



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

## 1965 CHAPTER 49

### PART II

#### REGISTRATION OF BIRTHS

#### 13 Particulars of births to be registered.

[<sup>F1</sup>(1) The prescribed particulars of the birth of every child born in Scotland shall be registered in accordance with this Part of this Act and for that purpose each district registrar for each registration district shall keep—

- (a) a register of births, and
- (b) a register of still-births.]

(4) Where a child is born (whether within or out of Scotland) in a ship, aircraft or land vehicle in the course of a journey, and that child is brought by such ship, aircraft or land vehicle to any place in Scotland, the birth shall, unless the Registrar General otherwise directs, be deemed for the purposes of this section to have occurred at that place.

#### Textual Amendments

**F1** S. 13(1) substituted for s. 13(1)- (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. [39\(2\)](#), [63\(2\)](#); S.S.I. 2006/469, arts. 2, 3, Schs. 1, Sch. 2 (with art. 4)

#### 14 Duty to give information of particulars of birth.

(1) Subject to the subsequent provisions of this Part of this Act, in the case of every birth it shall be the duty of—

- (a) the [<sup>F2</sup>child's father or mother (whether or not they have attained the age of sixteen years)], or

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- (b) in the case of the death or inability of the father and mother, each other person who under the next following subsection is qualified to give information concerning the birth,

within twenty-one days from the date of the birth, to [<sup>F3</sup>give to the district registrar for a registration district information of the prescribed particulars concerning the birth]: Provided that the giving of that information <sup>F4</sup>... by the father or the mother or by any one of those persons shall constitute a discharge of any duty imposed by this subsection on any other person.

[<sup>F5</sup>(1A) For the purposes of subsection (1) above, a person shall give information of the prescribed particulars concerning a birth to the district registrar for a registration district by—

- (a) attending personally at the registration office for that district and—
- (i) giving to the registrar information of the particulars required to be registered concerning the birth, and
  - (ii) attesting, in the prescribed manner, the prescribed form (in this Part, the “birth registration form”) concerning the birth in the presence of the registrar, or
- (b) submitting to the registrar by a prescribed means a birth registration form concerning the birth which has been completed by the person and attested by him in the prescribed manner.]

(2) The following persons, in addition to the father and mother, shall be qualified to give information concerning the birth of a child, that is to say—

- (a) any relative of either parent of the child, being a relative who has knowledge of the birth;
- (b) the occupier of the premises in which the child was, to the knowledge of that occupier, born;
- (c) any person present at the birth;
- (d) any person having charge of the child.

<sup>F6</sup>(3) Nothing in this <sup>F6</sup>... section shall authorise the registration of the particulars of any birth in two or more registers, or more than once in any one register.

(4) If it appears to the Registrar General that the particulars of the birth of any child have been registered in two or more registers, or more than once in any one register, he may give directions for the cancellation of all those registrations except such one of them as may be specified in the directions.

[<sup>F7</sup>(4A) In the case of a child who has a parent by virtue of section 42 of the Human Fertilisation and Embryology Act 2008, the references in subsections (1) and (2) to the father of the child are to be read as references to the woman who is a parent by virtue of that section.]

[<sup>F8</sup>(5) In this section, any reference to the father or parent of the child shall not include a reference to a father who is not married to [<sup>F9</sup>or in a civil partnership with] the mother and has not been married to [<sup>F9</sup>or in a civil partnership with] her since the child’s conception.]

#### Textual Amendments

**F2** Words in s. 14(1)(a) substituted (1.11.1995) by 1995 c. 36, s. 99(1); S.I. 1995/2787, art. 3, Sch.

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- F3** Words in s. 14(1) substituted (1.10.2006 for specified purposes) by [Local Electoral Administration and Registration Services \(Scotland\) Act 2006 \(asp 14\), ss. 39\(3\)\(a\)\(i\), 63\(2\)](#); S.S.I. 2006/469, art. 2, Sch. 1 (with art. 4)
- F4** Words in s. 14(1) repealed (1.10.2006 for specified purposes) by [Local Electoral Administration and Registration Services \(Scotland\) Act 2006 \(asp 14\), ss. 39\(3\)\(a\)\(ii\), 63\(2\)](#); S.S.I. 2006/469, art. 2, Sch. 1 (with art. 4)
- F5** S. 14(1A) inserted (1.10.2006 for specified purposes) by [Local Electoral Administration and Registration Services \(Scotland\) Act 2006 \(asp 14\), ss. 39\(3\)\(b\), 63\(2\)](#); S.S.I. 2006/469, art. 2, Sch. 1 (with art. 4)
- F6** Words in s. 14(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. 39\(3\)\(c\), 63\(2\)](#); S.S.I. 2006/469, arts. 2, 3, Schs. 1, 2 (with art. 4)
- F7** S. 14(4A) inserted (6.4.2009 for specified purposes, 1.9.2009 in so far as not already in force) by [Human Fertilisation and Embryology Act 2008 \(c. 22\), s. 68\(2\), Sch. 6 para. 42](#); S.I. 2009/479, art. 6(1)(e)(2) (with art. 7, Sch.)
- F8** S. 14(5) added by [Law Reform \(Parent and Child\) \(Scotland\) Act 1986 \(c. 9, SIF 49:8\), s. 10\(1\), Sch. 1 para. 8\(1\)](#)
- F9** Words in s. 14(5) inserted (1.6.2021) by [Civil Partnership \(Scotland\) Act 2020 \(asp 15\), s. 16, sch. 2 para. 1\(2\)](#); S.S.I. 2021/23, reg. 2, sch. (with reg. 3)

