



# 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

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*Status: This is the original version (as it was originally enacted).*

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(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.”.

## **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”.

## **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.