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SCOTTISH STATUTORY INSTRUMENTS

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**2015 No. 164**

**PUBLIC HEALTH**

**The Certification of Death (Scotland) Act  
2011 (Consequential Provisions) Order 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 Order in exercise of the powers conferred on them by section 28 of the Certification of Death (Scotland) Act 2011<sup>(1)</sup> and all other powers enabling them to do so.

**Citation and commencement**

1. This Order may be cited as the Certification of Death (Scotland) Act 2011 (Consequential Provisions) Order 2015 and comes into force on 13th May 2015.

**Amendment of the Cremation (Scotland) Regulations 1935**

2. The Cremation (Scotland) Regulations 1935<sup>(2)</sup> are amended in accordance with articles 3 to 10.

**Revocation of definition**

3. In the section entitled “Definitions”, the definition of “Medical Referee” is omitted.

**Revocation of Regulations 6, 8(a), (b) and (d), 8A, 9, 10, 11 and 15A**

4. Regulations 6, 8(a), (b) and (d), 8A, 9, 10, 11 and 15A are omitted.

**Amendment of Regulation 12**

5.—(1) In regulation 12—

(a) for “Medical Referee”, in each place where it appears, substitute “Cremation Authority”;

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(1) 2011 asp 11.

(2) S.I. 1935/247 amended by S.I. 1952/1639, S.I. 1967/398 and S.S.I. 2003/301.

- (b) in sub paragraph (d) of the first paragraph, for “referred to in Regulations 6 and 8 (including the acknowledgement and intimation by a Coroner referred to in Regulation 6(c)(i), (if any)” substitute “specified under section 27A of the Registration of Births, Deaths and Marriages (Scotland) Act 1965(3)”;
- (c) in sub paragraph (d) of the first paragraph omit from “by these Regulations” to the end of that sub paragraph;
- (d) in the second paragraph for “, may refuse to grant authority until he has himself examined the body and may in any case” substitute “and may”;
- (e) in the third paragraph omit “and in particular if the cause of death assigned in the medical certificate be such as, regard being had to all the circumstances, might be due to poison, violence, to any illegal operation or to privation or neglect, or if there is any reason to suspect that death occurred under an anaesthetic,”.

(2) In Regulation 12, references to “he”, “his” and “himself” shall be construed as references respectively to “it”, “its” and “itself”.

#### **Amendment of Regulation 13**

6. In regulation 13 omit the second and third paragraphs.

#### **Amendment of Regulation 14**

7. In regulation 14 for “5 to 10 and 12” substitute “7 and 8(c)”.

#### **Amendment of Regulation 15**

8. In regulation 15—
- (a) for “Medical Referee” substitute “Cremation Authority”; and
  - (b) for “4, 5, 6, 7, 8 and 12” substitute “7 and 8(c)”.

#### **Amendment of Regulation 16**

9. In regulation 16—
- (a) for “Medical Referee” substitute “Cremation Authority”;
  - (b) omit “; and if the Medical Referee after such inquiries as he may think necessary is satisfied that it was still-born”.

#### **Amendment of the Schedule**

10. In the schedule omit Forms B, C, D, DD, F, FF and H.

#### **Consequential provisions**

11. Any Form DD, as provided for in regulation 15A of the Cremation (Scotland) Regulations 1935, issued before 13th May 2015 is to be treated as a Form N as specified in regulation 7(b) of the Registration of Births, Deaths and Marriages (Scotland) Act 1965 (Prohibition on Disposal of a Body without Authorisation) Regulations 2015(4).

12. Any Form H, as provided for in regulation 8(d) of the Cremation (Scotland) Regulations 1935, issued before 13th May 2015 is to be treated as a Form M as specified in regulation 7(a) of

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(3) 1965 c.49.

(4) S.S.I. 2015/166.

the Registration of Births, Deaths and Marriages (Scotland) Act 1965 (Prohibition on Disposal of a Body without Authorisation) Regulations 2015.

St Andrew's House,  
Edinburgh  
2nd April 2015

*MAUREEN WATT*  
Authorised to sign by the Scottish Ministers

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

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## **EXPLANATORY NOTE**

*(This note is not part of the Order)*

This Order makes amendments to the Cremation (Scotland) Regulations 1935 in consequence of the Certification of Death (Scotland) Act 2011. The Order comes into force on 13th May 2015.