

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

SCHEDULE 1

(introduced by section 1)

STATUS AND APPOINTMENT OF MEDICAL REVIEWERS

- 1 Schedule 5A to the 1978 Act (Healthcare Improvement Scotland) is amended as follows.

Commencement Information

II Sch. 1 para. 1 in force at 8.6.2013 by [S.S.I. 2013/159](#), art. 2, [Sch.](#)

- 2 After paragraph 7 insert—

“Medical reviewers

- 7A (1) HIS must appoint persons employed under paragraph 7(5) to exercise the functions of medical reviewers; and when doing so those employees are to be known as medical reviewers.
- (2) HIS must appoint a person employed under paragraph 7(5) to exercise the functions of the senior medical reviewer; and when doing so that employee is to be known as the senior medical reviewer.
- (3) A person appointed as a medical reviewer or the senior medical reviewer must—
- (a) be a medical practitioner;
 - (b) have been so throughout the 5 years prior to appointment; and
 - (c) have such other qualifications, training and experience as may be specified by regulations.
- (4) A member of HIS may not exercise the functions of—
- (a) a medical reviewer; or
 - (b) the senior medical reviewer.
- (5) An employee of HIS (other than a medical reviewer) may not exercise any function of a medical reviewer other than those under section 17.
- (6) An employee of HIS (other than the senior medical reviewer) may not exercise the functions of the senior medical reviewer (except by virtue of arrangements made under paragraph 11(2C)).
- (7) An appointment as a medical reviewer or the senior medical reviewer does not affect the appointed person's status as employed under paragraph 7(5).”.

Commencement Information

I2 Sch. 1 para. 2 in force at 8.6.2013 by [S.S.I. 2013/159](#), art. 2, [Sch.](#)

- 3 In paragraph 11 (delegation of functions)—
- (a) in sub-paragraph (1), for “and” where it first occurs substitute “ to ”,
 - (b) after sub-paragraph (2) insert—

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“(2A) HIS may authorise an employee to carry out the functions of a medical reviewer under section 17.

(2B) Any other function conferred on a medical reviewer or the senior medical reviewer may not, subject to sub-paragraph (2C), be delegated by HIS.

(2C) The senior medical reviewer may, with the approval of HIS, make arrangements for the functions of the senior medical reviewer to be carried out by a medical reviewer where the senior medical reviewer is absent or otherwise unavailable.”.

Commencement Information

I3 Sch. 1 para. 3 in force at 8.6.2013 by [S.S.I. 2013/159](#), [art. 2](#), [Sch.](#)

SCHEDULE 2

(introduced by section 30)

MINOR AND CONSEQUENTIAL MODIFICATIONS

Cremation Act 1902 (c. 8)

1 (1) The Cremation Act 1902 is amended as follows.

(2) In section 7 (regulations as to burning)—

(a) the words from “and” where it fifth occurs to “place” where it second occurs are repealed,

(b) the words from “Each” to “prescribe” are repealed.

^{F1}(3)

^{F1}(4)

Textual Amendments

F1 Sch. 2 para. 1(3)(4) repealed (4.4.2019) by [Burial and Cremation \(Scotland\) Act 2016 \(asp 20\)](#), s. 112(2), [sch. 2](#) (with s. 111); [S.S.I. 2018/380](#), [reg. 2](#), [sch.](#) (with [reg. 8](#))

Commencement Information

I4 Sch. 2 para. 1 in force at 13.5.2015 by [S.S.I. 2015/115](#), [art. 3](#)

Cremation Act 1952 (c. 31)

2 In section 2(2) of the Cremation Act 1952 (procedure for regulations made under section 7 of the Cremation Act 1902) the words from “Any” to “and” are repealed.

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Commencement Information

I5 Sch. 2 para. 2 in force at 13.5.2015 by S.S.I. 2015/115, art. 3

Registration of Births, Deaths and Marriages (Scotland) Act 1965 (c. 49)

- 3 Section 21(5) of the 1965 Act (person having charge of place of interment to give notice of burial of still-born child without certificate) is repealed.

Commencement Information

I6 Sch. 2 para. 3 in force at 13.5.2015 by S.S.I. 2015/115, art. 3

- 4 In section 24 of the 1965 Act (certificate of cause of death), after subsection (1), insert—
- “(1A) A registered medical practitioner may, where invited to do so under section 10(2)(b) or 11(6) of the 2011 Act (action following unsatisfactory review), attest and transmit a replacement certificate to a medical reviewer or, as the case may be, the senior medical reviewer.”.

Commencement Information

I7 Sch. 2 para. 4 in force at 13.5.2015 by S.S.I. 2015/115, art. 3

- 5 Section 27(2) and (3) of the 1965 Act (transmission of certificate of registration) is repealed.

Commencement Information

I8 Sch. 2 para. 5 in force at 13.5.2015 by S.S.I. 2015/115, art. 3

- 6 In section 56(1) of the 1965 Act (interpretation)—
- (a) before the entry for “birth” insert—
- ““the 2011 Act” means the Certification of Death (Scotland) Act 2011 (asp 11);”,
- (b) after the entry for “local authority” insert—
- ““medical reviewer” means a person appointed under paragraph 7A(1) of Schedule 5A to the National Health Service (Scotland) Act 1978 (c. 29);”,
- (c) after the entry for “relative” insert—
- ““senior medical reviewer” means a person appointed under paragraph 7A(2) of Schedule 5A to the National Health Service (Scotland) Act 1978 (c. 29);”.

Commencement Information

I9 Sch. 2 para. 6 in force at 13.5.2015 by S.S.I. 2015/115, art. 3

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