
SCOTTISH STATUTORY INSTRUMENTS

2015 No. 162

PUBLIC HEALTH

The Certification of Death (Scotland) Act 2011 (Authorisation of Cremation – Death Outwith Scotland) Regulations 2015

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| <i>Made</i> | - - - - | <i>2nd April 2015</i> |
| <i>Laid before the Scottish Parliament</i> | - - - - | <i>2nd April 2015</i> |
| <i>Coming into force</i> | - - | <i>13th May 2015</i> |

The Scottish Ministers make the following Regulations in exercise of the powers conferred by section 18(4) of the Certification of Death (Scotland) Act 2011⁽¹⁾, section 27A(2) of the Registration of Births, Deaths and Marriages (Scotland) Act 1965⁽²⁾ and all other powers enabling them to do so.

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Certification of Death (Scotland) Act 2011 (Authorisation of Cremation – Death Outwith Scotland) Regulations 2015 and come into force on 13th May 2015.

(2) In these Regulations, “the Act” means the Certification of Death (Scotland) Act 2011.

Form of certificate under section 17(4) of the Act

2. A certificate in the form of Form X set out in the Schedule is specified for the purpose of section 17(4) of the Act.

Form and content of application under section 18(2) of the Act

3. An application under section 18(2) of the Act must be in the form of Form Y set out in the Schedule and contain the information and documents specified in that form.

Procedure for determination

4. In determining an application under section 18(2) of the Act, that is to say whether it is safe to cremate a person’s body, the medical reviewer must follow the following procedure—

(1) 2011 asp 11.
(2) 1965 c.49.

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- (a) determine whether there is a cardiac pacemaker or other potentially explosive device present in the body;
- (b) determine whether the body poses a risk to public health in that it is, or immediately before death was, infected with a notifiable disease specified in Part 1 of Schedule 1 to the Public Health etc. (Scotland) Act 2008(3); and
- (c) determine whether there is any radioactive or other hazardous material or implant present in the body.

Form of certificate under Section 18(3) of the Act

5. Where a medical reviewer determines that it is safe to cremate a body, the medical reviewer must issue a certificate to that effect in the form of Form Z set out in the Schedule.

St Andrew's House, Edinburgh
2nd April 2015

MAUREEN WATT
Authorised to sign by the Scottish Ministers

SCHEDULE

Regulation 2

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| Hospital/health records | |
| Insurance company paperwork | |
| Police report | |
| Form A under the Cremation (Scotland) Regulations 1935 | |
| Other relevant information e.g. certificate declaring that death is not suspicious | |

Form Z

Certificate of authorisation issued under section 18 Act 2011

Under section 18 of the Certification of Death (Scotland) Act 2011, the Registrar of Deaths certifies that it is safe to cremate the body:

Cremation of the late [insert name] at [insert crematorium]

Part A : the deceased

| | |
|----------------------------------|--|
| Name of deceased: | |
| Date of death: | |
| Date of birth of deceased: | |
| Country in which death occurred: | |

Part B: Medical reviewer notes

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3. Is there radioactive material or other hazardous implants in the deceased?

[The hazard questions above (no. 1-3) must be completed specifically outline any known hazards or reasons that

I hereby certify that to the best of my knowledge and belief this certificate is correct and complete.

[insert name]
Medical Reviewer
Healthcare Improvement Scotland

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations make provision in respect of section 17(4) of the Certification of Death (Scotland) Act 2011 (“the Act”) to provide for a certificate confirming verification of foreign death certificates and under section 18(4) of the Act to provide for a determination by a medical reviewer as to whether it is safe to cremate the body of a deceased person who died outwith Scotland but for whom an application has been received to be cremated in Scotland.

Regulation 2 indicates the form of a certificate under section 17(4) of the Act.

Regulation 3 indicates the form and content of an application under section 18(4) of the Act.

Regulation 4 outlines the procedure to be followed by a medical reviewer in reaching a determination.

Regulation 5 provides for the issuing of a certificate by a medical reviewer stating that it is safe to cremate the body of a deceased person.

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