

Registration Arrangements

The presumption in law in relation to the registration of births is that the husband of a married woman is the father of her child unless proven otherwise.

When parents are not married to each other the mother is the primary informant of the birth and the father's name can only be entered in the register if:

- (a) they register the birth jointly;
- (b) a court decree is produced declaring the person to be the father; or
- (c) there is produced to the registrar at the time of registration a statutory declaration signed by one parent together with a declaration signed by the other parent in the registrar's presence.

A father's name can be added to the register at any time after the birth using either method (b) or method (c) above.

Since 1 April 2009, when the Human Fertility and Embryology Act came into force, births can be registered by same-sex couples. The National Records of Scotland (NRS) cannot produce any statistics about such births because the registration process in Scotland treats all couples in exactly the same manner. NRS does not distinguish between civil partnerships and married couples when births are registered - for example, NRS does not identify cases where a female's details are recorded in the section which has traditionally been used for information about the father. (Nor, for that matter, can NRS identify cases of births registered by, say, married couples where another person was the biological father, e.g., following sperm donation.) As some names (e.g., Chris, Jo) may be given to both males and females, it is not possible to produce statistics of births which were registered to same-sex couples by examining the forenames which were recorded for the parents.