him to attend personally as aforesaid within eight days from the date of service of the second notice.

(3) If on summary application by the registrar it appears to the sheriff that any person on whom a second notice has been served in pursuance of the last foregoing subsection has failed without reasonable cause to comply therewith within the period specified therein, the sheriff may grant decree ordaining the person to comply with the notice within such further period as may be specified in the decree ; and any such decree may be enforced in like manner as a decree *ad factum praestandum*.

(4) Any notice served under subsection (1) or subsection (2) of this section shall cease to have effect if, before it is complied with, particulars of the death are duly registered.

**26.**—(1) In no case shall the particulars of the death of any person be registered by a registrar after the expiration of three months from the date of the death or, in the case of a person whose dead body has been found, from the date of finding, without the authority in writing of the Registrar General.

Registration after expiration of three months from date of death or finding of body.

(2) The Registrar General may authorise the registration of the particulars of the death of a person after the expiration of the said period although the information required for the registration of the particulars has not been given by a qualified informant :

Provided that the Registrar General shall not exercise his power under this subsection unless he is satisfied, after such inquiry as he thinks necessary, that the correct particulars concerning the death are available.

**27.**—(1) At the time of registering the death of any person, the registrar shall without charge give to the informant a certificate in the prescribed form that such death has been registered.

Free certificate of registration of death.

(2) The person to whom a certificate is given under the foregoing subsection shall transmit it either directly or by the hand of the undertaker to the person having charge of the place of interment or cremation previous to the interment or cremation taking place.

CH. 49 *Registration of Births, Deaths and Marriages*  
(Scotland) Act 1965

## PART III

(3) In the case of a death in Scotland where the body is buried in a place of interment and no such certificate shall have been so delivered, the person having charge of the place of interment shall, within three days from the date of burial, give notice thereof in the prescribed form to the registrar of the registration district in which the death occurred.

28.—(1) Where in accordance with any instruction or direction given by the Registrar General under section 7(5) of this Act any particulars concerning a death have been communicated by a registrar to a procurator-fiscal—

- (a) if the procurator-fiscal obtains a precognition as to the death, and that precognition shows that the particulars so communicated appear to him to be correct and complete, the procurator-fiscal shall forthwith send a notice to that effect to the Registrar General ;
- (b) if the procurator-fiscal obtains such a precognition and that precognition does not confirm that the said particulars are correct and complete, the procurator-fiscal shall forthwith send to the Registrar General a notice indicating the result of the precognition, and the Registrar General shall thereupon cause to be made such entry in the Register of Corrections Etc., as he thinks proper ;
- (c) if the procurator-fiscal decides to obtain no such precognition, he shall send a notice of that decision to the Registrar General.

(2) Where a procurator-fiscal receives, otherwise than from a registrar, information concerning any death which the registrar would, if he had knowledge thereof, be required to communicate to him, he shall send the registrar a notice containing the information.

## PART IV

## REGISTRATION OF MARRIAGES

29. In the case of a marriage to be solemnised by a minister or according to the usages of the Society of Friends or of persons professing the Jewish religion, the district registrar of the registration district in which such marriage is to take place shall, in accordance with information supplied to him by the contracting parties to the best of their knowledge and belief, complete a Marriage Schedule in the prescribed form if there is produced to him—

- (a) a valid certificate or certificates of the due proclamation of banns of marriage ; or

Intimation of certain deaths by registrar to Procurator-Fiscal and vice-versa.

Marriage Schedule.

- (b) a valid certificate or certificates of the due publication under the Marriage Notice (Scotland) Act 1878 of notice of the intended marriage, or a valid certificate or certificates which by virtue of any other enactment is of the same force and effect as a certificate under that Act ; or
- (c) a valid certificate of the due proclamation of banns in the case of one of the parties and a valid certificate of the due publication of notice as aforesaid in the case of the other party ; or
- (d) a licence granted by the sheriff under section 2 of the Marriage (Scotland) Act 1939.

PART IV  
1878 c. 43.

1939 c. 34.

In this and the next following section “minister” means a minister, clergyman, pastor or priest of any Christian denomination.

**30.**—(1) The Marriage Schedule completed in accordance with the provisions of the last foregoing section shall be issued by the district registrar to the parties to the intended marriage who shall produce it to the minister solemnising the marriage, or to the person solemnising the marriage according to the usages of the Society of Friends or of persons professing the Jewish religion.

Issue and signature of Marriage Schedule and registration of marriage.

