



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

## 1965 CHAPTER 49

### PART III

#### REGISTRATION OF DEATHS

#### 23 Duty to give information of particulars of death.

- (1) Subject to the subsequent provisions of this Part of this Act, in the case of every death it shall be the duty of—
- any relative of the deceased;
  - any person present at the death;
  - the deceased's executor or other legal representative;
  - the occupier, at the time of death, of the premises where the death took place; or
  - if there is no such person as is mentioned in the foregoing paragraphs, any other person having knowledge of the particulars to be registered,

<sup>F1</sup>..., 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, [<sup>F2</sup>give] information to the best of his knowledge and belief of the particulars required to be registered concerning the death, [<sup>F3</sup>to the district registrar for a registration district]:

Provided that the giving of that information <sup>F4</sup>... by any one of those persons shall constitute a discharge of any duty imposed by this subsection on any other person.

[<sup>F5</sup>(1ZA) The duty to give information concerning a death imposed by subsection (1) is discharged in relation to every person upon whom the duty is imposed if the funeral director responsible for arranging the deceased's funeral gives the information to the district registrar for a registration district on behalf of any of those persons.

(1ZB) In [subsection \(1ZA\)](#), “funeral director” has the meaning given by section 31(1) of the Certification of Death (Scotland) Act 2011.]

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*Changes to legislation: There are currently no known outstanding effects for the Registration of Births, Deaths and Marriages (Scotland) Act 1965, Section 23. (See end of Document for details)*

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- [<sup>F6</sup>(1A) For the purposes of subsection (1) [<sup>F7</sup>or (1ZA)], a person shall give information of the prescribed particulars concerning a death to the district registrar for a registration district <sup>F8</sup>...—
- (a) [<sup>F9</sup>by] attending personally at the registration office for that district and—
    - (i) giving to the registrar information of the particulars required to be registered concerning the death, and
    - (ii) attesting, in the prescribed manner, the prescribed form (in this Part, the “death registration form”) concerning the death in the presence of the registrar, <sup>F10</sup>...
  - (b) [<sup>F11</sup>in a manner permitted in the circumstances (or any circumstances) by a direction issued by the registrar, or
  - (c) in a manner permitted in the circumstances (or any circumstances) by a direction issued by the Registrar General.]]
- [<sup>F12</sup>(1B) A person has not discharged the duty under subsection (1) by giving information to a district registrar until the death registration form containing the information is attested by, or on behalf of, the person.
- (1C) References in this section to a death registration form being attested—
- (a) by a person are to the person attesting the form—
    - (i) in the prescribed manner in the presence of the district registrar, or
    - (ii) in a manner approved by the Registrar General,
  - (b) on behalf of a person are to the form being attested by the district registrar in a manner approved by the Registrar General (once the person has provided the registrar with any information the registrar requests).
- (1D) Where there is a way for—
- (a) a person (“the informant”) to give information of the prescribed particulars concerning a death that does not entail the informant attending personally at a registration office, or
  - (b) a death registration form to be attested that does not entail the informant attesting it in the presence of a district registrar,
- it is for the informant to choose whether to give the information, or attest the form, that way.]
- (2) Nothing in this <sup>F13</sup>... 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.

#### Textual Amendments

- F1** Words in s. 23(1) repealed (1.10.2006 for specified purposes, 24.9.2022 in so far as not already in force) by [Local Electoral Administration and Registration Services \(Scotland\) Act 2006 \(asp 14\)](#), **ss. 42(3)(a)(i)**, 63(2); S.S.I. 2006/469, art. 2, sch. 1 (with art. 4); S.S.I. 2022/266, art. 2(d)
- F2** Word in s. 23(1) inserted (1.10.2006 for specified purposes, 24.9.2022 in so far as not already in force) by [Local Electoral Administration and Registration Services \(Scotland\) Act 2006 \(asp 14\)](#), **ss. 42(3)(a)(ii)**, 63(2); S.S.I. 2006/469, art. 2, sch. 1 (with art. 4); S.S.I. 2022/266, art. 2(d)