**Modifications etc. (not altering text)**

- C1** S. 14(1) modified (1.11.1995) by [1995 c. 36, s. 99\(2\)](#); S.I. 1995/2787, art. 3, [Sch.](#)

**15 Duty to give information concerning finding of infant children.**

- (1) Where any living infant child is found exposed and the finding has been reported to the local authority in whose area the child was found, it shall be the duty of the [<sup>F10</sup>chief social work officer] of the local authority, or such other person as may be appointed for the purpose by the local authority, to give to the [<sup>F11</sup>district registrar for the registration district in which the child was found], within two months from the date on which the child was found, information as to the finding of the child and such evidence as may be in the local authority's possession as to the [<sup>F12</sup>prescribed particulars] concerning the birth, and to [<sup>F13</sup>attest, in the prescribed manner, the birth registration form concerning the birth] in the presence of the said registrar.
- (2) If there is produced to the said registrar a certificate [<sup>F14</sup>attested in the prescribed manner] by a registered medical practitioner stating that in the opinion of the medical practitioner a specified date is likely to have been the approximate date of the birth of the child, that date may be entered in the [<sup>F15</sup>birth registration form concerning the birth] as the date of birth of the child.
- (3) The foregoing provisions of this section shall apply to the finding of the body of a dead infant child as they apply to the finding of a living infant child, with the substitution for any reference to the [<sup>F10</sup>chief social work officer] of or other person appointed by the local authority of a reference to any procurator-fiscal to whom the finding has been reported.

<sup>F16</sup>(4) .....

**Textual Amendments**

- F10** Words in s. 15(1)(3) substituted (1.4.1996) by [1994 c. 39, s. 51\(4\)\(a\)](#) (with s. 7(2)); S.I. 1996/323, art. 4(1)(a), [Sch. 1](#)

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- F11** Words in s. 15(1) 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. 39(4)(a)(i)**, 63(2); S.S.I. 2006/469, arts. 2, 3, Schs. 1, 2 (with art. 4)
- F12** Words in s. 15(1) 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. 39(4)(a)(ii)**, 63(2); S.S.I. 2006/469, arts. 2, 3, Schs. 1, 2 (with art. 4)
- F13** Words in s. 15(1) 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. 39(4)(a)(iii)**, 63(2); S.S.I. 2006/469, arts. 2, 3, Schs. 1, 2 (with art. 4)
- F14** Words in s. 15(2) 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. 39(4)(b)(i)**, 63(2); S.S.I. 2006/469, arts. 2, 3, Schs. 1, 2 (with art. 4)
- F15** Words in s. 15(2) 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. 39(4)(b)(ii)**, 63(2); S.S.I. 2006/469, arts. 2, 3, Schs. 1, 2 (with art. 4)
- F16** S. 15(4) repealed (1.4.1996) by 1994 c. 39, ss. 51(4)(b), 180(2), **Sch. 14** (with s. 7(2)); S.I. 1996/323, art. 4(1)(a)(d), Sch. 1, 2

## 16 Registrar's power to require information concerning birth to be given.

- (1) Where after the expiration of twenty-one days from the date of birth of any child information of the [<sup>F17</sup>prescribed particulars] concerning the birth of that child has not been given to the [<sup>F18</sup>district registrar for a registration district] in accordance with section 14 of this Act, the [<sup>F19</sup>district] registrar for the registration district in which the child was born may serve a notice in the prescribed form on any person who is a qualified informant in relation to the birth requiring him—
- (a) to attend personally at the registration office for the registration district before such date (being not less than eight days nor more than fifteen days after the date of service of the notice) as may be specified in the notice;
  - (b) to give information to the best of that person's knowledge and belief of the particulars required to be registered concerning the birth; and
  - (c) to [<sup>F20</sup>attest, in the prescribed manner, the birth registration form concerning the birth] in the presence of the registrar.
- (2) If any person on whom a notice has been served in pursuance of the foregoing subsection fails to comply with the notice before the date specified therein the [<sup>F21</sup>said] registrar may serve on that person a second notice in the prescribed form requiring him to attend personally as aforesaid within eight days from the date of service of the second notice.
- (3) If on summary application by the [<sup>F22</sup>said] registrar it appears to the sheriff that any person on whom a second notice has been served in pursuance of the last foregoing subsection has failed without reasonable cause to comply therewith within the period specified therein, the sheriff may grant decree ordaining the person to comply with the notice within such further period as may be specified in the decree; and any such decree may be enforced in like manner as a decreead *factum praestandum*.
- (4) Any notice served under subsection (1) or subsection (2) of this section shall cease to have effect if, before it is complied with, particulars of the birth are duly registered.