(2) Immediately after the solemnisation of the marriage, the Marriage Schedule shall be signed by the parties contracting the marriage, by at least two of the witnesses present thereat, and by the minister or other person officiating.

(3) The parties to the marriage shall, within three days thereafter, deliver or send by post the Marriage Schedule to the district registrar of the registration district in which the marriage took place.

(4) On receipt of the Marriage Schedule the district registrar shall cause the particulars as set forth therein to be entered as soon as possible in a register of marriages to be kept by him for his district, and the Marriage Schedule shall be transmitted to the Registrar General for preservation in the General Register Office.

**31.**—(1) Where after the expiration of twenty-one days from the date of marriage as entered in the Marriage Schedule that Schedule has not been delivered to the district registrar, he may serve a notice in the prescribed form on either of the parties to the marriage requiring him or her within eight days from the date of service of the notice to deliver or send by post the said Schedule to the district registrar.

Registrar's power to require delivery of Marriage Schedule.

## PART IV

(2) If any person on whom a notice has been served in pursuance of the foregoing subsection fails to comply with the notice the district registrar may serve on that person a second notice in the prescribed form requiring him or her to attend personally at the registration office within eight days from the date of service of the second notice, for the purpose of delivering the Marriage Schedule to the district registrar to enable him to register the marriage.

(3) If on summary application by the district registrar it appears to the sheriff that any person on whom a second notice has been served in pursuance of the last foregoing subsection has failed without reasonable cause to comply therewith within the period specified therein, the sheriff may grant decree ordaining the person to comply with the notice within such further period as may be specified in the decree; and any such decree may be enforced in like manner as a decree *ad factum praestandum*.

(4) Any notice served under subsection (1) or subsection (2) of this section shall cease to have effect if, before it is complied with, the Marriage Schedule shall have been delivered to the district registrar.

## PART V

## GENERAL

*Registers*

Provision of registers etc. by Registrar General.

**32.**—(1) Registers of births, still-births, deaths and marriages and the Register of Corrections Etc. shall be in such form as may be respectively prescribed and the Registrar General shall provide the district registrar of every registration district with a sufficient number of such registers and of such certificates, schedules, notices, forms and other documents as he may require for the performance of his functions under this Act.

(2) All registers and documents provided by virtue of the foregoing subsection shall remain the property of the Registrar General.

Duplicate and copy registers.

**33.**—(1) The Registrar General may from time to time direct any district registrar to make in respect of his district a duplicate or copy of any register of births, deaths or marriages, and any entry in a duplicate or copy so made shall be of the same legal force and effect as the corresponding entry in the appropriate register.

(2) Any duplicate or copy register so made shall be retained in the custody of the district registrar.

**34.**—(1) It shall be the duty of the district examiner, or such other officer as may be nominated for the purpose by the Registrar General, at such time or times and in such manner as the Registrar General may direct, to examine, along with the several district registrars within the district, the registers of births, still-births, deaths and marriages and the Register of Corrections Etc., kept or held by such registrars, and also any duplicate or copy registers kept by them in pursuance of directions given to them by the Registrar General under the last foregoing section.

PART V  
Examination  
of registers  
by district  
examiners.

(2) On completion of the examination under the foregoing subsection the district examiner shall, in accordance with directions given him by the Registrar General, endorse each register so examined and shall thereafter transmit to the Registrar General the registers of births, still-births, deaths and marriages, together with a report of any circumstances relating to the registers (including the Register of Corrections Etc., and the duplicate or copy registers) to which he considers that the attention of the Registrar General should be drawn.

**35.**—(1) On receipt of the registers transmitted to him under the last foregoing section the Registrar General may cause entries in the registers to be reproduced by photography, xerography or any other convenient process.

Reproduction  
of registers.

(2) Reproduced entries shall be transmitted by the Registrar General to the appropriate district registrar, and any such entry shall be of the same legal force and effect as the corresponding entry in the appropriate register.

(3) The foregoing provisions of this section are without prejudice to any other power exercisable by the Registrar General as respects reproduction or recording by any means of the particulars of entries in any registers or documents held by him.

**36.**—(1) If any register in the custody of a district registrar, or before reproduction in accordance with section 35 of this Act, shall be lost, destroyed or mutilated or shall have become illegible, in whole or in part, such fact shall be forthwith communicated to the Registrar General, and the register in the custody of a district registrar which shall have been mutilated or become illegible shall be immediately transmitted to the Registrar General.

Replacement  
of lost  
registers etc.

