



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

## 1965 CHAPTER 49

### PART V

#### GENERAL

##### *Searches and Extracts, etc.*

#### **37 Search of indexes kept by registrars.**

- (1) On the completion of each annual register of births, deaths and marriages each district registrar shall forthwith cause to be made alphabetical indexes of the entries in those registers.
- (2) On payment to him of such fee or fees as may be prescribed, the district registrar shall, at any time when the registration office is open for that purpose—
  - (a) search the said indexes on behalf of any person or permit that person to search the indexes himself, and
  - (b) issue to any person an extract of any entry in the said registers which that person may require.
- (3) A district registrar may not permit an extract to be issued from a register of still-births except with the consent of the Registrar General in any particular case, and on payment of such fee or fees as may be prescribed.

#### **Subordinate Legislation Made**

- P1** S. 37: for previous exercises of this power see Index to Government Orders.
- P2** S. 37(2)(3): 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](#).

*Status: Point in time view as at 05/12/2005.*

*Changes to legislation: There are currently no known outstanding effects for the Registration of Births, Deaths and Marriages (Scotland) Act 1965, Cross Heading: Searches and Extracts, etc.. (See end of Document for details)*

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

- C1 S. 37(1)(2) applied (5.12.2005) by [Civil Partnership Act 2004 \(c. 33\)](#), **ss. 98, 263(3)**; S.S.I. 2005/604, art. 2(b)

**38 Search of indexes kept by Registrar General.**

- (1) The Registrar General shall cause to be made and kept in the General Register Office alphabetical indexes of the entries in the registers of births, deaths and marriages sent to him under this Act or any enactment repealed by this Act.
- (2) On payment to him of such fee or fees as may be prescribed, the Registrar General shall, at any time when the General Register Office is open for that purpose—
  - (a) cause a search to be made of the said indexes on behalf of any person or permit that person to search the indexes himself, and
  - (b) issue to any person an extract of any entry in the said registers which that person may require.
- (3) The Registrar General may, if he sees fit in any particular case, and on payment to him of such fee or fees as may be prescribed, cause a search to be made for, and allow any person to have an extract of, any entry in a register of still-births which has been transmitted to him.

**Subordinate Legislation Made**

- P3 S. 3\*: for previous exercises of this power see Index to Government Orders.
- P4 S. 38(2)(3): s. 54(1) (with ss. 28A(4), 37(2)(3), 38(2)(3), 40(1), 43(8), 47 and 56) power exercised [S.I.1991/2817](#).

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

- C2 S. 38(1)(2) applied (5.12.2005) by [Civil Partnership Act 2004 \(c. 33\)](#), **ss. 98, 263(3)**; S.S.I. 2005/604, art. 2(b)

**39 Production of extracts by photography etc.**

Extracts to be supplied under section 38 of this Act may take the form of reproductions made by photography, xerography or any other convenient process, and so may extracts to be supplied under section 37 of this Act if the district registrar is authorised in that regard by the Registrar General.

**40 Abbreviated certificates of birth.**

- (1) Subject to the following subsection, any person shall, on payment of the prescribed fee, be entitled to obtain from the Registrar General or the appropriate district registrar an abbreviated certificate of the birth of any person, and such certificate shall be as described in section 19 of this Act.
- (2) An abbreviated certificate based on information contained in the Adopted Children Register maintained under section 22(1) of the <sup>MI</sup>Adoption Act 1958 shall be in such form as may be prescribed, shall not include any reference to adoption, and may be obtained only from the Registrar General.

*Status: Point in time view as at 05/12/2005.*

*Changes to legislation: There are currently no known outstanding effects for the Registration of Births, Deaths and Marriages (Scotland) Act 1965, Cross Heading: Searches and Extracts, etc.. (See end of Document for details)*

#### Subordinate Legislation Made

- P5** S. 40: for previous exercises of this power see Index to Government Orders.  
**P6** S. 40(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.

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

- C3** S. 40(2) modified (1.11.1994) by S.I. 1994/2804, reg. 3, **Sch. 2 para. 2(1)**

#### Marginal Citations

- M1** 1958 c. 5 (7 & 8 Eliz. 2).

### 41 Authentication of extracts etc. and their admissibility as evidence.

- (1) Every extract of any entry in the registers kept under the provisions of this Act or any enactment repealed thereby and every abbreviated certificate of birth shall, if such extract or certificate be issued from the General Register Office, be sealed or stamped with the seal of that office, and, if issued from the local registration office, shall be signed by the district registrar.
- (2) An extract of an entry in a register shall be deemed to be a true extract, notwithstanding that it is made on a form different from that on which the original entry was made, if any differences in the column heading under which the particulars appear in the original entry and the extract respectively are differences of form only and not of substance.
- (3) Every extract (but not extracts from parochial registers under section 47 of this Act) and every abbreviated certificate of birth, in either case duly authenticated as aforesaid, shall be sufficient evidence of the birth, death or marriage, as the case may be.

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

- C4** S. 41 applied (4.4.2005) by Gender Recognition Act 2004 (c. 7), s. 26, **Sch. 3 para. 20**; S.I. 2005/54, art. 2

**Status:**

Point in time view as at 05/12/2005.

**Changes to legislation:**

There are currently no known outstanding effects for the Registration of Births, Deaths and Marriages (Scotland) Act 1965, Cross Heading: Searches and Extracts, etc..