



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

1965 CHAPTER 49

PART V

GENERAL

Miscellaneous

48 Decrees of court altering status.

Where a decree altering the status of any person has been granted by any competent 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 who shall thereupon cause an appropriate entry to be made—

- [^{F1}(a) where the decree is of divorce or of declarator of nullity of marriage, in the Register of Divorces; and
(b) in any other case,]

in the Register of Corrections Etc.

Textual Amendments

- F1** Words inserted by [Law Reform \(Miscellaneous Provisions\) \(Scotland\) Act 1985 \(c. 73, SIF 105\), s. 50\(2\)](#)

49 Signing by mark by persons unable to write.

If any person whose signature is necessary under this Act is unable to write, it shall be lawful for him to adhibit a cross or other mark in the presence of the district registrar

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or two witnesses who shall also exhibit their signatures and designations, and such cross or mark shall be in all respects as binding and effectual as the signature of such person would have been if he had been capable of writing.

50 Events occurring in institutions.

The chief officer, matron or other person in charge of a hospital, ^{F2} . . . or other such institution [^{F3} or of accommodation provided by a care home service (“care home service” having the meaning given by section 2(3) of the Regulation of Care (Scotland) Act 2001 (asp 8))] who has been so requested by the Registrar General, shall, at such times and in such manner as the Registrar General may require, transmit to the district registrar of the registration district in which the institution [^{F4} or accommodation] is situate, a list containing particulars of births and deaths occurring in such institution [^{F4} or accommodation].

Textual Amendments

- F2** Words in s. 50 repealed (1.4.2002) by 2001 asp 8, s. 79, **Sch. 3 para. 2(a)**; S.S.I. 2002/162, **arts. 1, 2(h)** (subject to **arts. 3-13**)
- F3** Words in s. 50 inserted (1.4.2002) by 2001 asp 8, s. 79, **Sch. 3 para. 2(b)**; S.S.I. 2002/162, **arts. 1, 2(h)** (subject to **arts. 3-13**)
- F4** Words in s. 50 inserted (1.4.2002) by 2001 asp 8, s. 79, **Sch. 3 para. 2(c)**; S.S.I. 2002/162, **arts. 1, 2(h)** (subject to **arts. 3-13**)

51 Returns to be made by registrar.

Every district registrar shall—

- (a) at such times and in such manner as the Registrar General may direct, furnish to the Registrar General returns relating to the entries of births, deaths and marriages and any other information obtained by the registrar in the execution of his duties which the Registrar General may require, and
- (b) supply to the [^{F5}Chief administrative medical officer of the Health Board] in whose area the registration office is situate such periodical returns of births and deaths as may be required by the Secretary of State.

Textual Amendments

- F5** Words substituted by **National Health Service (Scotland) Act 1972 (c. 58), Sch. 6 para. 129**

52 Sending of documents by post.

Any notice, information, declaration, certificate, requisition, return or other document required to be served, sent or issued by a district registrar by or under this Act [^{F6} or the ^{M1}Marriage (Scotland) Act 1977] may, unless the context otherwise requires, be sent by post or in accordance with any directions which may be given by the Registrar General.

Textual Amendments

- F6** Words inserted by **Marriage (Scotland) Act 1977 (c. 15), Sch. 2 para. 9**

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Marginal Citations

M1 1977 c. 15.