(2) The Registrar General shall cause any such register to be corrected or completed or a new register to be made by any process which to him seems fit, and any such corrected, completed or new register which is duly authenticated by the signature of the Registrar General shall be of the same legal force and effect as the original register.



## PART V

*Searches and Extracts, etc.*

Search of  
indexes kept  
by registrars.

**37.**—(1) On the completion of each annual register of births, deaths and marriages each district registrar shall forthwith cause to be made alphabetical indexes of the entries in those registers.

(2) On payment to him of such fee or fees as may be prescribed, the district registrar shall, at any time when the registration office is open for that purpose—

- (a) search the said indexes on behalf of any person or permit that person to search the indexes himself, and
- (b) issue to any person an extract of any entry in the said registers which that person may require.

(3) A district registrar may not permit an extract to be issued from a register of still-births except with the consent of the Registrar General in any particular case, and on payment of such fee or fees as may be prescribed.

Search of  
indexes kept  
by Registrar  
General.

**38.**—(1) The Registrar General shall cause to be made and kept in the General Register Office alphabetical indexes of the entries in the registers of births, deaths and marriages sent to him under this Act or any enactment repealed by this Act.

(2) On payment to him of such fee or fees as may be prescribed, the Registrar General shall, at any time when the General Register Office is open for that purpose—

- (a) cause a search to be made of the said indexes on behalf of any person or permit that person to search the indexes himself, and
- (b) issue to any person an extract of any entry in the said registers which that person may require.

(3) The Registrar General may, if he sees fit in any particular case, and on payment to him of such fee or fees as may be prescribed, cause a search to be made for, and allow any person to have an extract of, any entry in a register of still-births which has been transmitted to him.

Production of  
extracts by  
photography  
etc.

**39.** Extracts to be supplied under section 38 of this Act may take the form of reproductions made by photography, xerography or any other convenient process, and so may extracts to be supplied under section 37 of this Act if the district registrar is authorised in that regard by the Registrar General.

Abbreviated  
certificates  
of birth.

**40.**—(1) Subject to the following subsection, any person shall, on payment of the prescribed fee, be entitled to obtain from the Registrar General or the appropriate district registrar an abbreviated certificate of the birth of any person, and such certificate shall be as described in section 19 of this Act.

(2) An abbreviated certificate based on information contained in the Adopted Children Register maintained under section 22(1) of the Adoption Act 1958 shall be in such form as may be prescribed, shall not include any reference to adoption, and may be obtained only from the Registrar General.

PART V

1958 c. 8.  
(7 & 8 Eliz. 2).

41.—(1) Every extract of any entry in the registers kept under the provisions of this Act or any enactment repealed thereby and every abbreviated certificate of birth shall, if such extract or certificate be issued from the General Register Office, be sealed or stamped with the seal of that office, and, if issued from a local registration office, shall be signed by the district registrar.

Authentication of extracts etc. and their admissibility as evidence.

(2) An extract of an entry in a register shall be deemed to be a true extract, notwithstanding that it is made on a form different from that on which the original entry was made, if any differences in the column heading under which the particulars appear in the original entry and the extract respectively are differences of form only and not of substance.

(3) Every extract (but not extracts from parochial registers under section 47 of this Act) and every abbreviated certificate of birth, in either case duly authenticated as aforesaid, shall be sufficient evidence of the birth, death or marriage, as the case may be.

#### *Corrections and Changes of Name or Surname*

42.—(1) No alteration shall be made in any register of births, still-births, deaths or marriages except as authorised by or under this or any other Act.

Correction of errors in registers.

(2) Any clerical errors in entries relating to births or deaths arising from the faulty transcription of particulars provided by a qualified informant, and such other errors as may be prescribed, may be corrected by the district registrar:

Provided that—

- (a) the error is noted before the entry is signed, or
- (b) if it is noted after the entry is signed, it is corrected within seven days from the date of signing, in the presence of the informant.

(3) Any clerical errors in entries relating to marriages, arising from the faulty transcription of particulars from a Marriage Schedule may be corrected by the district registrar within a period of one month from the date of registration of the marriage if the error is discovered and corrected before any extract containing the incorrect information has been issued.

(4) The Registrar General may authorise district examiners to correct any such type of error as he may specify which they may discover in entries during the course of their examination of the registers under section 34 of this Act.

## PART V

(5) The Registrar General may authorise the correction of any errors not dealt with under the preceding provisions of this section, by causing an appropriate entry to be made in the Register of Corrections Etc., and where the Registrar General refuses so to authorise such a correction the person who claims that an error has been made may appeal to the sheriff, whose decision in the matter shall be final.

