



# Coronavirus (Recovery and Reform) (Scotland) Act 2022

## 2022 asp 8

### PART 3

#### PUBLIC SERVICE REFORM

##### *Registration of deaths*

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

(1) The Registration of Births, Deaths and Marriages (Scotland) Act 1965 is modified as follows.

(2) In section 23 (duty to give information of particulars of death)—

(a) after subsection (1) insert—

“(1ZA) The duty to give information concerning a death imposed by subsection (1) is discharged in relation to every person upon whom the duty is imposed if the funeral director responsible for arranging the deceased’s funeral gives the information to the district registrar for a registration district on behalf of any of those persons.

(1ZB) In [subsection \(1ZA\)](#), “funeral director” has the meaning given by section 31(1) of the Certification of Death (Scotland) Act 2011.”,

(b) in subsection (1A), after “subsection (1)” insert “or [\(1ZA\)](#)”.

#### **Commencement Information**

**II** [S. 26](#) in force at 24.9.2022, see [s. 59\(1\)](#)

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

(1) The Registration of Births, Deaths and Marriages (Scotland) Act 1965 is modified as follows.

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*Changes to legislation: There are currently no known outstanding effects for the Coronavirus (Recovery and Reform) (Scotland) Act 2022, Cross Heading: Registration of deaths. (See end of Document for details)*

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- (2) In section 23 (duty to give information of particulars of death)—
- (a) in subsection (1A)—
    - (i) in the opening words, the word “by” is repealed,
    - (ii) in paragraph (a), before “attending” insert “by”,
    - (iii) after paragraph (a), the word “or” is repealed,
    - (iv) for paragraph (b) substitute—
      - “(b) in a manner permitted in the circumstances (or any circumstances) by a direction issued by the registrar, or
      - (c) in a manner permitted in the circumstances (or any circumstances) by a direction issued by the Registrar General.”,
  - (b) after subsection (1A) insert—
    - “(1B) A person has not discharged the duty under subsection (1) by giving information to a district registrar until the death registration form containing the information is attested by, or on behalf of, the person.
    - (1C) References in this section to a death registration form being attested—
      - (a) by a person are to the person attesting the form—
        - (i) in the prescribed manner in the presence of the district registrar, or
        - (ii) in a manner approved by the Registrar General,
      - (b) on behalf of a person are to the form being attested by the district registrar in a manner approved by the Registrar General (once the person has provided the registrar with any information the registrar requests).
    - (1D) Where there is a way for—
      - (a) a person (“the informant”) to give information of the prescribed particulars concerning a death that does not entail the informant attending personally at a registration office, or
      - (b) a death registration form to be attested that does not entail the informant attesting it in the presence of a district registrar,
 it is for the informant to choose whether to give the information, or attest the form, that way.”.
- (3) After section 23 insert—

**“23A Directions about giving information of particulars of death**

- (1) A direction under section 23(1A)(b) may only permit information to be given in a manner approved by the Registrar General.
- (2) A direction under section 23(1A)(c) may not make different provision for different areas.
- (3) A power to issue a direction under section 23(1A) includes the power to revise or revoke an earlier direction issued under the power.
- (4) Directions under section 23(1A) must be made publicly available.

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- (5) There is no duty to issue any direction under section 23(1A)(b) or (c).”.
- (4) In section 25 (registrar’s power to require information concerning death to be given)—
- (a) in subsection (1)—
- (i) after “requiring him” insert “before such date (being not less than 8 days nor more than 15 days after the date of service of the notice) as may be specified in the notice”,
- (ii) paragraph (a) is repealed,
- (iii) in paragraph (b), after “death” insert “in one of the following ways—
- “(i) by attending personally at the registration office for that district and giving the information to the registrar there; or
- (ii) in a manner permitted in the circumstances (or any circumstances) by a direction under section 23(1A)(b) or (c)”,
- (iv) for paragraph (c) substitute—
- “(c) to either—
- (i) attest, in the prescribed manner, the death registration form concerning the death in the presence of the registrar; or
- (ii) provide the registrar with any information the registrar requests in order for the registrar to attest the form, in a manner approved by the Registrar General, on the person’s behalf.”,
- (b) in subsection (2), for “him to attend personally as aforesaid” substitute “the person to do the things mentioned in subsection (1)(b) and (c)”,
- (c) after subsection (3) insert—
- “(3A) Where there is a way for—
- (a) a person on whom a notice under subsection (1) or (2) is served (“the informant”) to give information of the particulars required to be registered concerning a death that does not entail the informant attending personally at a registration office, or
- (b) a death registration form to be attested that does not entail the informant attesting it in the presence of a district registrar,
- it is for the informant to choose whether to give the information, or attest the form, that way.”.
- (5) In section 25B(2) (registration of deaths)—
- (a) for “he obtained the attested death registration form by virtue of” substitute “information was given in a manner permitted by a direction under”,
- (b) after “23(1A)(b)” insert “or (c)”.
- (6) After section 28 insert—

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### **“28ZA Meaning of death registration form**

In this Part, references to a death registration form are to the prescribed form in which—

- (a) a person gives a district registrar information of the prescribed particulars concerning a death, or
- (b) a district registrar records information of the prescribed particulars concerning a death.”.

#### **Commencement Information**

**I2** S. 27(1)(3)(5) in force at 24.9.2022, see **s. 59(3)(b)**

**I3** S. 27(2)(4)(6) in force at 1.9.2022 for specified purposes, see **s. 59(3)(a)(i)**

**I4** S. 27(2)(4)(6) in force at 24.9.2022 in so far as not already in force, see **s. 59(3)(a)(ii)**

**Changes to legislation:**

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