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**Changes to legislation:** There are currently no known outstanding effects for the Registration of Births, Deaths and Marriages (Scotland) Act 1965, Section 23. (See end of Document for details)

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- F3** Words in s. 23(1) substituted (1.10.2006 for specified purposes, 1.1.2007 in so far as not already in force) by Local Electoral Administration and Registration Services (Scotland) Act 2006 (asp 14), **ss. 42(3)(a)(iii)**, 63(2); S.S.I. 2006/469, arts. 2, 3, Schs. 1, 2 (with art. 4)
- F4** Words in s. 23(1) repealed (1.10.2006 for specified purposes, 1.1.2007 in so far as not already in force) by Local Electoral Administration and Registration Services (Scotland) Act 2006 (asp 14), **ss. 42(3)(a)(iv)**, 63(2); S.S.I. 2006/469, arts. 2, 3, Schs. 1, 2 (with art. 4)
- F5** S. 23(1ZA)(1ZB) inserted (24.9.2022) by Coronavirus (Recovery and Reform) (Scotland) Act 2022 (asp 8), **ss. 26(2)(a)**, 59(1)
- F6** S. 23(1A) inserted (1.10.2006 for specified purposes, 14.1.2008 for specified purposes, 24.9.2022 in so far as not already in force) by Local Electoral Administration and Registration Services (Scotland) Act 2006 (asp 14), **ss. 42(3)(b)**, 63(2); S.S.I. 2006/469, art. 2, sch. 1 (with art. 4); S.S.I. 2007/566, art. 2 (with art. 3); S.S.I. 2022/266, art. 2(e)
- F7** Words in s. 23(1A) inserted (24.9.2022) by Coronavirus (Recovery and Reform) (Scotland) Act 2022 (asp 8), **ss. 26(2)(b)**, 59(1)
- F8** Word in s. 23(1A) repealed (1.9.2022 for specified purposes, 24.9.2022 in so far as not already in force) by Coronavirus (Recovery and Reform) (Scotland) Act 2022 (asp 8), **ss. 27(2)(a)(i)**, 59(3)(a)(i)(ii)
- F9** Word in s. 23(1A)(a) inserted (1.9.2022 for specified purposes, 24.9.2022 in so far as not already in force) by Coronavirus (Recovery and Reform) (Scotland) Act 2022 (asp 8), **ss. 27(2)(a)(ii)**, 59(3)(a)(i)(ii)
- F10** Word in s. 23(1A) repealed (1.9.2022 for specified purposes, 24.9.2022 in so far as not already in force) by Coronavirus (Recovery and Reform) (Scotland) Act 2022 (asp 8), **ss. 27(2)(a)(iii)**, 59(3)(a)(i)(ii)
- F11** S. 23(1A)(b)(c) substituted for s. 23(1A)(b) (1.9.2022 for specified purposes, 24.9.2022 in so far as not already in force) by Coronavirus (Recovery and Reform) (Scotland) Act 2022 (asp 8), **ss. 27(2)(a)(iv)**, 59(3)(a)(i)(ii)
- F12** S. 23(1B)-(1D) inserted (1.9.2022 for specified purposes, 24.9.2022 in so far as not already in force) by Coronavirus (Recovery and Reform) (Scotland) Act 2022 (asp 8), **ss. 27(2)(b)**, 59(3)(a)(i)(ii)
- F13** Words in s. 23(2) repealed (1.10.2006 for specified purposes, 1.1.2007 in so far as not already in force) by Local Electoral Administration and Registration Services (Scotland) Act 2006 (asp 14), **ss. 42(3)(c)**, 63(2); S.S.I. 2006/469, arts. 2, 3, Schs. 1, 2 (with art. 4)

**Changes to legislation:**

There are currently no known outstanding effects for the Registration of Births, Deaths and Marriages (Scotland) Act 1965, Section 23.