Recording of  
baptismal  
name or  
change of  
name or  
surname.  
1958 c. 5.  
(7 & 8 Eliz. 2)

43.—(1) The following provisions of this section, except subsection 6(b), shall apply only to persons whose births are registered in Scotland, and, without prejudice to the provisions of section 24 of the Adoption Act 1958 relating to the giving or taking of a new name, to persons in respect of whom there is an entry in the Adopted Children Register maintained by the Registrar General under section 22 of that Act.

(2) In this section “change” in relation to a name or surname includes any change by way of substitution, addition, omission, spelling or hyphenation.

(3) Where, within twelve months from the date of the birth of any child, the name by which it was registered is changed or, if it was registered without a name, a name is given to the child, the Registrar General upon delivery to him, within two years from the date of the birth of the child, of a certificate in the prescribed form signed—

- (a) if the name was changed or given in baptism, by the person who performed the ceremony of baptism or his successor in office, or
- (b) if the name was changed or given otherwise than in baptism, by the qualified applicant,

shall cause an entry containing the name mentioned in the certificate to be made in the Register of Corrections Etc., and only one such entry may be made under this subsection in respect of any one child.

In this and the next following subsection “the qualified applicant” means the father and mother of the child or, if either of the parents is deceased, the surviving parent, or, in the case of an illegitimate child, the mother of the child or, if both parents are deceased or, in the case of an illegitimate child, the mother is deceased, the guardian of the child or other person who has determined that the name, or, as the case may be, surname, of the child should be changed or given; in this definition, in the case of an adopted child, the references to the father and mother or to the parents of a child shall be construed as references to the adoptive parents of the child.

(4) Where an application in the prescribed form is made to the Registrar General by the qualified applicant in respect of the change of name or surname of a child under sixteen years of

age the Registrar General may record that change of name or surname by causing an appropriate entry to be made in the Register of Corrections Etc.—

- (a) if evidence to the satisfaction of the Registrar General is produced that the name or surname which the qualified applicant wishes to have recorded has been in use by or in respect of the child to whom the application relates for a period of not less than two years prior to the date of application, and
- (b) if the Registrar General is not satisfied with the evidence so produced, there is also produced to him a copy of a notice inserted in a newspaper circulating in the area of the child's usual residence specifying the qualified applicant's intention to apply to the Registrar General for the recording of the name or surname proposed and specifying also that such name or surname has been in use by the child for a period of not less than two years prior to the date of the insertion of the notice in the newspaper.

Only one change of name and one change of surname in respect of any one child may be recorded under this subsection, but no change of name shall be recorded under this subsection in the case of a child in respect of whom a change of name has been recorded by virtue of the last foregoing subsection.

(5) Where an application in the prescribed form is made to the Registrar General in respect of a change of name or surname, in the case of a person over sixteen years of age and under twenty-one years of age, by that person with the consent of his parent or guardian, or, in the case of a person over twenty-one years of age, by that person, the Registrar General may record that change of name or surname by causing an appropriate entry to be made in the Register of Corrections Etc.—

- (a) if evidence to the satisfaction of the Registrar General is produced that the name or surname which the applicant wishes to have recorded has been in use by him for a period of not less than two years prior to the date of application, and
- (b) if the Registrar General is not satisfied with the evidence so produced, there is also produced to him a copy of a notice inserted in a newspaper circulating in the area of the applicant's usual residence specifying the applicant's intention to apply to the Registrar General for the recording of the name or surname proposed and specifying also that such name or surname has been in use by him for a period of not less than two years prior to the date of the insertion of the notice in the newspaper.

## PART V

Only one change of name and three changes of surname in respect of any one person may be recorded under this subsection, and a period of five years must elapse after one change of surname is recorded before another such change may be recorded.

(6) Notwithstanding the foregoing provisions of this section, where an application is made to the Registrar General in respect of a change of name or surname—

(a) in the case of a child under sixteen years of age, by the parent or guardian of that child, in the case of a person over sixteen years of age and under twenty-one years of age, by that person with the consent of his parent or guardian, or in the case of a person over twenty-one years of age, by that person, and there is produced to the Registrar General—

(i) a decree or certificate of change of name or surname pronounced or, as the case may be, granted by or on behalf of the Lyon King of Arms, or

(ii) a certified copy of a will, settlement, or deed of trust containing a condition that the person concerned shall take a name or surname different from that in which his birth was registered, together with evidence to the satisfaction of the Registrar General that the name or surname has thereafter been so changed, or

(b) in the case of a male person who has married in Scotland and who has changed his name or surname following his marriage, by that person, and there is produced to the Registrar General a decree or certificate as described in the foregoing paragraph,

the Registrar General may record that change of name or surname by causing an appropriate entry to be made in the Register of Corrections Etc.

