POLICY NOTE

THE CERTIFICATION OF DEATH (SCOTLAND) ACT 2011 (CONSEQUENTIAL PROVISIONS) ORDER 2015

SSI 2015/164

1. The above Order is made in exercise of the powers conferred by section 28 of the Certification of Death (Scotland) Act 2011 (" the Act") and all other powers enabling them to do so.

Policy Objectives

2. The Act received Royal Assent in April 2011 and will be brought fully into force from 13th May 2015. The intervening period was required in order to develop, test and prepare significant aspects of the system, prior to the full national launch.

3. The Act replaces the existing 'cremation only' scrutiny of cause of death documentation, as well the associated fees for this process, with a new process which will:

- introduce a single system of independent, effective scrutiny applicable to deaths that do not require a Procurator Fiscal investigation;
- improve the quality and accuracy of Medical Certificates of Cause of Death (MCCDs); and
- provide improved public health information and strengthened clinical governance in relation to deaths.

4. This Order may be cited as the Certification of Death (Scotland) Act 2011 (Consequential and Transitional Provisions) Order 2015 and comes into force on 13th May 2015.

The Cremation (Scotland) Regulations 1935 (as amended)

5. The 2011 Act replaces crematoria employed Medical Referees with independent Medical Reviewers and provides the documentation now required for disposal of the deceased in Scotland. This replaces the existing "cremation only" scrutiny of cause of death documentation and cremation legislation relating to the role of medical referees.

Consultation

6. Public consultation took place on the proposals as part of the Bill for the Act. Further engagement has been undertaken with a specialist Implementation and Advisory Group (including local authority, Crown Office and NHS representatives) about the commencement of the specific provisions covered by this note.

Impact Assessments

7. The finalised EQIA for the Act is available on the Scottish Government website: http://www.scotland.gov.uk/Topics/Health/Policy/BurialsCremation/Death-Certificate/Equality-Impact-Assessment. Copies of the EQIA can be requested from the Death Certification Implementation Team, Scottish Government, St Andrew's House (3EN), Regent Road, Edinburgh, EH1 3DG.

Financial Effects

8. There will be a cost to Healthcare Improvement Scotland arising from the functions of the new system from 13th May 2015 which will be agreed with and reimbursed by Scottish Government.

9. There may be minimal additional costs for National Records Scotland arising from the amendment of registration certificates to include additional medical information. These costs may also be agreed with and reimbursed by Scottish Government.

10. The Regulatory Impact Assessment for the Act is available on the Scottish Government website at: http://www.scotland.gov.uk/Topics/Health/Policy/BurialsCremation/Death-Certificate/Business-Regulatory-Impact.

Scottish Government
Population Health Improvement Directorate
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