1978 No. 160 (S. 19)

REGISTRATION OF BIRTHS, DEATHS, MARRIAGES, ETC.

The Registration of Presumed Deaths (Prescription of Particulars) (Scotland) Regulations 1978

Made - - - - 30*th January* 1978

Coming into Operation 1*st March* 1978

In exercise of the powers conferred on me by section 54 of the Registration of Births, Deaths and Marriages (Scotland) Act 1965(**a**), as read with section 12 of the Presumption of Death (Scotland) Act 1977(**b**), and of all other powers enabling me in that behalf, and with the approval of the Secretary of State, I hereby make the following regulations:—

Citation and commencement

1. These regulations may be cited as the Registration of Presumed Deaths (Prescription of Particulars) (Scotland) Regulations 1978 and shall come into operation on 1st March 1978.

Interpretation

2.—(1) In these regulations—

"the Act" means the Presumption of Death (Scotland) Act 1977;

and any other expression used in these regulations which is also used in the Act shall, unless the context otherwise requires, have the same meaning in these regulations as it has in that Act.

(2) The Interpretation Act 1889(**c**) shall apply for the interpretation of these regulations as it applies for the interpretation of an Act of Parliament.

Prescribed particulars

3. The particulars of which the clerk of court is required under section 12(1) of the Act to notify the Registrar General for Births, Deaths and Marriages for Scotland following the granting of a decree under section 2 of the Act or a variation order under section 4 of the Act, are, so far as such particulars are known:—

(*a*) the date of the decree or variation order;

(*b*) the full name, last known usual residence and last known occupation of the person declared to have died;

(*c*) the date of birth or age of the person declared to have died;

(**a**) 1965 c. 49. (**b**) 1977 c. 27. (**c**) 1889 c. 63.

(*d*) the time and date of death as determined by the court;

(*e*) the marital status of the person declared to have died at the date of death and, if married, the name and last address of the surviving spouse;

(*f*) the full name and address of the person who raised the action of declarator or who applied for the variation order, and his or her relationship (if any) to the person declared to have died;

(*g*) the name and address of the solicitor who acted for the person who raised the action of declarator or who applied for the variation order.

W. Baird,
Registrar General.

New Register House,
Edinburgh.

25th January 1978.

I approve.

Bruce Millan,
One of Her Majesty's Principal Secretaries of State.

New St. Andrew's House,
Edinburgh.

30th January 1978.

EXPLANATORY NOTE

(*This Note is not part of the Regulations.*)

These Regulations prescribe the particulars to be notified by the clerk of court to the Registrar General after a decree or variation order has been granted in an action of declarator of death of a missing person.

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