(7) Where an application is made to the Registrar General in respect of the recording of an alternative name, being the English equivalent of a non-English name, in the case of a child under sixteen years of age, by the parent or guardian of that child, in the case of a person over sixteen years of age and under twenty-one years of age, by that person with the consent of his parent or guardian, or in the case of a person over twenty-one years of age, by that person, the Registrar General may record that name as an alternative name by causing an appropriate entry to be made in the Register of Corrections Etc.

(8) On making an application under any of the provisions of this section the applicant shall pay such fees as may be prescribed.

(9) Nothing in this section shall affect any rule of law as respects change of name or surname, and in particular, without prejudice to that generality, the validity as evidence of change of name or surname of a decree or certificate pronounced or, as the case may be, granted by or on behalf of the Lyon King of Arms.

44.—(1) There shall be established a Register of Corrections Register of Corrections Etc., which shall be used to record in relation to any entries in the registers any matters for which provision is so made under this Act and such further corrections, amendments and particulars of events occurring subsequent to registration as the Registrar General may from time to time direct. Etc.

(2) All existing registers of corrected entries shall have effect as if they were part of the Register of Corrections Etc.

(3) In issuing an extract of any entry in respect of which an insertion relating to an error has been made in the Register of Corrections Etc., and in issuing an abbreviated certificate of birth in respect of such entry, effect shall be given to the amended particulars contained in such an insertion.

(4) The extent to which and the manner in which any other class of insertions in the Register of Corrections Etc., shall be given effect in any extract, or in any abbreviated certificate of birth, shall be as prescribed.

#### *Parochial Registers*

45. If any error shall be discovered in an entry relating to a birth or baptism, death or burial, proclamation of banns or marriage in any parochial register kept and in use prior to 1st January 1855, the Registrar General may, on the application of any person having an interest and after inspection of any written evidence, authorise the correction of the entry, which shall be done by making an appropriate insertion in a Register of Corrections Etc., kept for the purpose by the Registrar General. Correction of entries in parochial registers.

46.—(1) Subject to the following subsection, all such parochial registers as aforesaid shall, so far as they are not already in the custody of the Registrar General, be transmitted to him for custody in the General Register Office. Parochial registers to be transmitted to Registrar General.

(2) Where a parochial register forms part of any other record or document or where for any other reason it would be inappropriate so to transmit the register, the duty to do so shall be discharged if there is transmitted to the Registrar General a copy of the register reproduced by photography, xerography or any other process approved by the Registrar General, or if an opportunity so to reproduce the register is afforded to the Registrar General.

## PART V

(3) Notwithstanding the provisions of section 3(2) of this Act, it shall be lawful for the Registrar General to transmit to the Keeper of the Records of Scotland any parochial register or copy of such register, which is in the custody of the Registrar General by virtue of this or any other Act, if in his opinion the retention by him of that register or copy register is no longer necessary.

Search of parochial registers etc., and provision of extracts therefrom.

**47.** On payment to him of such fee or fees as may be prescribed, the Registrar General shall, at any time when the General Register Office is open for that purpose—

- (a) cause a search to be made of the aforesaid parochial registers or any copies or indexes thereof on behalf of any person or permit that person to search the registers, copies or indexes himself, and
- (b) issue to any person an extract of any entry in the said registers or copies which that person may require.

*Miscellaneous*

Decrees of court altering status.

**48.** Where a decree altering the status of any person has been granted by any competent court the clerk of court shall, where no appeal has been made against such decree, on the expiration of the time within which such an appeal may be made, or where an appeal has been made against such a decree, on the conclusion of any appellate proceedings, notify the import of such decree in the prescribed form to the Registrar General who shall thereupon cause an appropriate entry to be made in the Register of Corrections Etc.

Signing by mark by persons unable to write.

**49.** If any person whose signature is necessary under this Act is unable to write, it shall be lawful for him to adhibit a cross or other mark in the presence of the district registrar or two witnesses who shall also adhibit their signatures and designations, and such cross or mark shall be in all respects as binding and effectual as the signature of such person would have been if he had been capable of writing.

Events occurring in institutions.