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#### Textual Amendments

- F17** Words in s. 16(1) 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. 39\(5\)\(a\)\(i\)](#), 63(2); S.S.I. 2006/469, arts. 2, 3, Schs. 1, 2 (with art. 4)
- F18** Words in s. 16(1) 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. 39\(5\)\(a\)\(ii\)](#), 63(2); S.S.I. 2006/469, arts. 2, 3, Schs. 1, 2 (with art. 4)
- F19** Word in s. 16(1) 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. 39\(5\)\(a\)\(iii\)](#), 63(2); S.S.I. 2006/469, arts. 2, 3, Schs. 1, 2 (with art. 4)
- F20** Words in s. 16(1)(c) 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. 39\(5\)\(a\)\(iv\)](#), 63(2); S.S.I. 2006/469, arts. 2, 3, Schs. 1, 2 (with art. 4)
- F21** Word in s. 16(2) 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. 39\(5\)\(b\)](#), 63(2); S.S.I. 2006/469, arts. 2, 3, Schs. 1, 2 (with art. 4)
- F22** Word in s. 16(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. 39\(5\)\(c\)](#), 63(2); S.S.I. 2006/469, arts. 2, 3, Schs. 1, 2 (with art. 4)

#### [<sup>F23</sup>16A Provision of birth particulars to Registrar General

- (1) Each Health Board shall in respect of each birth that occurs in its area, provide to the Registrar General, in such manner and at such times as the Registrar General and that body may agree, the prescribed particulars.
- (2) The Registrar General shall, as soon as reasonably practicable after the prescribed particulars of a birth have been provided to the Registrar General under subsection (1) above, make those particulars available to the district registrar for each registration district.

#### Textual Amendments

- F23** S. 16A - S. 16B inserted (1.10.2006 for specified purposes) by [Local Electoral Administration and Registration Services \(Scotland\) Act 2006 \(asp 14\)](#), [ss. 39\(6\)](#), 63(2); S.S.I. 2006/469, art. 2, Sch. 1 (with art. 4)

#### 16B Registration of births

- (1) Subject to subsection (2) below, the district registrar for a registration district shall register the particulars of a birth where, in accordance with this Part of this Act, the registrar has an attested birth registration form concerning the birth.
- (2) The registrar is not to register a birth in respect of which he obtained the attested birth registration by virtue of section 14(1A)(b) of this Act until the registrar is satisfied that the prescribed particulars of the birth have been—
  - (a) provided to the Registrar General under section 16A of this Act; or
  - (b) provided to the relevant district registrar under section 50 of this Act.

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- (3) For the purposes of this Part of this Act, particulars of a birth are registered by entering the birth registration form concerning the birth in the relevant register kept by the district registrar performing the registration.
- (4) In subsection (3) above, the “ relevant register ” means the register of births or, as the case may be, still-births. ]

#### Textual Amendments

**F23** S. 16A - S. 16B inserted (1.10.2006 for specified purposes) by [Local Electoral Administration and Registration Services \(Scotland\) Act 2006 \(asp 14\)](#), **ss. 39(6)**, 63(2); S.S.I. 2006/469, art. 2, Sch. 1 (with art. 4)

### 17 Registration after expiration of three months from date of birth or finding.

- (1) In no case shall the particulars of the birth of a child be registered by [<sup>F24</sup>the district registrar for a registration district] after the expiration of three months from the date of birth of the child or, in the case of a living infant child who has been found exposed or a dead infant child who has been found exposed and in respect of whom evidence is produced that he was born alive, from the date of finding, without the authority in writing of the Registrar General.
- [<sup>F25</sup>(1A) For the purposes of subsection (1) above, authority which is given by electronic means is to be treated as if in writing if it is received in a form which is legible and capable of being used for subsequent reference.]
- (2) The Registrar General may authorise the registration of the particulars of the birth of a child after the expiration of the said period although the information required for the registration of the particulars has not been given by a qualified informant: Provided that the Registrar General shall not exercise his power under this subsection unless he is satisfied, after such inquiry as he thinks necessary, that the correct particulars concerning the birth are available.