53 Offences.

- (1) If any person commits any of the following offences, that is to say—
- (a) if he knowingly gives to a district registrar information which is false in a material particular;
 - (b) if he falsifies or forges any extract, certificate or declaration issued or made, or purporting to be issued or made, under this Act; or
 - (c) if he knowingly uses, or gives or sends to any person, as genuine any false or forged extract, certificate or declaration issued or made, or purporting to be issued or made, under this Act,
- he shall be liable
- (i) on conviction on indictment, to a fine or to imprisonment for a term not exceeding 2 years or to both;
 - (ii) on summary conviction, to a fine not exceeding £100 or to imprisonment for a term not exceeding 3 months or to both.
- (2) If any person commits any of the following offences, that is to say—
- (a) if he wilfully or negligently destroys, obliterates, erases or injures any entry in any register kept under this Act, or causes or permits the register or any part thereof to be destroyed, obliterated, erased or injured; or
 - (b) if he knowingly gives to a district registrar, for the purpose of registration in a register, particulars of a birth or of a death which have already been registered in that or any other register,
- he shall be liable on summary conviction to a fine not exceeding [^{F7}level 3 on the standard scale].
- (3) If any person commits any of the following offences, that is to say—
- (a) if being required by or under this Act to give information concerning any birth or death or any dead body, he wilfully refuses to answer any question put to him by a district registrar relating to the particulars required to be registered concerning the birth or death, or save as provided in this Act, fails to comply with any requirement of a district registrar made thereunder;
 - (b) if he refuses or fails without reasonable cause to give, deliver or send any certificate which he is required by this Act to give, deliver or send;
 - (c) if, being a parent, and save as provided in this Act, he fails [^{F8}without reasonable excuse]to give information concerning the birth of his child as required by this Act;
 - (d) if, being a person upon whom duty to give information concerning a death is imposed by section 23(1) of this Act, he fails to give that information and that information is not given; or
 - (e) if he passes as genuine any reproduction of an extract or certificate if such reproduction has not been authenticated in accordance with section 41(1) of this Act,
- he shall be liable on summary conviction to a fine not exceeding [^{F9}level 1 on the standard scale].

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Textual Amendments

- F7** Words substituted by virtue of [Criminal Procedure \(Scotland\) Act 1975 \(c. 21, SIF 39:1\)](#), **ss. 289F, 289G**
- F8** Words in s. 53(3)(c) inserted (1.11.1995) by 1995 c. 36, s. 105(4), **Sch. 4 para. 12(4)**; S.I. 1995/2787, **art. 3, Sch.**
- F9** Words substituted by virtue of [Criminal Procedure \(Scotland\) Act 1975 \(c. 21, SIF 39:1\)](#) ss. 289F, 289G

Modifications etc. (not altering text)

- C1** S. 53(1)(a) amended by [Marriage \(Scotland\) Act 1977 \(c. 15\)](#), **s. 24(3)**

54 Regulations.

- (1) The Registrar General may, with the approval of the Secretary of State, by statutory instrument make regulations—
- prescribing the circumstances, of hardship or otherwise, in which fees prescribed under this Act may be remitted by the Registrar General;
 - prescribing anything which by this Act is required to be prescribed;
 - ... ^{F10}
 - ... ^{F11}
- (2) Any statutory instrument containing regulations . . . ^{F12}
- [^{F13}(a) prescribing fees for the purposes of this Act
- [^{F14}(b) prescribing cases or classes of case for the purpose of section 20(1A)(b) of this Act,]
- shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (3) The ^{M2}Statutory Instruments Act 1946 shall apply to a statutory instrument containing regulations made under this section as if the regulations had been made by a Minister of the Crown.

Subordinate Legislation Made

- P1** S. 54: for previous exercises of power see Index to Government Orders
- P2** S. 54(1): s. 54(1) (with ss. 28A(4), 37(2)(3), 38(2)(3), 40(1), 43(8), 47 and 56) power exercised by [S.I.1991/2817](#).
- P3** S. 54(1)(b): s. 42(2)(with s. 54(1)(b)) power exercised by [S.I. 1991/1260](#)

