



# Joint Birth Registration

Involving both parents



one  
scotland  
SCOTTISH GOVERNMENT

# Joint birth registration in Scotland

The Scottish Government believes that it is best for children to grow up with the involvement of both parents in their lives, as long as this is safe, practical, and in the best interests of the child. Jointly registering the birth of your child can be the first step.

## How and where can a birth be registered?

A birth which occurs in Scotland must be registered within 21 days by the Registrar of Births, Deaths and Marriages. The law allows a birth to be registered in any registration office in Scotland. You should take with you:

- the card issued by the hospital;
- the marriage certificate of the child's parents (if they are married to each other).

**IMPORTANT: JOINTLY REGISTERING THE BIRTH OF YOUR CHILD HAS LEGAL IMPLICATIONS. PLEASE READ THE REST OF THIS LEAFLET BEFORE YOU PROCEED.**

# What are the legal implications?

Following changes made in the Family Law (Scotland) Act 2006, a child's parents are both given parental responsibilities and rights if they register the child's birth together and both of their names appear on the child's birth certificate.

The mother of a child always has parental responsibilities and rights in relation to the child, unless a court has removed them. However, a father of a child only has parental responsibilities and rights in relation to a child if:

- he was married to the child's mother at the time of a child's conception or subsequently;
- on or after 4 May 2006 he is registered as the father of a child;
- he is given them by a court order under section 11 of the Children (Scotland) Act 1995; or
- he is given them under section 4(1) of the Children (Scotland) Act 1995 by way of a Parental Responsibilities and Parental Rights Agreement.

# What are parental responsibilities and rights?

There are certain things that parents are expected to do for their children while they are growing up. These are known as **parental responsibilities**. Along with this, there are certain things that parents are allowed to do to bring up their children. These are known as **parental rights**. For example:

- to help them to be healthy and encourage their growth, development and welfare;
- to make sure they go to school or are given other suitable education and have the opportunity to develop their full potential in life.

In order to do this, they have the right to have the children live with them, or to decide where they will live.



## Existing children

Where the parents are not married to one another, the father will not have parental responsibilities and rights for any children whose births were registered before 4 May 2006, even if his name is on the birth certificate. He can obtain parental responsibilities and rights by signing with the mother a Parental Responsibilities and Parental Rights Agreement and registering it.

A Parental Responsibilities and Rights Agreement form can be obtained from any registration office, by e-mail from [family.law@scotland.gsi.gov.uk](mailto:family.law@scotland.gsi.gov.uk), or by phone **0131 244 3581**. When completed it should be sent by the parents to the address shown on the form.

Alternatively, parental responsibilities and rights may be granted by the courts and a father should seek independent legal advice.

# Further information

## Family law

For more information about parental responsibilities and rights, or to request a copy of any of the other family law materials in this series, e-mail [family.law@scotland.gsi.gov.uk](mailto:family.law@scotland.gsi.gov.uk), phone **0131 244 3581**, or visit the Scottish Government website at: [www.scotland.gov.uk/familylaw](http://www.scotland.gov.uk/familylaw)

# Birth registration in Scotland

For more information about the birth registration process you should contact your local registrar. You can also phone the General Register Office for Scotland, **0131 314 4452**, or visit their website at: <http://www.gro-scotland.gov.uk/>

## Legal advice

If you are concerned about the issues raised in this leaflet or your own situation, contact your local Citizens Advice Bureau, their website is [www.adviceguide.org.uk](http://www.adviceguide.org.uk), or seek independent legal advice as soon as possible. The Law Society of Scotland can give you details of solicitors in your area who specialise in family law, phone **0131 226 7411** or visit their website at [www.lawscot.org.uk](http://www.lawscot.org.uk)

**Further copies of this document are available, on request, in audio and large print formats and in community languages; please contact: 0131 244 3581**

اس دستاویز کی مزید کاپیاں آڈیو کیسیٹ پر اور بڑے حروف کی چھپائی میں اور کمیونٹی کی

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此文件有更多備份，如果需要，語音版本和大字體版本及少數種族語言版本也可提供，請聯絡: 0131 244 3581

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Aby otrzymać niniejszy dokument w innej wersji językowej, na kasecie lub w wersji z powiększonym drukiem, prosimy o kontakt: 0131 244 3581

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