

# **CORONAVIRUS (RECOVERY AND REFORM) (SCOTLAND) ACT 2022**

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## **EXPLANATORY NOTES**

### **THE ACT: OVERVIEW**

#### **Part 3: Public Service Reform**

##### **Registration of deaths**

##### ***Section 26: Funeral director giving information of particulars of death***

100. This section amends the Registration Act so that a funeral director can provide details of a death for registration purposes on behalf of a person who would otherwise have a legal duty to provide them under section 23(1) of the Registration Act. The effect of the amendment is that anyone subject to that duty is absolved from having to comply with it once the funeral director has given a district registrar the required information.
101. This section's amendment to section 23(1A) of the Registration Act means that a funeral director is to give information about a death in the same way as a person subject to the duty to do so under section 23(1).

##### ***Section 27: Giving information of particulars of death remotely***

102. This section amends the Registration Act to enable the process for registering a death to be carried out remotely, and also to facilitate registers being kept electronically.
103. Prior to the modifications made by the Act taking effect, registering a death normally required that a person (commonly a relative of the deceased) provide the district registrar with details of the death in person. The registration form then had to be signed in the registrar's physical presence.
104. **Section 27** amends section 23(1A) of the Registration Act to enable district registrars to set out alternative ways of providing them with details of a death. District registrars will only be able to offer alternatives that have been approved by the Registrar General for Scotland (see new section 23A(1), inserted by section 27(3) of this Act).
105. **Section 27** further amends section 23(1A) of the Registration Act so that alternative ways of providing details of a death can be set at a national level by the Registrar General for Scotland. Amendments to section 23 provide that where the informant can provide information remotely or attest a death registration form remotely, the choice of whether to do so is for the informant.
106. New section 23A requires that any directions setting out alternatives to physically attending a registration office to provide details of a death be put in the public domain. It ensures that directions can be changed or withdrawn. And it makes clear that although district registrars, and the Registrar General, have the option of allowing details of a death to be provided otherwise than by physically attending a registration office, they are not required to do so.

*These notes relate to the Coronavirus (Recovery and Reform) (Scotland)  
Act 2022 (asp 8) which received Royal Assent on 10 August 2022*

107. [Section 27](#) also allows for the registration form to be attested without requiring that the person attesting it do so physically. As mentioned, attestation of the form currently entails physically signing it in the registration office. New subsection (1C) of section 23 of the Registration Act (inserted by section 27(2)(b) of this Act) provides two options for attesting a registration form:
- the form might be attested by the person providing the details of the death through a process that the Registrar General has approved, or
  - an official might attest the form on the person’s behalf (for example by transposing the person’s signature onto an electronic version of the form), which must also be done in a way approved by the Registrar General.
108. [Section 27\(3A\)](#) makes similar adjustments to section 25 of the Registration Act. Section 25 deals with the completion of a death registration form in a case where nobody has done so within the period required by section 23. Amendments to section 25 provide that where the informant can provide information remotely or attest a death registration form remotely, the choice of whether to do so is for the informant.
109. The adjustments made to section 25B(2) of the Registration Act by section 27 of this Act, and the insertion of new section 28A, are consequential on those already discussed. Section 25B(2) prevents the registration of a death from being completed, where the death registration form has been completed remotely, until a public authority (such as a health board) has confirmed the details of the death. Section 27 of this Act amends section 25B so that it refers to the processes for completion of death certificates enabled by the amendments discussed above. The new section 28A of the Registration Act defines “death registration form”, following the repeal of the original definition as part of the modifications made to section 23.