STATUTORY INSTRUMENTS

1986 No. 1984 (S. 154)

REGISTRATION OF BIRTHS, DEATHS, MARRIAGES, ETC.

The Registration of Births, Deaths, Marriages, Etc. (Prescription of Forms) (Scotland) Amendment Regulations 1986

Made - - - - 14*th November* 1986

Coming into Operation 8*th December* 1986

In exercise of the powers conferred on me by sections 18, 18A, 21, 48 and 54(1)*(b)* of the Registration of Births, Deaths and Marriages (Scotland) Act 1965(**a**), 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 Births, Deaths, Marriages, Etc. (Prescription of Forms) (Scotland) Amendment Regulations 1986 and shall come into operation on 8th December 1986.

Interpretation

2. In these regulations "the principal regulations" means the Registration of Births, Deaths, Marriages, Etc. (Prescription of Forms) (Scotland) Regulations 1965(**b**).

Amendment of the principal regulations

3. For the heading to regulation 24 of the principal regulations there shall be substituted the following heading:-

"*Forms for use in connection with paternity of children*".

4. For regulation 25 of the principal regulations there shall be substituted the following regulation:-

"**25.**— (1) The declaration by the mother of a child for the purposes of section 18(1)*(b)*(i)*(aa)* and (2)*(b)* of the Act shall be in the form set out in Schedule 26 to these regulations.

(2) The declaration by the father of a child for the purposes of section 18(1)*(c)*(i) and (2)*(b)* of the Act shall be in the form set out in Schedule 26A to these regulations.".

(**a**) 1965 c.49; section 18 was amended by sub-paragraphs (2) and (3) and section 18A inserted by sub-paragraph (4), of paragraph 8 of Schedule 1 to the Law Reform (Parent and Child) (Scotland) Act 1986 (c.9).

(**b**) S.I. 1965/1839; relevant amending instruments are S.I. 1984/266 and 1986/21.

5. After regulation 25 of the principal regulations there shall be inserted the following regulation:-

"Form of notice of import of decree of parentage or non-parentage

25B. For the purposes of section 18A(1) of the Act the form of notice of the import of a decree of parentage or non-parentage shall be in the form set out in Schedule 26B to these regulations.".

6. In regulation 27 of the principal regulations at the end of paragraph *(a)* the word "and" shall be omitted and at the end of paragraph *(b)* there shall be added "; and

(c) in respect of a decree of declarator of legitimation be in the form set out in Schedule 30 to these regulations.".

7. In Schedule 7 to the principal regulations (form of declaration as to still-birth), for the words "in the case of an illegitimate still-born child" in paragraph 3 there shall be substituted the words "where the father's name and surname are not to be recorded in the entry in the register of still-births".

8. In Schedule 25 to the principal regulations (form of notice of import of decree of paternity), the word "illegitimate" shall be omitted.

9. For Schedule 26 to the principal regulations there shall be substituted the Schedules set out in Schedule 1 to these regulations.

10. After Schedule 29 to the principal regulations there shall be added the Schedule set out in Schedule 2 to these regulations.

C. M. Glennie,
Registrar General for Scotland.

New Register House,
Edinburgh.
14th November 1986.

Approved by the Secretary of State

Glenarthur,
Minister of State,
Scottish Office.

New St. Andrew's House,
Edinburgh.
14th November 1986.

SCHEDULE 1 Regulation 9

"SCHEDULE 26 Regulation 25(1)

DECLARATION BY THE MOTHER OF A CHILD WHOSE PARENTS ARE NOT MARRIED TO EACH OTHER (AND HAVE NOT BEEN SO MARRIED SINCE THE CHILD'S CONCEPTION)

(Section 18(1)(b)(i)(aa) and (2)(b) of the Registration of Births, Deaths and Marriages (Scotland) Act 1965)

I .....

residing at.....

do hereby solemnly and sincerely declare that.....

.....

whose usual address is.....

.....

is the father of the .... male child named .....

.....

and born to me on.....19

at.....

Dated this ..... day of ..... 19..

.....
Signature

Declared before me at .....

on the.....

day of .....19..

.....registrar for

the registration district of.....

Note: This declaration must be accompanied by a statutory declaration by the person named above as the father acknowledging himself to be the father of the child.

SCHEDULE 26A Regulation 25(2)

DECLARATION BY THE FATHER OF A CHILD WHOSE PARENTS ARE NOT MARRIED TO EACH OTHER (AND HAVE NOT BEEN SO MARRIED SINCE THE CHILD'S CONCEPTION)

(Section 18(1)(c)(i) and (2)(b) of the Registration of Births, Deaths and Marriages (Scotland) Act 1965)

I .....

residing at.....

.....

do hereby solemnly and sincerely declare that I am the father of the .... male child named .....

.....

and born on .....19..

at .....

to.....

whose usual address is.....

.....

Dated this ..... day of ..... 19..

.....

Signature

Declared before me at .....

on the.....

day of .....19..

.....registrar for

the registration district of.....

Note: This declaration must be accompanied by a statutory declaration by the mother stating that the person making the declaration above is the father of the child.

SCHEDULE 26B Regulation 25B

NOTICE OF IMPORT OF DECREE OF DECLARATOR OF PARENTAGE/NON-PARENTAGE*

(Section 18A(1) of the Registration of Births, Deaths and Marriages (Scotland) Act 1965)

To the Registrar General
General Register Office
New Register House
Edinburgh

Take notice, that the.....

upon the.....

day of .....19..

pronounced decree of declarator in an action at the instance of.....

.....

against .....

relating to the parentage of a .... male child named.....

.....

and born at .....

in the registration district of .....

on the .....

day of .....19..,

finding that .....

was/was not* a parent of that child.

(Signed) .....
Clerk of Court

.....19..

* delete whichever is inapplicable.".

SCHEDULE 2 Regulation 10

"SCHEDULE 30 Regulation 27

NOTICE OF IMPORT OF DECREE OF DECLARATOR OF LEGITIMATION

(Section 48 of the Registration of Births, Deaths and Marriages (Scotland) Act 1965)

To the Registrar General
General Register Office
New Register House
Edinburgh

Take notice, that the.....

upon the.....

day of .....19....

pronounced decree of declarator of legitimation in an action at the instance of
.....

.....

against .....

relating to the .... male child named .....

.....

and born at .....

in the registration district of .....

on the .....

day of .....19....

(Signed) .....
Clerk of Court

.....19...".

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

These regulations amend the Registration of Births, Deaths, Marriages, Etc. (Prescription of Forms) (Scotland) Regulations 1965 in consequence of the provisions of the Law Reform (Parent and Child) (Scotland) Act 1986. That Act makes provision in relation to the legal equality of children irrespective of whether their parents are not or have not been married to one another.

The principal changes in the 1965 Regulations are as follows -

(a) the introduction (by regulations 4 and 9) of new Schedules 26 and 26A. The two new Schedules contain the form of declaration which the mother or father respectively of a child may make in the registration of the birth of their child when they are not married to each other and have not been married to each other since their child's conception;

(b) the introduction (by regulations 5, 6, 9 and 10) of new Schedules 26B and 30. These Schedules specify the forms in which the court will notify the Registrar General of decrees of declarator of parentage or non parentage and of legitimation respectively.

Other amendments (regulations 3, 7 and 8) amend provisions of the principal regulations and certain forms prescribed thereby in order to remove outmoded expressions.

These regulations come into force on 8th December 1986, being the date of coming into force of the 1986 Act by virtue of the Law Reform (Parent and Child) (Scotland) Act 1986 (Commencement) Order 1986 (S.I. 1986/1983).