**50.** The chief officer, matron or other person in charge of a hospital, nursing home or other such institution who has been so requested by the Registrar General, shall, at such times and in such manner as the Registrar General may require, transmit to the district registrar of the registration district in which the institution is situate, a list containing particulars of births and deaths occurring in such institution.

Returns to be made by registrar.

**51.** Every district registrar shall—

- (a) at such times and in such manner as the Registrar General may direct, furnish to the Registrar General

returns relating to the entries of births, deaths and marriages and any other information obtained by the registrar in the execution of his duties which the Registrar General may require, and

- (b) supply to the medical officer of health for the local authority in whose area the registration office is situate such periodical returns of births and deaths as may be required by the Secretary of State.

**52.** Any notice, information, declaration, certificate, requisition, return or other document required to be served, sent or issued by a district registrar by or under this Act may, unless the context otherwise requires, be sent by post or in accordance with any directions which may be given by the Registrar General. Sending of documents by post.

**53.—**(1) If any person commits any of the following offences, that is to say— Offences.

- (a) if he knowingly gives to a district registrar information which is false in a material particular ;
- (b) if he falsifies or forges any extract, certificate or declaration issued or made, or purporting to be issued or made, under this Act ; or
- (c) if he knowingly uses, or gives or sends to any person, as genuine any false or forged extract, certificate or declaration issued or made, or purporting to be issued or made, under this Act,

he shall be liable

- (i) on conviction on indictment, to a fine or to imprisonment for a term not exceeding 2 years or to both ;
- (ii) on summary conviction, to a fine not exceeding £100 or to imprisonment for a term not exceeding 3 months or to both.

(2) If any person commits any of the following offences, that is to say—

- (a) if he wilfully or negligently destroys, obliterates, erases or injures any entry in any register kept under this Act, or causes or permits the register or any part thereof to be destroyed, obliterated, erased or injured ; or
- (b) if he knowingly gives to a district registrar, for the purpose of registration in a register, particulars of a birth or of a death which have already been registered in that or any other register,

he shall be liable on summary conviction to a fine not exceeding £100.



## PART V

(3) If any person commits any of the following offences, that is to say—

- (a) if being required by or under this Act to give information concerning any birth or death or any dead body, he wilfully refuses to answer any question put to him by a district registrar relating to the particulars required to be registered concerning the birth or death, or save as provided in this Act, fails to comply with any requirement of a district registrar made thereunder ;
- (b) if he refuses or fails without reasonable cause to give, deliver or send any certificate which he is required by this Act to give, deliver or send ;
- (c) if, being a parent, and save as provided in this Act, he fails to give information concerning the birth of his child as required by this Act ;
- (d) if, being a person upon whom duty to give information concerning a death is imposed by section 23(1) of this Act, he fails to give that information and that information is not given ; or
- (e) if he passes as genuine any reproduction of an extract or certificate if such reproduction has not been authenticated in accordance with section 41(1) of this Act,

he shall be liable on summary conviction to a fine not exceeding £20.

## Regulations.

**54.**—(1) The Registrar General may, with the approval of the Secretary of State, by statutory instrument make regulations—

- (a) prescribing the circumstances, of hardship or otherwise, in which fees prescribed under this Act may be remitted by the Registrar General ;
- (b) prescribing anything which by this Act is required to be prescribed ;
- (c) substituting another Schedule of Marriage for that set out in the First Schedule to the Marriage (Scotland) Act 1939 ;
- (d) substituting another form of entry for that set out in the Second Schedule to the Adoption Act 1958.

1939 c. 34.

1958 c. 5.

(7 &amp; 8 Eliz. 2)

(2) Any statutory instrument containing regulations made under paragraph (c) or (d) of the foregoing subsection or prescribing fees for the purposes of this Act shall be subject to annulment in pursuance of a resolution of either House of Parliament.

1946 c. 36.

(3) The Statutory Instruments Act 1946 shall apply to a statutory instrument containing regulations made under this section as if the regulations had been made by a Minister of the Crown.

**55.** There shall be paid out of moneys provided by Parliament any increase attributable to this Act in the sums payable out of moneys so provided by way of Exchequer Equalisation Grant under the enactments relating to local government in Scotland. PART V  
Expenses.

**56.—(1)** In this Act, except where the context otherwise requires, the following expressions have the meanings respectively assigned to them, that is to say— Interpretation.

