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DRAFT SCOTTISH STATUTORY INSTRUMENTS

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**2012 No.**

**FAMILY LAW**

**The Population (Statistics) Act 1938 Modifications (Scotland)  
Order 2012**

*Made* - - - - 2012

*Coming into force* - - 1st January 2013

The Scottish Ministers make the following Order in exercise of the powers conferred by section 44(1) and (2) of the Family Law (Scotland) Act 2006(a), section 259(1), (2) and (3) of the Civil Partnership Act 2004(b) and all other powers enabling them to do so.

In accordance with section 44(5) of the Family Law (Scotland) Act 2006(c) and section 259(8)(b)(d) of the Civil Partnership Act 2004, a draft of this instrument has been laid before and approved by resolution of the Scottish Parliament.

**Citation and commencement**

1. This Order may be cited as the Population (Statistics) Act 1938 Modifications (Scotland) Order 2012 and comes into force on 1st January 2013.

**Modification of the Population (Statistics) Act 1938**

2. In the Schedule (particulars which may be required) to the Population (Statistics) Act 1938(e), for paragraph 1(c) substitute—

- “(c) the number of previous children born to the mother and how many of them were—
  - (i) born alive; and
  - (ii) still-born;
- (d) where the parents are married to, or in a civil partnership with, each other—
  - (i) the date of their marriage or formation of civil partnership; and

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(a) 2006 asp 2.  
(b) 2004 c.33. The power conferred is exercisable by the Scottish Ministers in terms of section 259(2)(a).  
(c) Section 44(5) has been modified by paragraph 5 of schedule 3 to the Interpretation and Legislative Reform (Scotland) Act 2010 (asp 10).  
(d) Section 259(8)(b) has been modified by paragraph 5 of Schedule 3 to the Interpretation and Legislative Reform (Scotland) Act 2010 (asp 10).  
(e) 1938 c.12; the Schedule was amended by section 1 of the Population (Statistics) Act 1960 (c.32).

(ii) whether the mother had been married or in a civil partnership before that date.”

St Andrew’s House,  
Edinburgh  
Date

*Name*  
A member of the Scottish Executive

## **EXPLANATORY NOTE**

*(This note is not part of the Order)*

This Order modifies the Population (Statistics) Act 1938 (c.12) in consequence of the abolition of the status of illegitimacy. It also makes modifications in consequence of the Civil Partnership Act 2004 (c.33).

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*Draft Order laid before the Scottish Parliament under section 44(5) of the Family Law (Scotland) Act 2006 and section 259(8)(b) of the Civil Partnership Act 2004.*

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