



# Certification of Death (Scotland) Act 2011

## 2011 asp 11

### *Disposal of bodies*

#### **25 Prohibition on disposal of body without authorisation**

After section 27 of the 1965 Act insert—

##### **“27A Offence of disposal of body without authorisation**

- (1) A person having charge of a place of interment, cremation or other means of disposal of human bodies who interments, cremates or otherwise disposes of the body of a still-born child or a deceased person (or who knowingly permits such interment, cremation or disposal) without the certificates or other documentation specified under subsection (2)(a) for such purpose commits an offence.
- (2) The Scottish Ministers may by regulations made by statutory instrument—
  - (a) specify the certificates or other documentation required for the interment, cremation or other disposal of the body of a still-born child or a deceased person,
  - (b) make provision about the form and content of such certificates (other than those which are to be prescribed by the Registrar General under this Act).
- (3) A person who commits an offence under subsection (1) is liable on summary conviction to a fine not exceeding level 3 on the standard scale.
- (4) It is a defence for a person charged with an offence under subsection (1) to prove that there was a reasonable excuse for the interment, cremation or disposal of a body (or for that person permitting such interment, cremation or other disposal) without the certificates or other documentation specified under subsection (2)(a).
- (5) Where an offence under subsection (1) which has been committed by a body corporate is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of—
  - (a) a director, manager, secretary or other similar officer of the body corporate, or

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

- (b) any person who was purporting to act in any such capacity, that person, as well as the body corporate, commits the offence and is liable to be proceeded against accordingly.
- (6) The power conferred by subsection (2)—
  - (a) may be exercised so as to make different provision for different purposes,
  - (b) includes power to make such incidental, consequential, transitional, transitory or saving provision as the Scottish Ministers think necessary or expedient.
- (7) A statutory instrument containing regulations under subsection (2) is subject to annulment in pursuance of a resolution of the Scottish Parliament.
- (8) In subsections (1), (2) and (4) reference to a body includes reference to a part of a body.”.

#### Commencement Information

- I1** S. 25 in force at 25.3.2015 for specified purposes by [S.S.I. 2015/115, art. 2, Sch.](#)
- I2** S. 25 in force at 13.5.2015 in so far as not already in force by [S.S.I. 2015/115, art. 3](#)

## 26 Certifying medical practitioner to provide additional information

- (1) In section 21(2)(a) of the 1965 Act (certificates relating to still-births), after “death” insert “, any other relevant medical information ”.
- (2) In section 24(1) of that Act (certificates of cause of death)—
  - (a) after the words “death of” where they first appear insert “, and any relevant medical information about, ”,
  - (b) after the words “belief the cause of death” insert “ and such other medical information as may be prescribed ”.

#### Commencement Information

- I3** S. 26 in force at 8.6.2013 by [S.S.I. 2013/159, art. 2, Sch.](#)
- I4** S. 26 in force at 13.5.2015 in so far as not already in force by [S.S.I. 2015/115, art. 3](#)

## 27 Still-birth declarations

In section 21 of the 1965 Act (still-births)—

- (a) in subsection (2), paragraph (b) and the word “or” immediately preceding it is repealed,
- (b) in subsection (3)(a), the words “paragraph (a) of” are repealed.

#### Commencement Information

- I5** S. 27 in force at 8.6.2013 by [S.S.I. 2013/159, art. 2, Sch.](#)
- I6** S. 27 in force at 13.5.2015 in so far as not already in force by [S.S.I. 2015/115, art. 3](#)

**Changes to legislation:**

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