



Certification of Death (Scotland) Act 2011

2011 asp 11

Review of medical certificates of cause of death

8 Review of medical certificates of cause of death

- (1) A medical reviewer must review any medical certificate of cause of death—
 - (a) referred under section 24A of the 1965 Act, or
 - (b) in respect of which an application has been made under section 4(1) (other than one which has been rejected as vexatious under section 4(3)).
- (2) In conducting a review, the medical reviewer may—
 - (a) examine the health records of the deceased person to whom the certificate relates,
 - (b) seek the views of the medical practitioner who attested the certificate,
 - (c) make enquiries of any other person who the medical reviewer considers may have information about the health of the deceased person (for example, a member of the deceased person's family, a carer or a nurse),
 - (d) make such other enquiries and examine such other things as the medical reviewer considers appropriate.
- (3) Following a review under subsection (1) the medical reviewer must come to a view on whether the certificate is in order.
- (4) For the purposes of this Act, a certificate is in order where a medical reviewer is satisfied, on the basis of the evidence available to the medical reviewer, that—
 - (a) the cause (or causes) of death mentioned represents a reasonable conclusion as to the likely cause (or causes) of death, and
 - (b) the other information contained in the certificate is correct.
- (5) The Scottish Ministers may by regulations make further provision about the review of certificates including, in particular, action to be taken by medical reviewers when conducting a review or by senior medical reviewers when conducting a further review.

9 Action following satisfactory review

- (1) Subsection (2) applies where, following a review under section 8(1), a medical reviewer is of the view that a medical certificate of cause of death is in order.

- (2) The medical reviewer must approve the certificate and notify the relevant registrar accordingly.

10 Action following unsatisfactory review: medical reviewer

- (1) This section applies where, following a review under section 8(1), a medical reviewer is of the view that a medical certificate of cause of death is not in order.
- (2) The medical reviewer must—
- (a) inform the relevant medical practitioner of that view and the reasons for coming to that view, and
 - (b) invite the relevant medical practitioner to attest and transmit to the medical reviewer a replacement certificate which takes account of the reasons.
- (3) If the relevant medical practitioner attests and transmits a replacement certificate which in the view of the medical reviewer is in order, the medical reviewer must approve the replacement certificate and transmit it to the relevant registrar.
- (4) If the relevant medical practitioner attests and transmits a replacement certificate which in the view of the medical reviewer is not in order, the medical reviewer must refer the review to the senior medical reviewer.
- (5) If the relevant medical practitioner declines to attest and transmit a replacement certificate in response to the invitation under subsection (2)(b), the medical reviewer must—
- (a) approve the certificate and notify the relevant registrar accordingly, or
 - (b) refer the review to the senior medical reviewer.

11 Action following unsatisfactory review: senior medical reviewer

- (1) This section applies where a review is referred to the senior medical reviewer under section 10(4) or (5)(b).
- (2) The senior medical reviewer may conduct a further review of the certificate.
- (3) If the senior medical reviewer conducts a further review under subsection (2), the senior medical reviewer may exercise the powers conferred on a medical reviewer by section 8(2).
- (4) The senior medical reviewer must come to a view on whether the certificate is in order (and for that purpose references in section 8(4) to a medical reviewer are to be read as references to the senior medical reviewer).
- (5) If the senior medical reviewer comes to the view that the certificate is in order, the senior medical reviewer must approve the certificate and notify the relevant registrar and the relevant medical practitioner accordingly.
- (6) If the senior medical reviewer comes to the view that the certificate is not in order, the senior medical reviewer must—
- (a) inform the relevant medical practitioner of that view and the reasons for coming to that view, and
 - (b) invite the relevant medical practitioner to attest and transmit to the senior medical reviewer a replacement certificate which takes account of the reasons.