“birth”, except in relation to registers of births, includes a still-birth;

“district registrar” has the meaning assigned to it in section 7(12) of this Act;

“function” includes power and duty;

“local authority” means a county council or the council of a large burgh within the meaning of the Local Government (Scotland) Act 1947; 1947 c. 43.

“name” means Christian name or forename;

“occupier”, in relation to any institution, includes the governor, keeper, matron, superintendent, or other person in charge thereof, and, in relation to a house, includes any person residing therein;

“prescribed” means prescribed by regulations made under section 54 of this Act;

“qualified informant”, in relation to any birth or death, means a person who is by this Act required or stated to be qualified to give information concerning that birth or death;

“relative” includes a relative by marriage, and in relation to a person in respect of whom an adoption order has been made under the Adoption Act 1958, or under any enactment repealed by that Act, also includes any person who would be a relative if the adopted person were the child of the adopter born in lawful wedlock; 1958 c. 5.  
(7 & 8 Eliz. 2)

“still-born child” means a child which has issued forth from its mother after the twenty-eighth week of pregnancy and which did not at any time after being completely expelled from its mother breathe or show any other signs of life, and the expression “still-birth” shall be construed accordingly.

(2) Except in so far as the context otherwise requires, any reference in this Act to any other enactment shall be construed as a reference to that enactment as amended by or under any other enactment, including this Act.

PART V  
Savings etc.

**57.**—(1) Any registration effected, extract or certificate issued, notice or information given, order, regulations or return made or other thing done under any enactment repealed by this Act shall, if in force at the commencement of this Act, continue in force, and have effect as if effected, issued, given, made or done under the corresponding provision of this Act.

(2) Any form used and any requirement as to the particulars to be entered in any form used, for the purposes of any enactment repealed by this Act in force immediately before the commencement of this Act shall continue in force as though prescribed under this Act until other forms or particulars are so prescribed.

(3) Where a period of time specified in any enactment repealed by this Act is current at the commencement of this Act, this Act shall have effect as if the corresponding provision thereof had been in force when that period began to run.

(4) Any document referring to an enactment repealed by this Act shall, unless the contrary intention appears, be construed as referring to the corresponding provision of this Act.

1938 c. 12.

(5) Nothing in this Act shall affect any provision of the Population Statistics Act 1938 requiring particulars to be furnished for the purposes of that Act.

1889 c. 63.

(6) Nothing in the foregoing provisions of this section or in the provisions of the next following section shall be taken as prejudicing the operation of section 38 of the Interpretation Act 1889 which relates to the effect of repeals.

Consequential  
amendments  
and repeals.

**58.**—(1) The enactments mentioned in Schedule 1 to this Act shall have effect subject to the amendments respectively specified in that Schedule, being amendments consequential on the provisions of this Act.

(2) The enactments set out in Schedule 2 to this Act are hereby repealed to the extent specified in column 3 of that Schedule.

Short title,  
extent and  
commence-  
ment.

**59.**—(1) This Act may be cited as the Registration of Births, Deaths and Marriages (Scotland) Act 1965.

(2) This Act shall extend to Scotland only.

(3) This Act shall come into force on 1st January 1966.

## SCHEDULES

### SCHEDULE 1

Section 58(1).

#### CONSEQUENTIAL AMENDMENTS OF OTHER ENACTMENTS

##### GENERAL MODIFICATION

1. Any reference in any other enactment to a registrar in relation to births, deaths or marriages shall be construed as a reference to a district registrar within the meaning of this Act.

##### SPECIFIC MODIFICATIONS

*The Marriage Notice (Scotland) Act 1878*  
41 & 42 Vict. c. 43

2. For section 1 there shall be substituted the following section:—

“ 1. In this Act, “ district ” means “ registration district ” within the meaning of the Registration of Births, Deaths and Marriages (Scotland) Act 1965, and “ Registrar General ” has the same meaning as in that Act.”

*The Marriage (Scotland) Act 1939*  
2 & 3 Geo. 6 c. 34

3. In section 1(6), and in column 1 of the First Schedule, for the word “ parish ” there shall be substituted the words “ registration district ”.

4. In section 7, for the words from “ expressions ‘ parish ’ ” to “ 1938 ” there shall be substituted the words “ expression ‘ register ’ means register of marriages for a registration district kept under the Registration of Births, Deaths and Marriages (Scotland) Act 1965, and ‘ registration district ’ has the same meaning as in that Act ”.

*The Family Allowances Act 1945*  
8 & 9 Geo. 6 c. 41

5. In section 26(3), for the words from “ Acts, 1854 ” to “ Act, 1854 ” there shall be substituted the words “ Act 1965, and to regulations made under section 54 of that Act ”.