Textual Amendments

- F10** S. 54(1)(c) repealed by [Marriage \(Scotland\) Act 1977 \(c. 15\)](#), **Sch. 3**
- F11** S. 54(1)(d) repealed by [Children Act 1975 \(c. 72\)](#), **Sch. 4 Pt III**
- F12** Words repealed by [Statute Law \(Repeals\) Act 1981 \(c. 19\)](#), **Sch. I Pt. XII**
- F13** Words in s. 54(2) renumbered as s. 54(2)(a) (1.10.2006) by [Local Electoral Administration and Registration Services \(Scotland\) Act 2006 \(asp 14\)](#), **ss. 41(3)(a)**, 63(2); S.S.I. 2006/469, art. 2, Sch. 1 (with art. 4)
- F14** S. 54(2)(b) inserted (1.10.2006) by [Local Electoral Administration and Registration Services \(Scotland\) Act 2006 \(asp 14\)](#), **ss. 41(3)(b)**, 63(2); S.S.I. 2006/469, art. 2, Sch. 1 (with art. 4)

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Modifications etc. (not altering text)

- C2** S. 54 extended by [Social Security Act 1975 \(c. 14\), s. 160\(1\)](#)
C3 S. 54 extended (1.7.1992) by [Social Security Administration Act 1992 \(c. 5\), ss.124, 186, 192\(4\), Sch. 10 para. 3\(1\)](#).

Marginal Citations

- M2** 1946. c. 36.

[^{F15} **54A Form, and manner of attestation, of documents**

- (1) Regulations prescribing the form of a document may, unless the document requires to be signed, make provision for the document to be electronic rather than paper-based.
- (2) Regulations prescribing the manner in which a document requires to be attested may make different provision for different cases or circumstances.]

Textual Amendments

- F15** S. 54A inserted (1.10.2006) by [Local Electoral Administration and Registration Services \(Scotland\) Act 2006 \(asp 14\), ss. 47\(3\), 63\(2\); S.S.I. 2006/469, art. 2, Sch. 1 \(with art. 4\)](#)

55 Expenses.

There shall be paid out of moneys provided by Parliament any increase attributable to this Act in the sums payable out of moneys so provided by way of Exchequer Equalisation Grant under the enactments relating to local government in Scotland.

56 Interpretation.

- (1) In this Act, except where the context otherwise requires, the following expressions have the meanings respectively assigned to them, that is to say—

“birth”, except in relation to registers of births, includes a still-birth;

“district registrar” has the meaning assigned to it in section 7(12) of this Act;

“function” includes power and duty;

[^{F16} “local authority” means a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994;]

^{F17} . . .

^{F18}

“name” means Christian name or forename;

“occupier”, in relation to any institution, includes the governor, keeper, matron, superintendent, or other person in charge thereof, and, in relation to a house, includes any person residing therein;

[^{F19} “parentage” has the meaning assigned to it in section 8 of the Law Reform (Parent and Child) (Scotland) Act 1986, and “non-parentage” shall be construed accordingly;]

[^{F20} “parental responsibilities” has the meaning given in section 1(3) of the Children (Scotland) Act 1995;]

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“prescribed” means prescribed by regulations made under section 54 of this Act;

“qualified informant”, in relation to any birth or death, means a person who is by this Act required or stated to be qualified to give information concerning that birth or death;

“relative” includes a relative by marriage, . . . ^{F21}[^{F22}, a civil partner and anyone related to the civil partner of the person as regards whom the expression is being construed];

“still-born child” means a child which has issued forth from its mother after the [^{F23}twenty-fourth week] of pregnancy and which did not at any time after being completely expelled from its mother breathe or show any other signs of life, and the expression “still-birth” shall be construed accordingly;

^{F17}
. . .

- (2) Except in so far as the context otherwise requires, any reference in this Act to any other enactment shall be construed as a reference to that enactment as amended by or under any other enactment, including this Act.
- [^{F24}(3) Section 1(1) (legal equality of children) of the Law Reform (Parent and Child) (Scotland) Act 1986 shall apply to this Act; and any reference (however expressed) in this Act to a relative shall, unless the contrary intention appears, be construed accordingly.]