#### Textual Amendments

- F24** Words in s. 17(1) 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. 39(7)(a)**, 63(2); S.S.I. 2006/469, arts. 2, 3, Schs. 1, 2 (with art. 4)
- F25** S. 17(1A) 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. 39(7)(b)**, 63(2); S.S.I. 2006/469, arts. 2, 3, Schs. 1, 2 (with art. 4)

### [<sup>F26</sup>18 Births of children born out of wedlock.

- ( 1 ) [<sup>F27</sup>Subject to section 18ZA of this Act] No person who is not married to [<sup>F28</sup>or in a civil partnership with] the mother of a child and has not been married to [<sup>F28</sup>or in a civil partnership with] her since the child’s conception shall be required, as father of the child, to give information concerning the birth of the child and, save as provided in section 20 of this Act, the [<sup>F29</sup>district registrar for the registration district] shall not enter in the [<sup>F30</sup>birth registration form concerning the birth] the name and surname of any such person as father of the child except—

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- (a) at the joint request of the mother and the person acknowledging himself to be the father of the child (in which case that person shall <sup>F31</sup>attest, in the prescribed manner, the birth registration form] together with the mother); or
  - (b) at the request of the mother—
    - (i) on the production of—
      - (aa) a declaration in the prescribed form made by the mother stating that that person is the father of the child; and
      - (bb) a statutory declaration made by that person acknowledging himself to be the father of the child; or
    - (ii) on production of a decree by a competent court finding or declaring that person to be the father of the child; or
  - (c) at the request of that person on production of—
    - (i) a declaration in the prescribed form by that person acknowledging himself to be the father of the child; and
    - (ii) a statutory declaration made by the mother stating that that person is the father of the child.
- (1A) Where a person acknowledging himself to be the father of a child makes a request to the <sup>F32</sup>district registrar for the registration district] in accordance with paragraph (c) of subsection (1) of this section, he shall be treated as a qualified informant concerning the birth of the child for the purposes of this Act; and the giving of information concerning the birth of the child by that person and the <sup>F33</sup>attesting of the birth registration form concerning the birth] by him in the presence of the registrar shall act as a discharge of any duty of any other qualified informant under section 14 of this Act.]
- (2) In any case where the name and surname of the father of <sup>F34</sup>a] child has not been entered in the <sup>F35</sup>birth registration form concerning the birth], the Registrar General may record that name and surname by causing an appropriate entry to be made in the Register of Corrections Etc.—
- (a) if a decree of paternity has been granted by a competent court; or
  - (b) if there is produced to him <sup>F36</sup>a declaration and a statutory declaration such as are mentioned in paragraph (b) or (c) of subsection (1) of this section]; or
  - (c) if, where the mother is <sup>F37</sup>dead or cannot be found or is incapable of making a request under subsection (1)(b) of this section, or a declaration under subsection (1)(b)(i)(aa) of this section, or a statutory declaration under subsection (1)(c)(ii) of this section], he is ordered so to do by the sheriff upon application made to the sheriff . . . <sup>F38</sup> by the person acknowledging himself to be the father of the child.

Where a decree of paternity has been granted by any court the clerk of court shall, where no appeal has been made against such decree, on the expiration of the time within which such an appeal may be made, or where an appeal has been made against such a decree, on the conclusion of any appellate proceedings, notify the import of such decree in the prescribed form to the Registrar General.

- <sup>F39</sup>(3) A person under the age of sixteen years has legal capacity—
- (a) to make a request, declaration or statutory declaration under subsection (1) or (2)(b) above if, in the opinion of the registrar; or
  - (b) to make an application under subsection (2)(c) above if, in the opinion of the sheriff,

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that person understands the nature of the request or, as the case may be, of the declaration, statutory declaration or application; and without prejudice to the generality of this subsection a person twelve years of age or more shall be presumed to be of sufficient age and maturity to have such understanding.]

