
Changes to legislation: Children (Scotland) Act 1995, Cross Heading: Registration of Births, Deaths and Marriages (Scotland) Act 1965 (c. 49) is up to date with all changes known to be in force on or before 23 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

SCHEDULES

SCHEDULE 4

MINOR AND CONSEQUENTIAL AMENDMENTS

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

- 12 (1) The Registration of Births, Deaths and Marriages (Scotland) Act 1965 shall be amended in accordance with this paragraph.
- (2) In section 20(3)(a) (re-registration of birth of person under sixteen), for sub-paragraphs (i) and (ii) substitute “, by any person (whether or not he has himself attained the age of sixteen years) having parental responsibilities in relation to that person;”.
- (3) In section 43 (recording of baptismal name or change of name or surname)—
- (a) in subsection (3), the words from “In this” to the end shall cease to have effect;
 - (b) in subsections (6)(a) and (7), for the words “the parent or guardian” substitute “the qualified applicant”;
 - (c) after subsection (9) insert—
 - “(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”; and
 - (d) subsection (10) shall cease to have effect.
- (4) In section 53(3)(c) (offence of failure by parent to give information concerning birth), after the word “fails” insert “ without reasonable excuse ”.
- (5) In section 56(1) (interpretation), after the definition of “parentage” insert—
 - ““parental responsibilities” has the meaning given in section 1(3) of the Children (Scotland) Act 1995;”
- 13 Where, at any time after the coming into force of the ^{M1}Age of Legal Capacity (Scotland) Act 1991 but before the coming into force of—
- (a) sub-paragraph (2) of paragraph 12 of this Schedule, a person’s mother or father, who had not at that time attained the age of sixteen years, purported to apply under section 20(3)(a) of that Act to re-register the person’s birth,

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the mother, or as the case may be the father, shall be presumed to have had legal capacity to make the application; or

- (b) sub-paragraph (3)(c) of that paragraph, a person who had not at that time attained the age of sixteen years purported to make an application under any provision of section 43 of that Act (“making an application” including for the purposes of this sub-paragraph, without prejudice to the generality of that expression, signing and delivering a certificate in accordance with subsection (3) of that section) the person shall be presumed to have had legal capacity to make the application.

Marginal Citations

M1 1991 c.50.

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

- Act applied (with modifications) by [S.I. 2010/875 reg. 16Sch. 2](#) (This amendment not applied to [legislation.gov.uk](#). These Regulations never came into effect, having been revoked before coming into force by [S.I. 2010/1906, reg. 2](#))

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- [s. 3\(3A\)\(ba\)](#) inserted by [2009 c. 24 Sch. 6 para. 25](#)
- [s. 4B](#) inserted by [2020 asp 16 s. 28\(2\)](#)
- [s. 6\(1A\)-\(1D\)](#) inserted by [2020 asp 16 s. 1\(2\)\(b\)](#)
- [s. 10\(1A\)](#) inserted by [2024 asp 2 Sch. 1 para. 18\(b\)](#)
- [s. 11\(14\)](#) inserted by [2020 asp 16 s. 10\(2\)\(b\)](#)
- [s. 11B11C](#) inserted by [2020 asp 16 s. 8\(2\)](#)
- [s. 11B\(2\)](#) power to amend conferred by [2020 asp 16 s. 32](#)
- [s. 11D](#) inserted by [2020 asp 16 s. 17\(2\)](#)
- [s. 11D\(3\)](#) power to amend conferred by [2020 asp 16 s. 32](#)
- [s. 11E](#) inserted by [2020 asp 16 s. 18\(2\)](#)
- [s. 11F](#) inserted by [2020 asp 16 s. 20\(2\)](#)
- [s. 11G](#) inserted by [2020 asp 16 s. 22\(2\)](#)
- [s. 11ZA11ZB](#) inserted by [2020 asp 16 s. 1\(4\)](#)
- [s. 11ZA\(2A\)](#) inserted by [2020 asp 16 s. 30\(2\)](#)
- [s. 11ZA\(3\)\(f\)](#) inserted by [2020 asp 16 s. 16\(2\)](#)
- [s. 16\(1A\)](#) inserted by [2020 asp 16 s. 30\(3\)](#)
- [s. 16\(2\)-\(2B\)](#) substituted for [s. 16\(2\)](#) by [2020 asp 16 s. 1\(6\)](#)
- [s. 100A](#) inserted by [2020 asp 16 s. 21\(2\)](#)
- [s. 101D](#) inserted by [2020 asp 16 s. 11\(2\)](#)
- [s. 101E](#) inserted by [2020 asp 16 s. 12\(2\)](#)