- (7) If the relevant medical practitioner attests and transmits a replacement certificate which in the view of the senior medical reviewer is in order, the senior medical reviewer must approve the replacement certificate and transmit it to the relevant registrar.
- (8) If the relevant medical practitioner attests and transmits a replacement certificate which in the view of the senior medical reviewer is not in order, the senior medical reviewer must—
 - (a) signify that a review has been conducted and notify the relevant registrar accordingly, or
 - (b) refer the certificate to the procurator fiscal for investigation into the cause of death of the deceased person to whom the certificate relates.
- (9) If the relevant medical practitioner declines to attest and transmit a replacement certificate, the senior medical reviewer must—
 - (a) approve the certificate, or otherwise signify that a review has been conducted, and notify the relevant registrar accordingly, or
 - (b) refer the certificate to the procurator fiscal for investigation into the cause of death of the deceased person to whom the certificate relates.
- (10) Subsection (11) applies where—
 - (a) the senior medical reviewer has come to the view that the certificate or, as the case may be, its replacement, is not in order because the senior medical reviewer is not satisfied that information (other than the cause of death) contained in the certificate (or its replacement) is correct, or
 - (b) the relevant medical practitioner declines to attest and transmit a replacement certificate in response to the invitation under subsection (6).
- (11) The senior medical reviewer may (in addition to the action to be taken under subsection (8) or (9)) take such steps as the senior medical reviewer considers appropriate to inform such persons as the senior medical reviewer considers appropriate of the relevant information.

12 Action where relevant medical practitioner is unavailable or incapacitated

- (1) Subsections (2) and (3) apply where—
 - (a) a medical reviewer has conducted a review under section 8(1),
 - (b) the medical reviewer has come to the view that a medical certificate of cause of death is not in order, and
 - (c) the relevant medical practitioner is unavailable or unable to attest and transmit a replacement certificate in accordance with section 10.
- (2) The medical reviewer must—
 - (a) signify that a review has been conducted and notify the relevant registrar accordingly, or
 - (b) refer the certificate to the procurator fiscal for investigation into the cause of death of the deceased person to whom the certificate relates.
- (3) Where the medical reviewer has come to the view that the certificate is not in order because the medical reviewer is not satisfied that information contained in the certificate (other than the cause of death) is correct, the medical reviewer may (in addition to the action to be taken under subsection (2)) take such steps as the

medical reviewer considers appropriate to inform such persons as the medical reviewer considers appropriate of the relevant information.

- (4) Subsections (5) and (6) apply where—
- (a) a medical reviewer has referred a review to the senior medical reviewer under section 10(4) or (5)(b),
 - (b) the senior medical reviewer has come to the view that a medical certificate of cause of death is not in order, and
 - (c) the relevant medical practitioner is unavailable or unable to attest and transmit a replacement certificate in accordance with section 11.
- (5) The senior medical reviewer must—
- (a) signify that a review has been conducted and notify the relevant registrar accordingly, or
 - (b) refer the certificate to the procurator fiscal for investigation into the cause of death of the deceased person to whom the certificate relates.
- (6) Where the senior medical reviewer has come to the view that the certificate is not in order because the senior medical reviewer is not satisfied that information contained in the certificate (other than the cause of death) is correct, the senior medical reviewer may (in addition to the action to be taken under subsection (5)) take such steps as the senior medical reviewer considers appropriate to inform such persons as the senior medical reviewer considers appropriate of the relevant information.

13 Duty to inform following review

- (1) This section applies where a medical reviewer has conducted a review under section 8(1).
- (2) The medical reviewer must, when a relevant requirement is first complied with in relation to the certificate to which the review relates, inform the persons mentioned in subsection (3) of the outcome of the review including, in particular, any changes made to the medical certificate of cause of death.
- (3) The persons are—
- (a) the person who gave information of the particulars required to be registered concerning the death to the district registrar under section 23(1) of the 1965 Act,
 - (b) in the case of a review conducted by virtue of section 4, the interested person (unless that is the same person as mentioned in paragraph (a)).
- (4) In subsection (2), “relevant requirement” means a requirement imposed by any of the following sections—
- (a) section 9(2),
 - (b) section 10(3) or (5)(a),
 - (c) section 11(5), (7), (8) or (9),
 - (d) section 12(2) or (5).