#### Textual Amendments

- F26** S. 18(1)(1A) substituted for s. 18(1) by [Law Reform \(Parent and Child\) \(Scotland\) Act 1986 \(c. 9, SIF 49:8\)](#), s. 10(1), **Sch. 1 para. 8(2)**
- F27** Words in s. 18(1) inserted (1.12.2003) by [Human Fertilisation and Embryology \(Deceased Fathers\) Act 2003 \(c. 24\)](#), s. 4(2), **Sch. para. 6**; S.I. 2003/3095, art. 2
- F28** Words in s. 18(1) inserted (1.6.2021) by [Civil Partnership \(Scotland\) Act 2020 \(asp 15\)](#), s. 16, **sch. 2 para. 1(3)**; S.S.I. 2021/23, reg. 2, sch. (with reg. 3)
- F29** Words in s. 18(1) 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. 39(8)(a)(i)**, 63(2); S.S.I. 2006/469, arts. 2, 3, Schs. 1, 2 (with art. 4)
- F30** Words in s. 18(1) 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. 39(8)(a)(ii)**, 63(2); S.S.I. 2006/469, arts. 2, 3, Schs. 1, 2 (with art. 4)
- F31** Words in s. 18(1)(a) 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. 39(8)(a)(iii)**, 63(2); S.S.I. 2006/469, arts. 2, 3, Schs. 1, 2 (with art. 4)
- F32** Words in s. 18(1A) 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. 39(8)(b)(i)**, 63(2); S.S.I. 2006/469, arts. 2, 3, Schs. 1, 2 (with art. 4)
- F33** Words in s. 18(1A) 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. 39(8)(b)(ii)**, 63(2); S.S.I. 2006/469, arts. 2, 3, Schs. 1, 2 (with art. 4)
- F34** Words substituted by [Law Reform \(Parent and Child\) \(Scotland\) Act 1986 \(c. 9, SIF 49:8\)](#), s. 10(1), **Sch. 1 para. 8(3)(a)**
- F35** Words in s. 18(2) 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. 39(8)(c)**, 63(2); S.S.I. 2006/469, arts. 2, 3, Schs. 1, 2 (with art. 4)
- F36** Words substituted by [Law Reform \(Parent and Child\) \(Scotland\) Act 1986 \(c. 9, SIF 49:8\)](#), s. 10(1), **Sch. 1 para. 8(3)(b)**
- F37** Words substituted by [Law Reform \(Parent and Child\) \(Scotland\) Act 1986 \(c. 9, SIF 49:8\)](#), s. 10(1), **Sch. 1 para. 8(3)(c)**
- F38** Words repealed by [Law Reform \(Parent and Child\) \(Scotland\) Act 1986 \(c. 9, SIF 49:8\)](#), s. 10(1)(2), **Sch. 1 para. 8(3)(c)**, Sch. 2
- F39** S. 18(3) added (1.11.1995) by [1995 c. 36, s. 99\(3\)](#); S.I. 1995/2787, art. 3, **Sch.**

#### Modifications etc. (not altering text)

- C2** S. 18(1)(2) modified (1.11.1995) by [1995 c. 36, s. 99\(4\)](#); S.I. 1995/2787, art. 3, **Sch.**

### [<sup>F40</sup>18Z] **Registration of father or second female parent by virtue of certain provisions of the Human Fertilisation and Embryology Act 2008**

- (1) The registrar shall not enter in the register—
- (a) as the father of a child the name of a man who is to be treated for that purpose as the father of the child by virtue of section 39(1) or 40(1) or (2) of the Human Fertilisation and Embryology Act 2008 (circumstances in which man to be



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treated as father of child for purpose of registration of birth where fertility treatment undertaken after his death); or

- (b) as a parent of the child, the name of a woman who is to be treated for that purpose as a parent of the child by virtue of section 46(1) or (2) of that Act (circumstances in which woman to be treated as parent of child for purposes of registration of birth where fertility treatment undertaken after her death), unless the condition in subsection (2) below is satisfied.

(2) The condition in this subsection is satisfied if—

- (a) the mother requests the registrar to make such an entry in the register and produces the relevant documents; or  
(b) in the case of the death or inability of the mother, the relevant documents are produced by some other person who is a qualified informant.

(3) In this section “ the relevant documents ” means—

- (a) the consent in writing and election mentioned in section 39(1), 40(1) or (2) or 46(1) or (2) (as the case requires) of the Human Fertilisation and Embryology Act 2008;  
(b) a certificate of a registered medical practitioner as to the medical facts concerned; and  
(c) such other documentary evidence (if any) as the registrar considers appropriate.]

#### Textual Amendments

**F40** S. 18ZA substituted (6.4.2009 for specified purposes, 1.9.2009 in so far as not already in force) by [Human Fertilisation and Embryology Act 2008 \(c. 22\)](#), s. 68(2), [Sch. 6 para. 43](#); S.I. 2009/479, art. 6(1)(e)(2) (with art. 7, Sch.)

#### [<sup>F41</sup>18A Decrees of parentage and non-parentage.

(1) Where a decree of parentage or non-parentage has been granted by any court the clerk of court shall—

- (a) where no appeal has been made against such decree, on the expiration of the time within which such an appeal may be made, or  
(b) where an appeal has been made against such a decree, on the conclusion of any appellate proceedings,

notify the import of such decree in the prescribed form to the Registrar General.

(2) Where it appears to the Registrar General that the import of a decree notified to him under subsection (1) above does not correspond with the entry in the register of births in respect of any person to whom the decree relates he shall cause an appropriate entry to be made in the Register of Corrections Etc.]

