



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

## 1965 CHAPTER 49

### PART III

#### REGISTRATION OF DEATHS

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

(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 [<sup>F1</sup>prescribed particulars] concerning the death of that person has not been given to the [<sup>F2</sup>district registrar for a registration district] in accordance with section 23 of this Act, the [<sup>F3</sup>district] 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 [<sup>F4</sup>before such date (being not less than 8 days nor more than 15 days after the date of service of the notice) as may be specified in the notice]—

<sup>F5</sup>(a) .....

(b) to give information to the best of that person's knowledge and belief of the particulars required to be registered concerning the death [<sup>F6</sup>in one of the following ways—

(i) by attending personally at the registration office for that district and giving the information to the registrar there; or

(ii) in a manner permitted in the circumstances (or any circumstances) by a direction under section 23(1A)(b) or (c)]; and

[<sup>F7</sup>(c) to either—

(i) attest, in the prescribed manner, the death registration form concerning the death in the presence of the registrar; or

(ii) provide the registrar with any information the registrar requests in order for the registrar to attest the form, in a manner approved by the Registrar General, on the person's behalf.]

*Changes to legislation: There are currently no known outstanding effects for the Registration of Births, Deaths and Marriages (Scotland) Act 1965, Section 25. (See end of Document for details)*

- (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 [<sup>F8</sup>said] registrar may serve on that person a second notice in the prescribed form requiring [<sup>F9</sup>the person to do the things mentioned in subsection (1)(b) and (c)] within eight days from the date of service of the second notice.
- (3) If on summary application by the [<sup>F10</sup>said] 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*.

[<sup>F11</sup>(3A) Where there is a way for—

- (a) a person on whom a notice under subsection (1) or (2) is served (“the informant”) to give information of the particulars required to be registered 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.]

- (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.

#### Textual Amendments

- F1** Words in s. 25(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(5)(a)(i)**, 63(2); S.S.I. 2006/469, arts. 2, 3, Schs. 1, 2 (with art. 4)
- F2** Words in s. 25(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(5)(a)(ii)**, 63(2); S.S.I. 2006/469, arts. 2, 3, Schs. 1, 2 (with art. 4)
- F3** Word in s. 25(1) inserted (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(5)(a)(iii)**, 63(2); S.S.I. 2006/469, arts. 2, 3, Schs. 1, 2 (with art. 4)
- F4** Words in s. 25(1) 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(4)(a)(i)**, 59(3)(a)(i)(ii)
- F5** S. 25(1)(a) 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(4)(a)(ii)**, 59(3)(a)(i)(ii)
- F6** Words in s. 25(1)(b) 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(4)(a)(iii)**, 59(3)(a)(i)(ii)
- F7** S. 25(1)(c) substituted (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(4)(a)(iv)**, 59(3)(a)(i)(ii)
- F8** Word in s. 25(2) inserted (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(5)(b)**, 63(2); S.S.I. 2006/469, arts. 2, 3, Schs. 1, 2 (with art. 4)
- F9** Words in s. 25(2) substituted (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(4)(b)**, 59(3)(a)(i)(ii)

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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 25. (See end of Document for details)*

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- F10** Word in s. 25(3) inserted (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(5)(c), 63(2)**; S.S.I. 2006/469, arts. 2, 3, Schs. 1, 2 (with art. 4)
- F11** S. 25(3A) 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(4)(c), 59(3)(a)(i)(ii)**

**Changes to legislation:**

There are currently no known outstanding effects for the Registration of Births, Deaths and Marriages (Scotland) Act 1965, Section 25.