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SCOTTISH STATUTORY INSTRUMENTS

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**2015 No. 162**

**PUBLIC HEALTH**

**The Certification of Death (Scotland) Act 2011 (Authorisation of Cremation – Death Outwith Scotland) 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 18(4) of the Certification of Death (Scotland) Act 2011<sup>(1)</sup>, section 27A(2) of the Registration of Births, Deaths and Marriages (Scotland) Act 1965<sup>(2)</sup> 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—

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

- (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

Form X

**Certificate declaring documentation to be in order**

Under section 17(4) of the Certification of Death (Scotland) Act 2011 the medical reviewer hereby certifies that the documentation relating to the late [insert name] is in order

[insert name]

**Medical Reviewer**  
**Healthcare Improvement Scotland**

**Status:** This is the original version (as it was originally made).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

## Form Y

### Application under section 18(2) of the Certification of Death (Scotland) Act 2011

#### Section 1: the applicant

Full name of applicant:	
Date of birth of applicant:	
Address of applicant:	
Contact details (Tel No/E-mail):	
Are you the person arranging the funeral?	<b>Yes/No (please delete as applicable)</b>
Do you have charge of the place where the funeral is taking place?	<b>Yes/No (please delete as applicable)</b>
Date:	

#### Section 2: Deceased details

Name of deceased:	
Date of death:	
Date of birth of deceased:	
Country in which death occurred:	
Place of death:	

#### Section 3: Disposal arrangements

Is the deceased to be cremated in Scotland?	<b>Yes/No (please delete as applicable)</b>
Where is the funeral to take place?	
Date of funeral (if known at time of making application)	
Do you wish to apply for post-mortem (if no cause of death)?	<b>Yes/No (please delete as applicable)</b>

#### Section 4: Paperwork enclosed (please tick which applies):

Medical Certificate of Cause of Death (MCCD)/certificate of death in the country in which death occurred (or a copy of the original is not available)	
Certificate of Registration of Death issued in the country in which death occurred (or a copy if the original is not available)	
Passport/other ID of deceased	

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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	

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## Form Z

**Certificate of authorisation issued under section 18 of the Certification of Death (Scotland) Act 2011**

Under section 18 of the Certification of Death (Scotland) Act 2011, the medical reviewer hereby 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**

**Part C: Hazards**

To the best of my knowledge and belief:

1. Does the body of the deceased pose a risk to public health: for example, did the deceased have a notifiable infectious disease or was their body contaminated immediately before death?	Yes/No
2. Is there a cardiac pacemaker or any other potentially explosive device currently present in the deceased?	Yes/No

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

3. Is there radioactive material or other hazardous implant currently present in the deceased?	Yes/No
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[The hazard questions above (no. 1-3) must be completed. The medical reviewer should specifically outline any known hazards or reasons that the body cannot be cremated]

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

[insert name]

**Medical Reviewer**  
**Healthcare Improvement Scotland**

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### 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.