
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

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SCHEDULE

Regulations 7 and 8

Form M

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

Section 27A of the Registration of Births, Deaths and Marriages (Scotland) Act 1965

I, (Insert name of licensed Teacher of Anatomy.....) request that the body of the deceased as stated below is disposed of by (Name of Disposal Authority.....)

Name of deceased: University Ref No:

Date of birth: Sex:

Date of death: Place of death:

I confirm that no body parts have been retained under the Anatomy Act 1984.

I confirm that the part(s) of the body listed below have been retained from the body under the Anatomy Act 1984. These will be disposed of by an appropriate disposal authority at a later date.

PARTS RETAINED BY ANATOMY DEPARTMENT	

I confirm that, to the best of my knowledge and belief, no implants or hazards remain in the body.

Signature:

Date:.....

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FORM N

Certificate of Authorisation for disposal of parts of a body

Section 27A of the Registration of Births, Deaths and Marriages Act (Scotland) Act 1965

Please complete as appropriate:

Anatomical Examination

I, (insert Name of licensed Teacher of Anatomy)..... request that the body part(s) described below is/are cremated by (insert Disposal Authority).

I confirm that the body part(s) described below was/were retained from the body of the deceased indicated below which was/were donated to (Insert University Name.....) under the Anatomy Act 1984.

I confirm that, to the best of my knowledge and belief, no implants or hazards remain in the body part(s).

Post- Mortem Examination

I, (Insert name of Doctor / Pathologist including medical qualifications) confirm on behalf of (Insert name of Authority lawfully retaining the body parts.....) that there exists no reason for any further inquiry or examination concerning the body parts listed and that they are (with consent of the Procurator Fiscal, if appropriate) now released for disposal.

I confirm that, to the best of my knowledge and belief, no implants or hazards remain in the body part(s).

Anatomy Ref. No. (If applicable)	Name of deceased and Date of Death	Date of original disposal (If applicable)	Original Disposal no. (If applicable)	Parts for Disposal	C / I* (see below)

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*C: Complete or I : Incomplete – Indicate if there are parts still retained or if the cremation of the body will then be complete

Signature:

Date:.....

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.