

## POLICY NOTE

### THE REGISTRATION OF BIRTHS, STILL-BIRTHS, DEATHS AND MARRIAGES (PRESCRIPTION OF FORMS) (SCOTLAND) AMENDMENT REGULATIONS 2015 SSI 2015/180

The above instrument is made in exercise of the powers conferred by sections 21(2), 21(4), 27(1) and 54(1)(b) of the Registration of Births, Deaths, and Marriages (Scotland) Act 1965. It is subject to no procedure.

#### Policy Objectives

The Registration of Births, Still-births, Deaths and Marriages (Prescription of Forms) (Scotland) Regulations 1997 (SI 1997/2348, “the principal Regulations”) prescribe various forms for registration purposes. This instrument substitutes a revised Form 6 (Certificate of Still-birth), revised Form 8 (Certificate of Registration of Still-birth) and revised Form 14 (Certificate of Registration of Death) for those presently prescribed in the principal Regulations.

Forms 6, 8 and 14 have been revised to assist in the implementation of certain provisions of the Certification of Death (Scotland) Act 2011, including the requirement in section 27A to ensure that there are no public health hazards arising on the disposal of the body of a still-born child or deceased person.

#### Proposed Changes to the Forms

##### *Form 6*

Form 6 was last prescribed in 1999. The proposed changes to the existing form, with reasons, are as follows:

- Collection of public health hazard information about any notifiable infectious disease, contamination, potentially explosive device, radioactive material or other hazardous implant potentially present in the body of the still-born child. This is to establish to the best of the knowledge and belief of the certifying doctor or midwife the presence (or not) of dangerous health hazards which might affect funeral industry staff handling the body or associated equipment. (All existing cremation forms from the Cremation (Scotland) Regulations 1935 are due to be repealed under the 2011 Act, with the exception of application forms A and AA, and some other forms relating to the cremation register.)
- Removal of the definition of still-birth from the form. This is part of a move, in line with changes made to the MCCD/Form 11 in 2014, to simplify the form wherever possible for ease of use. The still-birth definition will be available to certifying doctors and midwives in online guidance to completing the form.
- Removal of the statement regarding a certifying doctor/midwife’s examination of the still-born child’s body. As the certifying doctor or midwife must, in order to possess the requisite information to properly certify, either have been present at the still-birth (retained in the form) or have examined the body, the latter statement is implicit in their attestation of knowledge of the still-birth, and can therefore safely be removed in the interests of simplifying the form.

- Addition of GMC/NMC numbers and business contact details for the certifying doctor/midwife. This is to increase identification of, and enhance communication with, certifying medical professionals by others who may need to contact them, such as funeral industry staff. This also reflects changes introduced for the same reasons to the Form 11 in 2014.
- The form includes additional information in relation to the sex of the still-born child. While the previous form asked the certifying doctor or midwife to confirm whether the child was male or female, the revised form includes a further option that can be selected if the sex of the child is unknown. It was deemed necessary by the medical profession to include this third option because it may not always be possible to determine whether the still-born child was male or female in the absence of an external examination without other detailed testing.
- These features also encompass expansion of the text in the cause of death section to include the mother ('fetal and/or maternal conditions' at antecedent causes, and 'other significant conditions of child and/or mother' at other significant conditions) as well as an addition to the statistical information box to the right of the cause of death section headed 'Not to be entered in register' of one additional data field ('single birth/first twin/second twin/other multiple').
- Additional information on the mother (date of birth, Community Health Index number) and additional information on the location of the still-birth (Health Board area). This is to facilitate more accurate public health information and statistics around still-birth, as well as to provide better information for monitoring of still-births in each Health Board area.
- Addition of new fields on reporting of the still-birth to the Procurator Fiscal and provision of extra statistical information. These fields bring the Form 6 into line with changes made to the Form 11 in 2014, and similarly seek to record knowledge of actions taken in regard to the still-birth at the time it occurred or subsequently which may enhance public health information in regard to still-birth.

### *Form 8*

Form 8 was last prescribed in 2009. The proposed changes to the existing form, with reasons, are as follows:

- Addition of public health hazard information as at bullet point 1, Form 6. This is to transmit hazard information from the medical side to those in the funeral industry handling the body of the still-born child and/or associated equipment, for the reasons given above.
- Addition of identifying and contact details of the certifying doctor/midwife (GMC/NMC number, business address and business telephone number). This is to facilitate ease of identification and contact for professionals, such as funeral industry staff, who may need to contact the certifying doctor or midwife.
- Amendment of the footnote regarding how the Form 8 should be transmitted to the person having charge of the place of interment, cremation or disposal. This is to bring transmission of the form into line with current practice and reflect terminology used in the 2011 Act.

## *Form 14*

Form 14 was last prescribed in 1997. The proposed changes to the existing form, with reasons, are as follows:

- Addition of information on public health hazards potentially present in the body of the deceased which might affect funeral industry professionals handling the body or associated equipment. This is to transfer hazard information collected on the Form 11, which was re-prescribed in 2014, from the medical side to funeral industry professionals.
- Addition of identifying and contact details for the certifying doctor (GMC number, business address and business telephone number). This is to facilitate ease of identification and contact for professionals who may need to speak to the certifying doctor.
- Amendment of the footnote regarding how the Form 14 should be transmitted to the person having charge of the place of interment, cremation or disposal. This is to bring transmission of Form 14 into line with current practice and reflect terminology used in the 2011 Act.

## **Consultation**

Between December 2014 and February 2015, National Records of Scotland (NRS) consulted the following individuals and representative bodies on proposed changes to these forms:

Members of the Death Certification National Advisory Group convened by Scottish Government; Members of the Death Certification Local Implementation Leads Group convened by Scottish Government; Members of the Death Certification Funeral Industry sub-group; Members of the Death Certification Registration sub-group; Scottish Government Health and Social Care Directorate; Scottish Government, Office of the Chief Medical Officer; Association of Directors of Public Health; Association of Registrars of Scotland; British Medical Association Scotland; Crown Office and Procurator Fiscal Service; Cruse Bereavement Care; Federation of Burial and Cremation Authorities; Forensic Pathologists; Healthcare Improvement Scotland; Muslim Council of Scotland; Medical and Dental Defence Union of Scotland; National Patients Association; National Waiting Times Centre Board; NHS Board Medical Directors; NHS National Services Scotland; NHS Education for Scotland; Royal College of Midwives; Royal College of Obstetricians and Gynaecologists; Royal College of Physicians of Edinburgh; Scottish Allied and Independent Funeral Directors; Scottish Council of Jewish Communities; The State Hospitals Board for Scotland.

## **Impact Assessment**

The Business and Regulatory Impact Assessment undertaken on the 2011 Act took account of key changes to the Medical Certificate of Cause of Death around public health information. No additional impact assessments were prepared by NRS for these associated forms.

## **Financial Effects**

Form 6 is made available to doctors free of charge by NRS, and Forms 8 and 14 are printable outputs from NRS's Forward Electronic Register (the national registration system). The cost to NRS of making Form 6 available in a paper format is being met by additional funding supplied by Scottish Government. No costs fall to any outside bodies.

## **National Records of Scotland**

**April 2015**