



# Certification of Death (Scotland) Act 2011

## 2011 asp 11

### *Referral of medical certificates of cause of death for review*

#### **4 Application for review of certificate by interested person**

- (1) An interested person may apply to a medical reviewer for a review under section 8(1) of an eligible medical certificate of cause of death.
- (2) An application under subsection (1)—
  - (a) may relate to a certificate in respect of which the death has been registered,
  - (b) must be made within three years of the date of death of the deceased person to whom the certificate relates.
- (3) Where the medical reviewer considers an application under subsection (1) to be vexatious, the medical reviewer may reject it.
- (4) A medical reviewer must notify the Registrar General of an application received under subsection (1) (other than one which is rejected under subsection (3)).
- (5) For the purposes of subsection (1), an interested person is—
  - (a) a person who, under the 1965 Act, is required or stated to be qualified to give information concerning the deceased's death,
  - (b) a health care professional (or other carer) who was involved with the deceased's care prior to the deceased's death,
  - (c) the funeral director responsible for the funeral arrangements of the deceased,
  - (d) the person having charge of the place of disposal of the body of the deceased,
  - (e) such other persons as the Scottish Ministers may by order specify.
- (6) For the purposes of subsection (1), an eligible medical certificate of cause of death is a medical certificate of cause of death other than—
  - (a) a certificate relating to a body in respect of which a direction has been given by a Health Board under section 90(2) of the Public Health etc. (Scotland) Act 2008 (asp 5) (restrictions on release of infected etc. bodies from hospital),
  - (b) a certificate which has been referred under section 24A of the 1965 Act (duty to refer certain certificates of cause of death for review),
  - (c) a certificate which has already been (or is being) reviewed under section 8(1) following an application made under subsection (1),

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*Changes to legislation: There are currently no known outstanding effects for the Certification of Death (Scotland) Act 2011, Section 4. (See end of Document for details)*

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- (d) a certificate which is a replacement certificate attested and transmitted in response to an invitation to do so under section 10 or 11,
  - (e) a certificate where the cause of death of the deceased person has been (or is being) investigated by a procurator fiscal,
  - (f) a certificate attested prior to the coming into force of this section.
- (7) The Scottish Ministers may by order suspend the application of this section—
- (a) during an epidemic, or
  - (b) where the Scottish Ministers consider, on reasonable grounds, that it is necessary to do so to prevent, or to prevent the spread of, infectious diseases or contamination.
- (8) The Scottish Ministers may by regulations make provision about applications under subsection (1) including, in particular, provision about—
- (a) the procedure for making applications,
  - (b) the form and content of applications,
  - (c) the action to be taken by medical reviewers in respect of applications.

#### **Commencement Information**

- I1** S. 4(1)-(7) in force at 13.5.2015 by S.S.I. 2015/115, **art. 3**
- I2** S. 4(8) in force at 25.3.2015 for specified purposes by S.S.I. 2015/115, **art. 2, Sch.**
- I3** S. 4(8) 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, Section 4.