#### Textual Amendments

**F41** S. 18A inserted by [Law Reform \(Parent and Child\) \(Scotland\) Act 1986 \(c. 9, SIF 49:8\)](#), s. 10(1), [Sch. 1 para. 8\(4\)](#)

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**Modifications etc. (not altering text)**

C3 S. 18A(2) applied (4.4.2005) by [Gender Recognition Act 2004 \(c. 7\)](#), s. 26, [Sch. 3 para. 18](#); S.I. 2005/54, art. 2

**[<sup>F42</sup>18B Births of children where second female parent by virtue of section 43 of the Human Fertilisation and Embryology Act 2008**

- (1) No woman shall as a parent of a child by virtue of section 43 of the Human Fertilisation and Embryology Act 2008 (“the woman concerned”) be required, as a parent of the child, to give information concerning the birth of the child and, save as provided in section 20 of this Act, the district registrar for the registration district shall not enter in the birth registration form concerning the birth the name and surname of any woman as a parent of the child by virtue of section 43 of that Act of 2008 except—
- (a) at the joint request of the mother and the woman concerned (in which case the woman concerned shall attest, in the prescribed manner, the birth registration form together with the mother); or
  - (b) at the request of the mother on production of—
    - (i) a declaration in the prescribed form made by the mother stating that the woman concerned is a parent of the child by virtue of section 43 of the Human Fertilisation and Embryology Act 2008; and
    - (ii) a statutory declaration made by the woman concerned acknowledging herself to be a parent of the child by virtue of section 43 of that Act; or
  - (c) at the request of the mother on production of a decree by a competent court finding or declaring the woman concerned to be a parent of the child by virtue of section 43 of that Act; or
  - (d) at the request of the woman concerned on production of—
    - (i) a declaration in the prescribed form made by the woman concerned acknowledging herself to be a parent of the child by virtue of section 43 of that Act; and
    - (ii) a statutory declaration made by the mother stating that the woman concerned is a parent of the child by virtue of section 43 of that Act.
- (2) Where a person acknowledging herself to be a parent of the child by virtue of section 43 of the Human Fertilisation and Embryology Act 2008 makes a request to the district registrar for the registration district in accordance with paragraph (d) of subsection (1) of this section, she shall be treated as a qualified informant concerning the birth of the child for the purposes of this Act; and the giving of information concerning the birth of the child by that person and the attesting of the birth registration form concerning the birth by her in the presence of the registrar shall act as a discharge of any duty of any other qualified informant under section 14 of this Act.
- (3) In any case where the name and surname of a woman who is a parent of a child by virtue of section 43 of the Human Fertilisation and Embryology Act 2008 has not been entered in the birth registration form concerning the birth, the Registrar General may record that name and surname by causing an appropriate entry to be made in the Register of Corrections Etc.—
- (a) if there is produced to him a declaration and a statutory declaration such as are mentioned in paragraph (b) or (d) of subsection (1) of this section; or
  - (b) if, where the mother is dead or cannot be found or is incapable of making a request under subsection (1)(b) or (c) of this section, or a declaration under subsection (1)(b)(i) or a statutory declaration under subsection (1)(d)(ii) of

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this section, the Registrar General is ordered so to do by the sheriff upon application made to the sheriff by the person acknowledging herself to be a parent of the child by virtue of section 43 of the Human Fertilisation and Embryology Act 2008.]

#### Textual Amendments

- F42** S. 18B inserted (6.4.2009 for specified purposes, 1.9.2009 in so far as not already in force) by [Human Fertilisation and Embryology Act 2008 \(c. 22\)](#), s. 68(2), [Sch. 6 para. 44](#); S.I. 2009/479, art. 6(1)(c)(2) (with [art. 7](#), [Sch.](#)) (as amended (1.9.2009) by S.I. 2009/2232, art. 3)

### <sup>F43</sup>19 Free abbreviated certificate of birth.

#### Textual Amendments

- F43** S. 19 repealed (1.1.2007) by [Local Electoral Administration and Registration Services \(Scotland\) Act 2006 \(asp 14\)](#), [ss. 44\(2\)](#), [63\(2\)](#); S.S.I. 2006/469, art. 3, [Sch. 2](#) (with [art. 4](#))

### 20 Re-registration in certain cases.

- (1) In the case of any person, if—
- (a) the entry relating to him in the register of births is affected by any matter contained in the Register of Corrections Etc. respecting his status [<sup>F44</sup>, parentage or non-parentage], or
  - (b) the entry relating to him in the register of births has been so made as to imply that he was found exposed, or
  - (c) the entry relating to him in the register of births [<sup>F45</sup> has been so made as to imply that his parents were not then married to [<sup>F46</sup> or in a civil partnership with] one another and his parents have subsequently married [<sup>F47</sup> or entered into a civil partnership with ] one another [<sup>F48</sup> and subject to subsection (1B) below]], [<sup>F49</sup>, or]
- [<sup>F49</sup>(d) the entry relating to the child in the register of births has been made so as to imply that the person, other than the mother, recorded as a parent of the child is so by virtue of section 43 of the Human Fertilisation and Embryology Act 2008 and the mother and that person have subsequently become parties to a civil partnership with each other and subject to subsection (1B) below,]

the [<sup>F50</sup> birth may, where subsection (1A) below applies, be re-registered], and any such re-registration shall be effected in such manner as may be prescribed:

[<sup>F51</sup>(1A) This subsection applies—

- (a) where the Registrar General authorises the re-registration, and
- (b) in such other cases or classes of case as may be prescribed.

