



Certification of Death (Scotland) Act 2011

2011 asp 11

Review of medical certificates of cause of death

11 Action following unsatisfactory review: senior medical reviewer

- (1) This section applies where a review is referred to the senior medical reviewer under section 10(4) or (5)(b).
- (2) The senior medical reviewer may conduct a further review of the certificate.
- (3) If the senior medical reviewer conducts a further review under subsection (2), the senior medical reviewer may exercise the powers conferred on a medical reviewer by section 8(2).
- (4) The senior medical reviewer must come to a view on whether the certificate is in order (and for that purpose references in section 8(4) to a medical reviewer are to be read as references to the senior medical reviewer).
- (5) If the senior medical reviewer comes to the view that the certificate is in order, the senior medical reviewer must approve the certificate and notify the relevant registrar and the relevant medical practitioner accordingly.
- (6) If the senior medical reviewer comes to the view that the certificate is not in order, the senior medical reviewer must—
 - (a) inform the relevant medical practitioner of that view and the reasons for coming to that view, and
 - (b) invite the relevant medical practitioner to attest and transmit to the senior medical reviewer a replacement certificate which takes account of the reasons.
- (7) If the relevant medical practitioner attests and transmits a replacement certificate which in the view of the senior medical reviewer is in order, the senior medical reviewer must approve the replacement certificate and transmit it to the relevant registrar.
- (8) If the relevant medical practitioner attests and transmits a replacement certificate which in the view of the senior medical reviewer is not in order, the senior medical reviewer must—
 - (a) signify that a review has been conducted and notify the relevant registrar accordingly, or

Status: This is the original version (as it was originally enacted).

- (b) refer the certificate to the procurator fiscal for investigation into the cause of death of the deceased person to whom the certificate relates.
- (9) If the relevant medical practitioner declines to attest and transmit a replacement certificate, the senior medical reviewer must—
- (a) approve the certificate, or otherwise signify that a review has been conducted, and notify the relevant registrar accordingly, or
 - (b) refer the certificate to the procurator fiscal for investigation into the cause of death of the deceased person to whom the certificate relates.
- (10) Subsection (11) applies where—
- (a) the senior medical reviewer has come to the view that the certificate or, as the case may be, its replacement, is not in order because the senior medical reviewer is not satisfied that information (other than the cause of death) contained in the certificate (or its replacement) is correct, or
 - (b) the relevant medical practitioner declines to attest and transmit a replacement certificate in response to the invitation under subsection (6).
- (11) The senior medical reviewer may (in addition to the action to be taken under subsection (8) or (9)) take such steps as the senior medical reviewer considers appropriate to inform such persons as the senior medical reviewer considers appropriate of the relevant information.