



# Certification of Death (Scotland) Act 2011

## 2011 asp 11

### *Powers of medical reviewers*

#### **14 Power to require documents**

- (1) A medical reviewer may for the purposes of—
  - (a) reviewing a medical certificate of cause of death under section 8(1) or, as the case may be, section 11(2), or
  - (b) determining whether it is safe to cremate the body of a person who died outwith Scotland under section 18(2),require any person who is able, in the opinion of the medical reviewer, to produce relevant documents (including health records) to do so.
- (2) Where a requirement under subsection (1) is imposed by the medical reviewer, the person in question must be given a notice specifying—
  - (a) the documents or types of documents which the person is required to produce,
  - (b) the date by which the person is required to produce them, and
  - (c) the name of the deceased person in respect of whom they are required.
- (3) For the purposes of this section, a person is to be taken to comply with a requirement to produce a document if that person produces a copy of, or an extract of the relevant part of, the document.
- (4) In this section, references to the medical reviewer include references to the senior medical reviewer.

#### **15 Documents: offences**

- (1) Any person to whom a notice under section 14 is given commits an offence if the person—
  - (a) deliberately alters, suppresses, conceals or destroys any document which that person is required to produce by the notice, or
  - (b) refuses or fails to produce any such document.
- (2) It is a defence for a person charged with an offence under subsection (1)(b) to prove that there was a reasonable excuse for the refusal or failure.

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*Status: This is the original version (as it was originally enacted).*

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- (3) A person is not obliged under section 14 to produce any document which that person would be entitled to refuse to produce in a court in Scotland.
- (4) A person who commits an offence under this section is liable on summary conviction to a fine not exceeding level 5 on the standard scale or to imprisonment for a period not exceeding 3 months.
- (5) Where an offence under this section which has been committed by a body corporate is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of—
  - (a) a director, manager, secretary or other similar officer of the body corporate, or
  - (b) any person who was purporting to act in any such capacity,that person, as well as the body corporate, commits the offence and is liable to be proceeded against accordingly.