(1B) A birth may not be re-registered] in pursuance of paragraph (c) [<sup>F52</sup> or (d)] of this subsection, in a case where the paternity [<sup>F53</sup> or parentage] of the person has not been entered in the register of births or in the Register of Corrections Etc. in accordance with section 18 [<sup>F54</sup> or 18B] of this Act, or any corresponding enactment in force before

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the commencement of this Act, save with the sanction of the sheriff granted upon the application—

- (i) of both parents of the person jointly, or
- (ii) where one of the parents is dead, of the surviving parent, or
- (iii) where both parents are dead, of or on behalf of the person,

after such intimation as the sheriff may direct, and after due inquiry, and a hearing of any party having interest who may appear to oppose such application.

- (2) In this section any reference to the register of births includes a reference to any register of births kept under any enactment in force at any time before the commencement of this Act.

<sup>F55</sup>(3) .....

#### Textual Amendments

- F44** Words substituted by [Law Reform \(Parent and Child\) \(Scotland\) Act 1986 \(c. 9, SIF 49:8\)](#), s. 10(1), [Sch. 1 para. 8\(5\)](#) ( a )
- F45** Words substituted by [Law Reform \(Parent and Child\) \(Scotland\) Act 1986 \(c. 9, SIF 49:8\)](#), s. 10(1), [Sch. 1 para. 8\(5\)](#) ( b )
- F46** Words in s. 20(1)(c) inserted (1.6.2021) by [Civil Partnership \(Scotland\) Act 2020 \(asp 15\)](#), s. 16, [sch. 2 para. 1\(4\)\(a\)](#); S.S.I. 2021/23, reg. 2, sch. (with reg. 3)
- F47** Words in s. 20(1)(c) inserted (1.6.2021) by [Civil Partnership \(Scotland\) Act 2020 \(asp 15\)](#), s. 16, [sch. 2 para. 1\(4\)\(b\)](#); S.S.I. 2021/23, reg. 2, sch. (with reg. 3)
- F48** Words in s. 20(1) inserted (1.10.2006) by [Local Electoral Administration and Registration Services \(Scotland\) Act 2006 \(asp 14\)](#), [ss. 41\(2\)\(a\)\(i\)](#), 63(2); S.S.I. 2006/469, art. 2, Sch. 1 (with art. 4)
- F49** S. 20(1)(d) and word inserted (6.4.2009 for specified purposes) by [Human Fertilisation and Embryology Act 2008 \(c. 22\)](#), s. 68(2), [Sch. 6 para. 45\(a\)](#); S.I. 2009/479, art. 6(1)(e) (with art. 7, Sch. )
- F50** Words in s. 20(1) substituted (1.10.2006) by [Local Electoral Administration and Registration Services \(Scotland\) Act 2006 \(asp 14\)](#), [ss. 41\(2\)\(a\)\(ii\)](#), 63(2); S.S.I. 2006/469, art. 2, Sch. 1 (with art. 4)
- F51** S. 20(1A)(1B) substituted for words in s. 20(1) (1.10.2006) by [Local Electoral Administration and Registration Services \(Scotland\) Act 2006 \(asp 14\)](#), [ss. 41\(2\)\(a\)\(iii\)](#), 63(2); S.S.I. 2006/469, art. 2, Sch. 1 (with art. 4)
- F52** Words in s. 20(1B) inserted (6.4.2009 for specified purposes) by [Human Fertilisation and Embryology Act 2008 \(c. 22\)](#), s. 68(2), [Sch. 6 para. 45\(b\)\(i\)](#); S.I. 2009/479, art. 6(1)(e) (with art. 7, Sch. )
- F53** Words in s. 20(1B) inserted (6.4.2009 for specified purposes) by [Human Fertilisation and Embryology Act 2008 \(c. 22\)](#), s. 68(2), [Sch. 6 para. 45\(b\)\(ii\)](#); S.I. 2009/479, art. 6(1)(e) (with art. 7, Sch. )
- F54** Words in s. 20(1B) inserted (6.4.2009 for specified purposes) by [Human Fertilisation and Embryology Act 2008 \(c. 22\)](#), s. 68(2), [Sch. 6 para. 45\(b\)\(iii\)](#); S.I. 2009/479, art. 6(1)(e) (with art. 7, Sch. )
- F55** S. 20(3) repealed (1.1.2007) by [Local Electoral Administration and Registration Services \(Scotland\) Act 2006 \(asp 14\)](#), [ss. 41\(2\)\(b\)](#), 63(2); S.S.I. 2006/469, art. 3, Sch. 2 (with art. 4)

#### Modifications etc. (not altering text)

- C4** S. 20(1) amended by [Adoption Act 1968 \(c. 53\)](#), s. [85\(d\)](#) and [Adoption \(Scotland\) Act 1978 \(c. 28\)](#), s. 67(2), [Sch. 1 para. 5](#)

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## 21 Still-births.