*The National Insurance Act 1946*  
9 & 10 Geo. 6 c. 67

6. In section 79(b), for the word “ six ” and “ 1854 ” there shall be substituted respectively “ 54 ” and “ 1965 ”.

*The Adoption Act 1958*  
7 & 8 Eliz. 2 c. 5

7. In section 22, for any reference to the General Registry Office there shall be substituted a reference to the General Register Office, and for the words “ Acts, 1854 to 1938 ” wherever they occur, there shall be substituted the words “ Act 1965 ”.

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(Scotland) Act 1965

SCH. 1 8. In section 23(3) after the words "1854 to 1938" there shall be inserted the words "or under the Registration of Births, Deaths and Marriages (Scotland) Act 1965".

1934 c. 19. 9. In section 27, for the words "section two of the Registration of Births, Deaths and Marriages (Scotland) (Amendment) Act 1934 (which provide for the re-registration of the birth of legitimated persons)" there shall be substituted the words "section 20 of the Registration of Births, Deaths and Marriages (Scotland) Act 1965 (which provide for re-registration of births in certain cases)".

*The Adoption Act 1964*  
1964 c. 57

10. In section 3(4), for the words "section 2 of the Registration of Births, Deaths and Marriages (Scotland) (Amendment) Act 1934 (re-registration of birth of legitimated persons)" there shall be substituted the words "section 20 of the Registration of Births, Deaths and Marriages (Scotland) Act 1965 (re-registration of births in certain cases)".

Section 58(2).

SCHEDULE 2

REPEALS

Chapter	Short Title	Extent of Repeal
17 & 18 Vict. c. 80.	The Registration of Births, Deaths and Marriages (Scotland) Act 1854.	The whole Act.
18 & 19 Vict. c. 29.	The Registration of Births, Deaths and Marriages (Scotland) Act 1855.	The whole Act.
23 & 24 Vict. c. 85.	The Registration of Births, Deaths and Marriages (Scotland) Act 1860.	The whole Act.
41 & 42 Vict. c. 43.	The Marriage Notice (Scotland) Act 1878.	The words "parish or" wherever they occur.
48 & 49 Vict. c. 61.	The Secretary for Scotland Act 1885.	In the Schedule, in Part I, the entry relating to Registration of Births, Deaths and Marriages.
60 & 61 Vict. c. 38.	The Public Health (Scotland) Act 1897.	So much of section 15 as requires registrars of births, deaths and marriages to submit returns and reports.
10 Edw. VII and 1 Geo. 5. c. 32.	The Registration of Births, Deaths and Marriages (Scotland) Amendment Act 1910.	The whole Act.
9 & 10 Geo. 5. c. 20.	The Scottish Board of Health Act 1919.	In section 4(1)(g), the words "the Births, Deaths and Marriages (Scotland) Acts 1854 to 1910".
10 & 11 Geo. 5. c. 69.	The Registrar General (Scotland) Act 1920.	The whole Act.

Chapter	Short Title	Extent of Repeal
24 & 25 Geo. 5. c. 19.	The Registration of Births, Deaths and Marriages (Scotland) Amendment Act 1934.	The whole Act.
1 & 2 Geo. 6. c. 12.	The Population (Statistics) Act 1938.	Section 6(d).
1 & 2 Geo. 6. c. 55.	The Registration of Still-Births (Scotland) Act 1938.	The whole Act.
2 & 3 Geo. 6. c. 20.	The Reorganisation of Offices (Scotland) Act 1939.	Section 4.
2 & 3 Geo. 6. c. 34.	The Marriage (Scotland) Act 1939.	Section 1(5).
6 & 7 Eliz. 2. c. 64.	The Local Government and Miscellaneous Financial Provisions (Scotland) Act 1958.	In section 17, paragraphs (a), (b) and (d).
7 & 8 Eliz. 2. c. 5.	The Adoption Act 1958.	In section 22(6) the words "with regard to the registration of names given in baptism or without baptism after registration of birth and".
8 & 9 Eliz. 2. c. 32.	The Population (Statistics) Act 1960.	Section 3. In section 4, from the words "and section seven" to "1854" and the words "and the Secretary of State respectively"; in paragraph (a) the words "and in Scotland respectively"; and in paragraph (b) the word "respectively" and the words from "or, as the case" to "1938".
1963 c. 41.	The Offices, Shops and Railway Premises Act 1963.	In section 90(4), paragraph (b).

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