



# Certification of Death (Scotland) Act 2011

## 2011 asp 11

### *Fees*

#### **24 Fees in respect of medical reviewer functions**

- (1) The Scottish Ministers may charge a fee in respect of—
  - (a) the review functions,
  - (b) the functions exercised by the Common Services Agency for the Scottish Health Service in connection with the review functions,
  - (c) an application under section 18(2).
- (2) The persons liable for the fee in respect of the functions mentioned in subsection (1) (a) and (b) are the personal representatives of every person whose death requires to be registered in accordance with Part 3 of the 1965 Act; and any such fee is to be treated as part of the general testamentary and administration expenses of the estate of the deceased.
- (3) The Scottish Ministers may by regulations make provision about the charging of fees under subsection (1).
- (4) Regulations made under subsection (3) may in particular—
  - (a) set the amount of any such fee,
  - (b) make provision about the arrangements for collection of any such fee (including specifying persons (or types of person) who must collect the fee on behalf of the Scottish Ministers),
  - (c) specify circumstances in which no fee is payable.
- (5) The Scottish Ministers, in setting the amount of fees under this section, must not set a fee in excess of the reasonable costs of the exercise of the functions in respect of which the fee is to be charged.
- (6) Before making any regulations under subsection (3) the Scottish Ministers must consult such persons as they consider appropriate.
- (7) In subsection (1), the review functions are the functions of the medical reviewers (including the senior medical reviewer) under this Act (other than sections 17, 18 and 19).