- (1) Except so far as otherwise provided by this section or as may be prescribed, the provisions of this Part of this Act shall, so far as applicable, apply to still-births in like manner as they apply to births of children born alive.
- (2) Any qualified informant giving information to the <sup>F56</sup>district registrar for a registration district] of the particulars required to be registered concerning a still-birth shall—
  - (a) <sup>F57</sup>produce] to the registrar a certificate in the prescribed form stating that the child was not born alive, and, where possible, the cause or probable cause of death<sup>F58</sup>, any other relevant medical information] and such particulars of the condition of the mother before the still-birth as may be requested in that form, which certificate shall, if a registered medical practitioner was present at the birth or has examined the body of the child, be <sup>F59</sup>attested in the prescribed manner] by him, and otherwise shall be <sup>F59</sup>attested in the prescribed manner] by any <sup>F60</sup>registered midwife] who was present or examined the body; <sup>F61</sup>...  
<sup>F61</sup>(b) .....
- (3) Every registered medical practitioner or <sup>F60</sup>registered midwife] who was present at a still-birth or examined the body of a still-born child shall, at the request of any person who by virtue of this Act is required to
  - <sup>F62</sup>(a) give information concerning that birth, give to that person a certificate for the purposes of <sup>F63</sup> ... the last foregoing subsection <sup>F64</sup>; or ]
  - <sup>F64</sup>(b) deliver such a certificate on that person's behalf to a district registrar for a registration district nominated by that person].
- (4) The <sup>F65</sup>district registrar for a registration district], upon registering a still-birth, shall give to the informant without fee a certificate in the prescribed form stating that the still-birth has been registered <sup>F66</sup>or, if the person so requests, deliver such a certificate on that person's behalf to a keeper or other person having charge of a place of interment nominated by that person].  
<sup>F67</sup>(5) .....
- (6) ..... <sup>F68</sup>

### Textual Amendments

- F56** Words in s. 21(2) 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. 40(2)(a), 63(2)**; S.S.I. 2006/469, arts. 2, 3, Schs. 1, 2 (with art. 4)
- F57** Word in s. 21(2)(a) 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. 40(2)(b)(i), 63(2)**; S.S.I. 2006/469, arts. 2, 3, Schs. 1, 2 (with art. 4)
- F58** Words in s. 21(2)(a) inserted (8.6.2013) by [Certification of Death \(Scotland\) Act 2011 \(asp 11\)](#), **ss. 26(1), 32(3)**; S.S.I. 2013/159, art. 2, Sch.
- F59** Words in s. 21(2)(a) 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. 40(2)(b)(ii), 63(2)**; S.S.I. 2006/469, arts. 2, 3, Schs. 1, 2 (with art. 4)
- F60** Words “registered midwife” substituted for words “certified midwife” by [Nurses, Midwives and Health Visitors Act 1979 \(c. 36\)](#), s. 24(2), **Sch. 7 para. 12**
- F61** S. 21(2)(b) and word repealed (8.6.2013) by [Certification of Death \(Scotland\) Act 2011 \(asp 11\)](#), **ss. 27(a), 32(3)**; S.S.I. 2013/159, art. 2, Sch.

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- F62** Words in s. 21(3) renumbered as s. 21(3)(a) (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. 40(3)(a)**, 63(2); S.S.I. 2006/469, arts. 2, 3, Schs. 1, 2 (with art. 4)
- F63** Words in s. 21(3)(a) repealed (8.6.2013) by [Certification of Death \(Scotland\) Act 2011 \(asp 11\)](#), **ss. 27(b)**, 32(3); S.S.I. 2013/159, art. 2, Sch.
- F64** S. 21(3)(b) and word 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. 40(3)(b)**, 63(2); S.S.I. 2006/469, arts. 2, 3, Schs. 1, 2 (with art. 4)
- F65** Words in s. 21(4) 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. 40(4)(a)**, 63(2); S.S.I. 2006/469, arts. 2, 3, Schs. 1, 2 (with art. 4)
- F66** Words in s. 21(4) 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. 40(4)(b)**, 63(2); S.S.I. 2006/469, arts. 2, 3, Schs. 1, 2 (with art. 4)
- F67** S. 21(5) repealed (13.5.2015) by [Certification of Death \(Scotland\) Act 2011 \(asp 11\)](#), s. 32(3), **Sch. 2 para. 3**; S.S.I. 2015/115, art. 3
- F68** S.21(6) repealed by [Nurses, Midwives and Health Visitors Act 1979 \(c. 36\)](#), s. 24(2), Sch. 7 para. 13, **Sch. 8**

**Status:**

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**Changes to legislation:**

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