
SCOTTISH STATUTORY INSTRUMENTS

2006 No. 469 (C. 38)

**REGISTRATION OF BIRTHS,
DEATHS, MARRIAGES, ETC.**

The Local Electoral Administration and Registration
Services (Scotland) Act 2006 (Commencement
No. 1 and Transitional Provision) Order 2006

Made - - - - 13th September 2006

The Scottish Ministers, in exercise of the powers conferred by sections 61(2) and 63(2) of the Local Electoral Administration and Registration Services (Scotland) Act 2006(1), make the following Order:

Citation and interpretation

1.—(1) This Order may be cited as the Local Electoral Administration and Registration Services (Scotland) Act 2006 (Commencement No. 1 and Transitional Provision) Order 2006.

(2) In this Order—

- (a) “the Act” means the Local Electoral Administration and Registration Services (Scotland) Act 2006; and
- (b) references to Parts, sections, subsections and schedules are, unless otherwise stated, references to Parts, sections and subsections of, and schedules to, the Act.

Provisions coming into force on 1st October 2006

2.—(1) The provisions of the Act specified in the first column of Schedule 1 to this Order shall come into force on 1st October 2006.

(2) Where a particular purpose in relation to a provision is specified in the second column of that Schedule, the provision concerned shall come into force on that date only for that purpose.

(3) Where no such particular purpose is specified the provision concerned shall come into force on that date for all purposes.

Provisions coming into force on 1st January 2007

3.—(1) The provisions of the Act specified in the first column of Schedule 2 to this Order, so far as not already in force, shall come into force on 1st January 2007.

(2) Where a particular purpose in relation to a provision is specified in the second column of that Schedule, the provision concerned shall come into force on that date only for that purpose.

(3) Where no such particular purpose is specified the provision concerned shall come into force on that date for all purposes.

Transitional provision

4.—(1) This article applies to any marriage notice submitted to a district registrar under section 3 of the 1977 Act⁽²⁾ before 1st January 2007 in respect of a marriage which, as a consequence of section 37, is to be solemnised in a registration district other than the registration district of the district registrar to which it was submitted.

(2) Such a notice is deemed to have been submitted to the district registrar to whom such a notice would be submitted after 1st January 2007.

(3) A district registrar who received such a notice and the fee and documents accompanying it under section 3(1) of the 1977 Act must transmit them to the district registrar to whom the notice is deemed to have been submitted.

St Andrew's House,
Edinburgh
13th September 2006

GEORGE LYON
Authorised to sign by the Scottish Ministers

(2) Section 3 of the Marriage (Scotland) Act 1977 (c. 15), amended by the Marriage (Prohibited Degrees of Relationship) Act 1986 (c. 16), section 2 and Schedule 2, paragraph 3, the Family Law Act 1986 (c. 55), sections 68(1), 69(6) and Schedule 1, paragraph 21(a), and by sections 48(2) and 50(2) of the Local Electoral Administration and Registration Services (Scotland) Act 2006 ("the 2006 Act") for marriage notices submitted after 1st January 2007 (see Schedule 2 to this Order). There is a definition of "the 1977 Act" in section 60(1) of the 2006 Act.

SCHEDULE 1

Article 2

Provisions of the Act coming into force on 1st October 2006

<i>Column 1 – Provisions</i>	<i>Column 2 – purpose</i>
Sections 39 and 40 (registration of births and still-births)	For the purpose of prescribing by regulations– <ul style="list-style-type: none"> (a) (a) particulars of births and still-births; (b) (b) forms concerning births and still-births; (c) (c) means of submission; and (d) (d) manners of attestation.
Section 41(1)	For the purpose of the amendments in section 41(2)(a) and (3).
Section 41(2)(a) and (3) (cases and manner of re-registration of births)	
Section 42 (registration of deaths)	For the purpose of prescribing by regulations– <ul style="list-style-type: none"> (a) (a) particulars of deaths; (b) (b) forms concerning deaths; (c) (c) means of submission; and (d) (d) manners of attestation.
Section 43 (registers kept by district registrars)	
Section 44(1)	For the purpose of the amendments in section 44 commenced by this Schedule.
Section 44(3) and (4) (issue of extract entries in current registers and indexing)	
Section 44(5) (notice of registration events, provision and sale of information for district registrars, abbreviated extracts)	<ol style="list-style-type: none"> 1. For the purpose of prescribing by regulations– <ul style="list-style-type: none"> (a) (a) the form of applications for notice of registration events and deaths in Scotland; (b) (b) the means of giving such notice; (c) (c) the form of such notice; and (d) (d) particulars contained in abbreviated extracts of births or deaths. 2. For the purpose of prescribing fees by regulations for–

