



# Certification of Death (Scotland) Act 2011

## 2011 asp 11

### *Referral of medical certificates of cause of death for review*

## **2 Referral of certain medical certificates of cause of death for review**

After section 24 of the 1965 Act insert—

### **“24A Duty to refer certain certificates of cause of death for review**

- (1) The Registrar General must ensure that randomly selected certificates of cause of death are referred for review under section 8(1) of the 2011 Act prior to registration of the death to which each certificate relates.
- (2) The Registrar General must ensure that certificates of cause of death of such descriptions as may be specified in a request by medical reviewers under section 3 of the 2011 Act are referred for review under section 8(1) of that Act.
- (3) A district registrar for a registration district may refer for review under section 8(1) of that Act a certificate of cause of death where the district registrar considers it appropriate to do so.
- (4) The following certificates may not be referred under subsections (1) to (3)—
  - (a) a certificate of cause of death relating to a body in respect of which a direction has been given by a Health Board under section 90(2) of the Public Health etc. (Scotland) Act 2008 (asp 5) (restrictions on release of infected etc. bodies from hospital),
  - (b) a certificate of cause of death which has already been referred under this section,
  - (c) a certificate of cause of death which has been (or is being) reviewed under section 8(1) of the 2011 Act following an application made under section 4(1) of that Act,
  - (d) a certificate of cause of death which is a replacement certificate attested and transmitted in response to an invitation to do so under section 10 or 11 of the 2011 Act,
  - (e) a certificate of cause of death where the cause of death of the deceased person has been (or is being) investigated by a procurator fiscal,

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*Status: This is the original version (as it was originally enacted).*

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- (f) a certificate of cause of death attested prior to the coming into force of this section.
- (5) The Scottish Ministers may give directions to the Registrar General about the referral of certificates under this section; and the Registrar General must comply with any such direction.
- (6) A direction under subsection (5) may in particular specify—
- (a) the minimum number of certificates of cause of death which are to be selected for referral under subsection (1) in any year, and
  - (b) the method of determining which certificates are to be selected for referral under subsection (1).
- (7) The Scottish Ministers may by order made by statutory instrument suspend the referral of certificates under this section—
- (a) during an epidemic, or
  - (b) where the Scottish Ministers consider, on reasonable grounds, that it is necessary to do so to prevent, or to prevent the spread of, infectious diseases or contamination.
- (8) An order made under subsection (7)—
- (a) may include such supplementary, incidental, consequential, transitional, transitory or saving provision as the Scottish Ministers think necessary or expedient,
  - (b) may be exercised so as to make different provision for different purposes.
- (9) An order made under subsection (7) (other than one to which subsection (11) applies)—
- (a) must be laid before the Scottish Parliament, and
  - (b) ceases to have effect at the expiry of a period of 28 days beginning with the date on which it was made unless, before the expiry of that period, the order has been approved by resolution of the Parliament.
- (10) Subsection (11) applies to an order made under subsection (7) consisting only of—
- (a) provision revoking an earlier order made by virtue of subsection (7), or
  - (b) such provision and provision made by virtue of subsection (8)(a).
- (11) An order to which this subsection applies is subject to annulment in pursuance of a resolution of the Parliament.
- (12) In reckoning for the purposes of subsection (9)(b) any period of 28 days, no account is to be taken of any period during which the Scottish Parliament is—
- (a) dissolved, or
  - (b) in recess for more than 4 days.
- (13) Subsection (9)(b) is without prejudice to anything previously done by reference to an order under subsection (7) or to the making of a new order under that subsection.”.