Subordinate Legislation Made

- P4** S. 56: s. 54(1) (with ss. 28A(4), 37(2)(3), 38(2)(3), 40(1), 43(8), 47 and 56) power exercised by [S.I. 1991/2817](#).

Textual Amendments

- F16** Definition of “local authority” in s. 56(1) inserted (1.4.1996) by [1994 c. 39, s. 51\(5\)](#) (with s. 7(2)); [S.I. 1996/323, art. 4\(1\)\(a\), Sch. 1](#)
- F17** Definitions in s. 56(1) repealed (25.9.1991) by [Age of Legal Capacity \(Scotland\) Act 1991 \(c. 50, SIF 49:8\), ss. 10\(2\), 11\(2\), Sch. 2](#)
- F18** Definition repealed by [Local Government \(Scotland\) Act 1973 \(c. 65\), Sch. 29](#)
- F19** Definitions inserted by [Law Reform \(Parent and Child\) \(Scotland\) Act 1986 \(c. 9, SIF 49:8\), s. 10\(1\), Sch. 1 para. 8\(9\)](#)
- F20** Definition in s. 56(1) inserted (1.11.1995) by [1995 c. 36, s. 105\(4\), Sch. 4 para. 12\(5\); S.I. 1995/2787, art. 3, Sch.](#)
- F21** Words repealed by [Children Act 1975 \(c. 72\), Sch. 4 Pt. I](#)
- F22** Words in s. 56(1) inserted (14.9.2005) by [Civil Partnership Act 2004 \(c. 33\), ss. 136, 263\(3\); S.S.I. 2005/428, art. 2, Sch.](#)
- F23** Words in s. 56(1) substituted (1.10.1992) by [Still-Birth \(Definition\) Act 1992 \(c. 29\), ss. 1\(2\), 4\(2\)](#).
- F24** S. 56(3) added by [Law Reform \(Parent and Child\) \(Scotland\) Act 1986 \(c. 9, SIF 49:8\), s. 10\(1\), Sch. 1 para. 8\(10\)](#)

57 Savings etc.

- (1) Any registration effected, extract or certificate issued, notice or information given, order, regulations or return made or other thing done under any enactment repealed by this Act shall, if in force at the commencement of this Act, continue in force and have effect as if effected, issued, given, made or done under the corresponding provision of this Act.

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^{F25}(2)

^{F25}(3)

- (4) Any document referring to an enactment repealed by this Act shall, unless the contrary intention appears, be construed as referring to the corresponding provision of this Act.
- (5) Nothing in this Act shall affect any provision of the ^{M3}Population Statistics Act 1938 requiring particulars to be furnished for the purposes of that Act.
- (6) Nothing in the foregoing provisions of this section or in the provisions of the next following section shall be taken as prejudicing the operation of [^{F26}sections 16(1) and 17(2)(a) of the ^{M4}Interpretation Act 1978] which [^{F26}relate] to the effect of repeals.

Textual Amendments

F25 S. 57(2)(3) repealed (5.11.1993) by 1993 c. 50, s.1(1), **Sch. 1 Pt. VIII**.

F26 Words substituted by virtue of **Interpretation Act 1978 (c. 30), s. 25(2)**

Marginal Citations

M3 1938 c. 12.

M4 1978 c. 30.

58 Consequential amendments and repeals.

- (1) The enactments mentioned in Schedule 1 to this Act shall have effect subject to the amendments respectively specified in that Schedule, being amendments consequential on the provisions of this Act.
- (2) ^{F27}

Textual Amendments

F27 S. 58(2) repealed by **Statute Law (Repeals) Act 1974 (c. 22), Sch. Pt XI**

Modifications etc. (not altering text)

C4 The text of s. 58(1) is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

59 Short title, extent and commencement.

- (1) This Act may be cited as the Registration of Births, Deaths and Marriages (Scotland) Act 1965.
- (2) This Act shall extend to Scotland only.
- (3) This Act shall come into force on 1st January 1966.

Status:

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