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

<i>Column 1 – Provisions</i>	<i>Column 2 – purpose</i>
	(a) (a) applications for notice of registration events and deaths in Scotland; and (b) (b) abbreviated extracts of births or deaths.
Section 44(6) (form, authentication and admissibility of registration information)	For the purposes of prescribing by regulations— (a) (a) the form of extracts and notices; and (b) (b) the manner of authentication of extracts and notices.
Section 45 (correction of errors in registers)	
Section 46 (recording change of name or surname)	For the purpose of prescribing by regulations the form of applications for change of name or surname.
Section 47(1)	For the purpose of the amendment made by section 47(3).
Section 47(3) (form, and manner of attestation, of documents)	
Section 48(1)	For the purpose of the amendments in section 48(7) and (9)(a), (b)(ii) and (c).
Section 48(7) and (9)(a), (b)(ii) and (c) (marriages at sea)	
Section 49 (marriage procedure: miscellaneous amendments)	For the purpose of prescribing by regulations the relevant particulars of the intended marriage.
Section 50(1)	For the purpose of the amendments in section 50 commenced by this Schedule.
Section 50(2) to (9) (marriage procedure: electronic communications)	For the purpose of prescribing manners of attestation by regulations.
Section 50(10) (form, and manner of attestation of documents)	
Section 52(1)	For the purpose of the amendments in section 52 commenced by this Schedule.
Section 52(2)(a) to (c) (civil partnership procedure: miscellaneous amendments)	For the purposes of prescribing by regulations— (a) (a) fees for registration as civil partners; and (b) (b) manners of attestation.
Section 52(2)(d) and (3)	

<i>Column 1 – Provisions</i>	<i>Column 2 – purpose</i>
Section 52(4)	For the purpose of prescribing manners of attestation by regulations.
Section 52(5)	
Section 52(6)	For the purpose of prescribing by regulations– <ul style="list-style-type: none"> (a) (a) the form of applications for notice of registration of civil partnerships in Scotland; (b) (b) the means of giving such notice; (c) (c) the form of such notice; and (d) (d) fees for search and issue of an extract of an entry in the civil partnership register.
Section 52(7)	
Section 53 (provision of information about civil partnerships for certain purposes: fees)	
Sections 54 and 55 (the Book of Scottish Connections)	For the purpose of prescribing by regulations– <ul style="list-style-type: none"> (a) (a) the form of an application to have a qualifying event registered; (b) (b) fees for such an application; (c) (c) documents to be submitted; and (d) (d) the form of an entry.
Sections 56 to 58 (other provisions about information held by Registrar General)	
Section 59(1)(b) (accounting for fees by district registrars)	
Section 60 (interpretation)	

SCHEDULE 2

Article 3

Provisions of the Act coming into force on 1st January 2007 (insofar as not already in force)

<i>Column 1 – Provisions</i>	<i>Column 2 – purpose</i>
Section 37 (registration districts and authorities)	
Section 38 (registration offices: opening times)	
Section 39(1)	For the purpose of the amendments in section 39(2), (3)(c), (4), (5), (7) and (8).

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<i>Column 1 – Provisions</i>	<i>Column 2 – purpose</i>
Section 39(2), (3)(c), (4), (5), (7) and (8) (registration of births)	
Section 40 (registration of still-births)	
Section 41 (re-registration)	
Section 42(1)	For the purpose of the amendments in section 42(2), (3)(a)(iii) and (iv) and (c), (4), (5), (7) and (8).
Section 42(2), (3)(a)(iii) and (iv) and (c), (4), (5), (7) and (8) (registration of deaths)	
Section 44(1)	For the purpose of the amendments in section 44 commenced by this Schedule.
Section 44(2), (7) and (8) (indexing of registers and provision of registration information)	
Section 44(5) (notice of registration events, provision and sale of information for district registrars, abbreviated extracts)	For the purpose of substituting sections 39B, 39C, 39D and 39E of the 1965 Act(3) for sections 39 and 40 of that Act.
Section 44(6) (form, authentication and admissibility of registration information)	
Section 46 (recording change of name or surname)	
Section 47 (other amendments to the 1965 Act)	
Section 48 (marriages at sea)	
Section 49 (marriage procedure: miscellaneous amendments)	
Section 50 (marriage procedure: electronic communications)	
Section 51 (civil partnership procedure: registrations at sea)	
Section 52(1)	For the purpose of the amendments in section 52 commenced by this Schedule.
Section 52(2)(a) to (c) and (4) (civil partnership procedure: miscellaneous amendments)	
Section 52(6)	For the purpose of substituting section 98(1) of the 2004 Act for section 98 of that Act(4).
Section 59 (minor and consequential amendments)	

(3) The Registration of Births, Deaths and Marriages (Scotland) Act 1965 (c. 49). There is a definition of “the 1965 Act” in section 60(1) of the [Local Electoral Administration and Registration Services \(Scotland\) Act 2006 \(asp 14\)](#) (“the 2006 Act”).

(4) The Civil Partnership Act 2004 (c. 33). There is a definition of “the 2004 Act” in section 60(1) of the 2006 Act.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order brings into force on 1st October 2006 and 1st January 2007 provisions of Part 2 of the Local Electoral Administration and Registration Services (Scotland) Act 2006 (“the Act”) specified in column 1 of each of the two Schedules to the Order respectively.

Some of those provisions of the Act are being commenced for the particular purpose or purposes specified in the corresponding entry in column 2 of each of the two Schedules to the Order. Where no particular purpose is specified, a provision is being commenced for all purposes. The purposes relate to the making of regulations under the Act and under provisions in existing legislation amended by the Act, or to commence only part of an amendment.

Sections 61 to 63 of the Act came into force on Royal Assent. The Act received Royal Assent on 1st August 2006.

The Order also makes transitional provision for the submission of marriage notices for marriages which are to take place where section 37 of the Act alters registration district boundaries (article 4).

A full Regulatory Impact Assessment has not been produced for this instrument as it has no cost on business