

POLICY NOTE

The Registration of Births, Still-births and Deaths (Prescription of Forms and Attestation) (Scotland) (Miscellaneous Amendment) Regulations 2022

SSI 2022/267

The above instrument was made in exercise of the powers conferred by sections 13(1), 14(1A)(a)(ii) and (1C)(a)(i), 16(1) and (2), 18(4), 18B(1)(a) and (4), 21(1), 22(1), 23(1A)(a)(ii) and (1C)(a)(i), 25(1) and (2), and 54(1)(b) of the Registration of Births, Deaths and Marriages (Scotland) Act 1965. The instrument is laid in the Scottish Parliament in accordance with section 30 of the Interpretation and Legislative Reform (Scotland) Act 2010.

Purpose of the instrument

Remote still birth and death registration is currently in place on a temporary basis as a consequence of schedule 13 of the UK Coronavirus Act 2020¹. The provisions in the 2020 Act are due to expire on 24 September 2022. Sections 25 to 27 of the Coronavirus (Recovery and Reform) (Scotland) Act 2022² make provisions which enable remote birth (live and still-birth) and death registration to be an option across Scotland on a permanent basis from 24 September 2022. As part of the work to enable remote birth and death registration from 24 September 2022, the register pages for births (live and still-births) and deaths require to be substituted with the Birth Registration Form (BRF), and the Death Registration Form (DRF) on a permanent basis.

Consequential amendments are also required to reminder notices to informants, to provide for the option of remote registration. Provision is also needed to prescribe manuscript signature as the manner of attestation of the BRF, and the DRF on a permanent basis, in the circumstance where the form is attested by the informant in the presence of the registrar.

Policy Objectives

Remote still birth and death registration is currently in place on a temporary basis as a consequence of schedule 13 of the UK Coronavirus Act 2020. This enables the submission of the particulars of a still birth or a death by the informant remotely from a registration office. The provisions in the 2020 Act are due to expire on 24 September 2022. Sections 25 to 27 of the Coronavirus (Recovery and Reform) (Scotland) Act 2022 (“the 2022 Act”) make provision which enables remote birth (both live birth and still birth) and death registration to be an option across Scotland on a permanent basis from 24 September 2022.

Remote birth and death registration will be enabled if the district registrar issues a direction enabling it in their local authority area or if the Registrar General of Births, Deaths and Marriages issues an all-Scotland direction. The 2022 Act makes it clear that in person birth and death registration must remain available across Scotland.

¹ [Coronavirus Act 2020 \(legislation.gov.uk\)](https://legislation.gov.uk/uk/coronavirus-act-2020)

² [Coronavirus \(Recovery and Reform\) \(Scotland\) Act 2022 \(legislation.gov.uk\)](https://legislation.gov.uk/uk/coronavirus-recovery-and-reform-scotland-act-2022)

As part of the work to enable remote birth and death registration from 24 September 2022, the register pages for births (live and still-births) and deaths set out in Schedules 1, 2 and 10 of the Registration of Births, Still-births, Deaths and Marriages (Prescription of Forms) (Scotland) Regulations 1997 require to be substituted with the Birth Registration Form (BRF), and Death Registration Form (DRF) on a permanent basis. The BRF and DRF, however, will be on the same terms as the register pages are currently in Schedules 1, 2 and 10 of the 1997 Regulations. Accordingly there is a BRF for live births, and a BRF for still-births.

To enable the option of remote registration for informants from 24 September 2022, consequential amendments are also required to the reminder notices set out at Schedules 3, 4, 12 and 13 of the Registration of Births, Still-births, Deaths and Marriages (Prescription of Forms) (Scotland) Regulations 1997. These notices are issued to informants where there is a failure to submit the particulars to the registrar timeously.

The Regulations also amend the Registration Services (Attestation and Authentication) (Scotland) Regulations 2006, as there is a need to prescribe manuscript signature as the manner of attestation of the BRF, and the DRF on a permanent basis, in the circumstance where the form is attested by the informant in the presence of the registrar. Manuscript signature has been prescribed as the manner of attestation of the DRF on a transitional basis, up to 24 September 2022 (by virtue of S.S.I. 2007/566 (C. 47)).

Consultation

The Scottish Government held a 12-week public consultation on the Bill which led to the 2022 Act between 17 August and 9 November 2021³. This consultation included proposals in relation to the remote registration of deaths, still births and live births.

Impact Assessments

For the introduction of the Bill, which included consideration of birth and death registration, a number of Impact Assessments were published:

- A Business and Regulatory Impact Assessment⁴.
- A Child Rights and Wellbeing Impact Assessment⁵.
- An Equalities Impact Assessment⁶.
- A Fairer Scotland Duty Impact Assessment⁷.

³ The consultation is at [Covid recovery: a consultation on public health, public services and justice system reforms - Scottish Government - Citizen Space](#) Topic P16 covered the remote registration of deaths and still births and topic P17 covered the remote registration of live births

⁴ [Coronavirus \(Recovery and Reform\) \(Scotland\) Bill: business and regulatory impact assessment - gov.scot \(www.gov.scot\)](#)

⁵ [Coronavirus \(Recovery and Reform\) \(Scotland\) Bill: child rights and wellbeing impact assessment - gov.scot \(www.gov.scot\)](#)

⁶ [Coronavirus \(Recovery and Reform\) \(Scotland\) Bill: equalities impact assessment - gov.scot \(www.gov.scot\)](#)

⁷ [Coronavirus \(Recovery and Reform\) \(Scotland\) Bill: fairer Scotland duty impact assessment - gov.scot \(www.gov.scot\)](#)

- An Island Communities Impact Assessment⁸

Financial Effects

No significant costs are expected to arise as a consequence of these Regulations. The Financial Memorandum⁹ prepared for the Bill which led to the 2022 Act noted that the introduction of remote birth and death registration has minimal cost implications.

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⁸ Coronavirus (Recovery and Reform) (Scotland) Bill: island communities impact assessment - gov.scot (www.gov.scot)

⁹ Financial Memorandum (parliament.scot) See paragraphs 85 to 99.