



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

1965 CHAPTER 49

PART V

GENERAL

Corrections and Changes of Name or Surname

43 Recording of baptismal name or change of name or surname.

(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 ^{M1}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 ^{F1}...

^{F1}(a)

^{F1}(b)

shall^{F2}, where, within two years from the date of the birth of the child, an application in the prescribed form is made to the Registrar General in respect of that matter by the qualified applicant,] cause an entry containing the name mentioned in the [^{F3}application] 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.

^{F4}

Changes to legislation: There are currently no known outstanding effects for the Registration of Births, Deaths and Marriages (Scotland) Act 1965, Section 43. (See end of Document for details)

(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.—

- ^{F5}(a)
- ^{F6}(b)

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) ^{F7}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 . . . , 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.—

- ^{F8}(a)
- ^{F9}(b)

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 [^{F10}the qualified applicant] of that child, in the case of a person over sixteen years of age ^{F7} . . . , 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 [^{F10}the qualified applicant] of that child, in the case of a person over sixteen years of age ^{F7} . . . , 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.

Changes to legislation: There are currently no known outstanding effects for the Registration of Births, Deaths and Marriages (Scotland) Act 1965, Section 43. (See end of Document for details)

(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.

[^{F11}(9A) In this section “ qualified applicant ” means—

- (a) where only one parent has parental responsibilities in relation to the child, that parent;
- (b) where both parents have such responsibilities in relation to the child, both parents; and
- (c) where neither parent has such responsibilities, any other person who has such responsibilities.

(9B) A person may be a qualified applicant for the purposes of this section whether or not he has attained the age of sixteen years]

^{F12}(10)

Subordinate Legislation Made

- P1** S. 43: for previous exercises of this power see Index to Government Orders.
- P2** S. 43(8): s. 54(1) (with ss. 28A(4), 37(2)(3), 38(2)(3), 43(8), 47 and 56) power exercised by [S.I. 1991/2817](#).

Textual Amendments

- F1** Words in s. 43(3) 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. 46(a)(i)**, 63(2); [S.S.I. 2006/469](#), arts. 2, 3, Schs. 1, 2 (with art. 4)
- F2** Words in s. 43(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. 46(a)(ii)**, 63(2); [S.S.I. 2006/469](#), arts. 2, 3, Schs. 1, 2 (with art. 4)
- F3** Word in s. 43(3) 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. 46(a)(iii)**, 63(2); [S.S.I. 2006/469](#), arts. 2, 3, Schs. 1, 2 (with art. 4)
- F4** Words in s. 43(3) repealed (1.11.1995) by [1995 c. 36](#), s. 105(4)(5), [Sch. 4 para. 12\(3\)\(a\)](#), **Sch. 5**; [S.I. 1995/2787](#), art. 3, **Sch.** Table
- F5** S. 43(4)(a) and word 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. 46(b)(i)(ii)**, 63(2); [S.S.I. 2006/469](#), arts. 2, 3, Schs. 1, 2 (with art. 4)
- F6** S. 43(4)(b) 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. 46(b)(iii)**, 63(2); [S.S.I. 2006/469](#), arts. 2, 3, Schs. 1, 2 (with art. 4)
- F7** Words in s. 43(5)(6)(7) repealed (25.9.1991) by [Age of Legal Capacity \(Scotland\) Act 1991 \(c. 50\)](#), [SIF 49:8](#), ss. 10(2), 11(2), **Sch. 2**
- F8** S. 43(5)(a) and word 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. 46(b)(i)(ii)**, 63(2); [S.S.I. 2006/469](#), arts. 2, 3, Schs. 1, 2 (with art. 4)
- F9** S. 43(5)(b) 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. 46(b)(iii)**, 63(2); [S.S.I. 2006/469](#), arts. 2, 3, Schs. 1, 2 (with art. 4)
- F10** Words in s. 43(6)(a)(7) substituted (1.11.1995) by [1995 c. 36](#), s. 105(4), [Sch. 4 para. 12\(3\)\(b\)](#); [S.I. 1995/2787](#), art. 3, **Sch.**

Changes to legislation: There are currently no known outstanding effects for the Registration of Births, Deaths and Marriages (Scotland) Act 1965, Section 43. (See end of Document for details)

F11 S. 43(9A)(9B) inserted (1.11.1995) by 1995 c. 36, s. 105(4), **Sch. 4 para. 12(3)(c)**; S.I. 1995/2787, art. 3, **Sch.**

F12 S. 43(10) repealed (1.11.1995) by 1995 c. 36, s. 105(4)(5), Sch. 4 para. 12(3)(d), **Sch. 5**; S.I. 1995/2787, art. 3, **Sch.** Table

Modifications etc. (not altering text)

C1 S. 43(1) applied (4.4.2005) by Gender Recognition Act 2004 (c. 7), s. 26, **Sch. 3 para. 18**; S.I. 2005/54, art. 2

C2 S. 43(1) modified (6.4.2010) by The Human Fertilisation and Embryology (Parental Orders) Regulations 2010 (S.I. 2010/985), regs. 1(1), 5, **Sch. 4**

C3 S. 43(1) modified (21.12.2018) by The Human Fertilisation and Embryology (Parental Orders) Regulations 2018 (S.I. 2018/1412), reg. 1(2), **Sch. 4 para. 4**

C4 S. 43(2) applied (4.4.2005) by Gender Recognition Act 2004 (c. 7), s. 26, **Sch. 3 para. 18**; S.I. 2005/54, art. 2

C5 S. 43(5)-(9) applied (4.4.2005) by Gender Recognition Act 2004 (c. 7), s. 26, **Sch. 3 para. 18**; S.I. 2005/54, art. 2

Marginal Citations

M1 1958 c. 5. (7 & 8 Eliz. 2).

Changes to legislation:

There are currently no known outstanding effects for the Registration of Births, Deaths and Marriages (Scotland) Act 1965, Section 43.