
SCOTTISH STATUTORY INSTRUMENTS

2015 No. 166

**REGISTRATION OF BIRTHS,
DEATHS AND MARRIAGES ETC.**

The Registration of Births, Deaths and Marriages
(Scotland) Act 1965 (Prohibition on Disposal of
a Body without Authorisation) Regulations 2015

<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 27A(2) of the Registration of Births, Deaths and Marriages (Scotland) Act 1965(1) and all other powers enabling them to do so.

Citation, commencement and interpretation

1. These Regulations may be cited as the Registration of Births, Deaths and Marriages (Scotland) Act 1965 (Prohibition on Disposal of a Body without Authorisation) Regulations 2015 and come into force on 13th May 2015.

2. In these Regulations—

“the 1965 Act” means the Registration of Births, Deaths and Marriages (Scotland) Act 1965;

“the 1984 Act” means the Anatomy Act 1984(2);

“the 2011 Act” means the Certification of Death (Scotland) Act 2011(3).

Requirements for disposal of a body in Scotland where death occurs (or is deemed to have occurred) in Scotland

3. In relation to a person who dies in Scotland (including a person who is deemed by virtue of section 22(4) of the 1965 Act to have died in Scotland), a certificate given by a district registrar for a

(1) 1965 c.49. Section 27A was inserted by section 25 of the Certification of Death (Scotland) Act 2011 (asp 11).

(2) 1984 c.14.

(3) 2011 asp 11.

registration district under section 21(4) (still-births) or section 27(1) (free certificate of registration of death) of the 1965 Act is specified for the purpose of section 27A(2)(a) of that Act.

Requirements for disposal of a body in Scotland where death occurs in England or Wales

4. In relation to a person who dies in England or Wales, the following certificates are specified for the purpose of section 27A(2)(a) of the 1965 Act—

- (a) a certificate equivalent to that given by a district registrar for a registration district under section 21(4) or 27(1) of the 1965 Act; and
- (b) (i) an acknowledgement by a Coroner that notice of the intention to remove the body out of England or Wales has been received by the Coroner together with intimation that the Coroner does not intend to hold an inquest; or
- (ii) a certificate given by a Coroner in accordance with regulations made in pursuance of section 7 of the Cremation Act 1902(4).

Requirements for disposal of a body in Scotland where death occurs in Northern Ireland

5. In relation to a person who dies in Northern Ireland, the following certificates are specified for the purpose of section 27A(2)(a) of the 1965 Act—

- (a) an equivalent certificate to that given by a district registrar for a registration district under section 21(4) or 27(1) of the 1965 Act; and
- (b) a Coroner’s certificate for removal of the body out of Northern Ireland.

Requirements for disposal of a body in Scotland where death occurs outwith the United Kingdom

6. In relation to a person who dies outwith the United Kingdom, the following certificates and documents are specified for the purpose of section 27A(2)(a) of the 1965 Act—

- (a) a certificate given by a medical reviewer under section 17(4) of the 2011 Act; and
- (b) a certificate given by a medical reviewer under section 18(3) of the 2011 Act (medical reviewers to authorise cremation) if the person’s body is to be cremated in Scotland.

Requirements for disposal of a body in Scotland where anatomical examination has taken place

7.—(1) Where a body has undergone anatomical examination pursuant to the provisions of the 1984 Act—

- (a) a certificate in the form of Form M set out in the Schedule, and containing the information specified in that form, is specified for the purpose of section 27A(2)(a) of the 1965 Act for the disposal of the body;
- (b) a certificate in the form of Form N set out in the Schedule, and containing the information specified in that form in relation to “Anatomical Examination”, is specified for the purpose of section 27A(2)(a) of the 1965 Act for the disposal of any part of the body.

(2) A certificate specified by paragraph (1) may be given by a person licensed under section 3(2) of the 1984 Act.

(4) Cremation Act 1902 (c.8) as amended by the Cremation Act 1952 and having effect in England and Wales.

Requirements for disposal of part of a body in Scotland where post-mortem examination has taken place

8. Where a body has undergone post-mortem examination, a certificate in the form of Form N set out in the Schedule, and containing the information specified in that form in relation to “Port-Mortem Examination”, is specified for the purpose of section 27A(2)(a) of the 1965 Act for the disposal of any part of the body.

St Andrew’s House,Edinburgh
2nd April 2015

MAUREEN WATT
Authorised to sign by the Scottish Ministers

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

SCHEDULE

Regulations 7 and 8

Form M

Certificate of Authorisation for the disposal of a body following anatomical examination

***C: Complete or I : Incomplete – Indicate if there are pa
body will then be complete**

Signature:

Business contact number

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations specify the certificates required for the disposal of deceased persons and stillborn children in Scotland under section 27A of the Registration of Births, Deaths and Marriages (Scotland) Act 1965. Regulation 3 provides the certificates required where a person has died in Scotland. Regulations 4 and 5 provide for the certificates required where a person has died in England, Wales and Northern Ireland. Regulation 6 provides for the certificates required where a person has died outwith the United Kingdom. Regulation 7 provides for the additional certificates required where a person has undergone an anatomical examination. Regulation 8 provides for the additional certificates required where a person has undergone a post-mortem examination.