



# Certification of Death (Scotland) Act 2011

## 2011 asp 11

### *General*

#### **28 Ancillary provision**

- (1) The Scottish Ministers may by order make such supplementary, incidental, consequential, transitional, transitory or saving provision as they consider necessary or expedient for the purposes of, in consequence of, or for giving full effect to, any provision of this Act.
- (2) An order under this section may modify any enactment, instrument or document.

#### **29 Orders and regulations**

- (1) Subject to subsection (9), any power conferred by this Act on the Scottish Ministers to make an order or regulations—
  - (a) must be exercised by statutory instrument,
  - (b) includes power to make supplementary, incidental, consequential, transitional, transitory or saving provision,
  - (c) may be exercised so as to make different provision for different purposes.
- (2) An order made under section 4(7) (other than one to which subsection (4) applies)—
  - (a) must be laid before the Parliament, and
  - (b) ceases to have effect at the expiry of a period of 28 days beginning with the date on which it was made unless, before the expiry of that period, the order has been approved by resolution of the Parliament.
- (3) Subsection (4) applies to an order made under section 4(7) consisting only of—
  - (a) provision revoking an earlier order under section 4(7), or
  - (b) such provision and provision made by virtue of section 29(1)(b).
- (4) An order to which this subsection applies is subject to annulment in pursuance of a resolution of the Parliament.
- (5) In reckoning for the purposes of subsection (2)(b) any period of 28 days, no account is to be taken of any period during which the Parliament is—
  - (a) dissolved, or

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*Changes to legislation: There are currently no known outstanding effects for the Certification of Death (Scotland) Act 2011, Cross Heading: General. (See end of Document for details)*

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- (b) in recess for more than 4 days.
- (6) Subsection (2)(b) is without prejudice to anything previously done by reference to an order under section 4(7) or to the making of a new order under that provision.
- (7) No order is to be made under section 28 containing provisions which add to, omit or replace any part of the text of an Act, unless a draft of the statutory instrument containing the order has been laid before, and approved by resolution of, the Parliament.
- (8) Subject to subsection (9), any other statutory instrument containing an order or regulations is subject to annulment in pursuance of a resolution of the Parliament.
- (9) Subsections (1) and (8) do not apply in relation to an order made under section 32(3).

### 30 Minor and consequential modifications

Schedule 2 (which makes minor modifications and modifications consequential on this Act) has effect.

#### Commencement Information

II S. 30 in force at 13.5.2015 by S.S.I. 2015/115, art. 3

### 31 Interpretation

- (1) In this Act (unless the context otherwise requires)—
- “the 1965 Act” means the Registration of Births, Deaths and Marriages (Scotland) Act 1965 (c. 49);
  - “the 1978 Act” means the National Health Service (Scotland) Act 1978 (c. 29);
  - “funeral director” means a person whose business consists of or includes the arrangement and conduct of funerals;
  - “Health Board” means a Health Board constituted under section 2 of the 1978 Act;
  - “health record” means a record which—
    - (a) consists of information relating to the physical or mental health of an individual, and
    - (b) has been made by or on behalf of a health professional in connection with the care of that individual;
  - “medical certificate of cause of death” means a certificate mentioned in section 24 of the 1965 Act;
  - “medical reviewer” means a person appointed under paragraph 7A(1) of Schedule 5A to the 1978 Act;
  - [<sup>F1</sup>“Public Health Scotland” means the Special Health Board of that name constituted by the Public Health Scotland Order 2019;]
  - “registration district” has the meaning given in section 5 of the 1965 Act;
  - “Registrar General” has the meaning given in section 1(2) of the 1965 Act;
  - “relevant registrar” means—
    - (a) the district registrar for a registration district—

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- (i) to whom a medical certificate of cause of death was transmitted under section 24 of the 1965 Act,
  - (ii) in the presence of whom a death registration form (within the meaning of section 23(1A) of the 1965 Act) was attested under section 23(1A)(a)(ii) of that Act, or
  - (iii) to whom a death registration form was submitted under section 23(1A)(b) of that Act, or
- (b) where the information mentioned in paragraph (a) is not known to the medical reviewer (or, as the case may, the senior medical reviewer), the Registrar General;
- “relevant medical practitioner” means the registered medical practitioner who attested the certificate of cause of death under section 24 of the 1965 Act;
- “senior medical reviewer” means the person appointed under paragraph 7A(2) of Schedule 5A to the 1978 Act;
- “Special Health Board” means a Special Health Board constituted under section 2 of the 1978 Act.
- (2) Unless the context otherwise requires, any undefined expression used in this Act but defined in section 56 of the 1965 Act is to be construed in accordance with section 56 of the 1965 Act.

#### Textual Amendments

- F1** Words in s. 31 inserted (1.4.2020) by [The Public Health Scotland Order 2019 \(S.S.I. 2019/336\)](#), art. 1(3)(b), [sch. 2 para. 7\(3\)](#) (with art. 4(4)(5))

#### Commencement Information

- I2** S. 31 in force at 8.6.2013 by [S.S.I. 2013/159](#), art. 2, [Sch.](#)

## 32 Short title and commencement

- (1) This Act may be cited as the Certification of Death (Scotland) Act 2011.
- (2) This section and sections 28 and 29 come into force at the beginning of the day after the day on which the Bill for this Act receives Royal Assent.
- (3) The remaining provisions of this Act come into force on such day as the Scottish Ministers may appoint by order made by statutory instrument.
- (4) An order made under subsection (3)—
  - (a) may make transitional, transitory or saving provision,
  - (b) may make different provision for different purposes or different areas.

**Changes to legislation:**

There are currently no known outstanding effects for the Certification of Death (Scotland) Act 2011, Cross Heading: General.