



# Certification of Death (Scotland) Act 2011

## 2011 asp 11

### *Deaths outwith Scotland*

#### **17 Verification of foreign death certificates**

- (1) This section applies where—
  - (a) a person (“A”) died outwith the United Kingdom, and
  - (b) the body of A is to be disposed of in Scotland.
- (2) A medical reviewer must, on the request of a relevant person, determine whether the documentation relating to A’s death is in order.
- (3) Documentation is in order if it appears to the medical reviewer to be—
  - (a) authentic, and
  - (b) equivalent to the certificates or other documentation required under section 27A of the 1965 Act (offence of disposal of body without authorisation) for the interment, cremation or disposal by other means of the body of a person who died in Scotland.
- (4) If the medical reviewer determines that the documentation is in order, the medical reviewer must give the relevant person a certificate specified for the purposes of this section under section 27A(2) of the 1965 Act.
- (5) In making a determination under subsection (2), a medical reviewer may make such enquiries as the medical reviewer considers appropriate.
- (6) For the purposes of subsection (2), a relevant person is—
  - (a) a person who wishes to arrange the interment, cremation or disposal by other means of A’s body, or
  - (b) the person having charge of the place where A’s body is to be interred, cremated or disposed of by other means.

#### **18 Medical reviewers to authorise cremation**

- (1) This section applies where—
  - (a) a person (“A”) died outwith Scotland, and
  - (b) it is intended that A be cremated in Scotland.

- (2) A medical reviewer must, on an application by a person who wishes to arrange the cremation of A, determine whether it is safe for A's body to be cremated.
- (3) If the medical reviewer determines that it is safe for A's body to be cremated, the medical reviewer must give the applicant a certificate authorising the cremation.
- (4) The Scottish Ministers may by regulations make provision about—
  - (a) the form and content of applications under subsection (2),
  - (b) the procedure to be followed by medical reviewers in relation to applications under subsection (2),
  - (c) the form and content of the certificate authorising the cremation to be given under subsection (3).

## **19 Post-mortem examination of person who died outwith United Kingdom**

- (1) This section applies where—
  - (a) a person ("A") dies outwith the United Kingdom,
  - (b) the body of A is to be disposed of in Scotland, and
  - (c) no cause of death is available.
- (2) A medical reviewer may, on an application by a relevant person—
  - (a) assist the relevant person in making arrangements for a post-mortem examination of A's body for the purpose mentioned in section 23(a) of the Human Tissue (Scotland) Act 2006 ([asp 4](#)), and
  - (b) meet the cost of such an examination.
- (3) For the purposes of subsection (2), a relevant person is a person who, under section 30, 32 or 33 of the Human Tissue (Scotland) Act 2006, may authorise a post-mortem examination of A's body.
- (4) The Scottish Ministers may by regulations make provision about the form and content of applications under subsection (2).