



# Certification of Death (Scotland) Act 2011

## 2011 asp 11

### *Review of medical certificates of cause of death*

#### **12 Action where relevant medical practitioner is unavailable or incapacitated**

- (1) Subsections (2) and (3) apply where—
  - (a) a medical reviewer has conducted a review under section 8(1),
  - (b) the medical reviewer has come to the view that a medical certificate of cause of death is not in order, and
  - (c) the relevant medical practitioner is unavailable or unable to attest and transmit a replacement certificate in accordance with section 10.
- (2) The medical reviewer must—
  - (a) 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.
- (3) Where the medical reviewer has come to the view that the certificate is not in order because the medical reviewer is not satisfied that information contained in the certificate (other than the cause of death) is correct, the medical reviewer may (in addition to the action to be taken under subsection (2)) take such steps as the medical reviewer considers appropriate to inform such persons as the medical reviewer considers appropriate of the relevant information.
- (4) Subsections (5) and (6) apply where—
  - (a) a medical reviewer has referred a review to the senior medical reviewer under section 10(4) or (5)(b),
  - (b) the senior medical reviewer has come to the view that a medical certificate of cause of death is not in order, and
  - (c) the relevant medical practitioner is unavailable or unable to attest and transmit a replacement certificate in accordance with section 11.
- (5) The senior medical reviewer must—
  - (a) signify that a review has been conducted and notify the relevant registrar accordingly, or

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*Status: Point in time view as at 13/05/2015.*

*Changes to legislation: There are currently no known outstanding effects for the Certification of Death (Scotland) Act 2011, Section 12. (See end of Document for details)*

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- (b) refer the certificate to the procurator fiscal for investigation into the cause of death of the deceased person to whom the certificate relates.
- (6) Where the senior medical reviewer has come to the view that the certificate is not in order because the senior medical reviewer is not satisfied that information contained in the certificate (other than the cause of death) is correct, the senior medical reviewer may (in addition to the action to be taken under subsection (5)) 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.

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**Commencement Information**

**II** [S. 12](#) in force at 13.5.2015 by [S.S.I. 2015/115](#), [art. 3](#)

**Status:**

Point in time view as at 13/05/2015.

**Changes to legislation:**

There are currently no known outstanding effects for the Certification of Death (Scotland) Act 2011, Section 12.