Certification of Death (Scotland) Bill

Marshalled List of Amendments for Stage 2

The Bill will be considered in the following order—

Section 1 Schedule 1
Sections 2 to 29 Schedule 2
Sections 30 and 31 Long Title

Amendments marked * are new (including manuscript amendments) or have been altered.

Schedule 1

Shona Robison
1 In schedule 1, page 17, line 23, leave out from <the> to end of line 24 and insert <any function of a medical reviewer other than those under section (Verification of foreign death certificates).>

Shona Robison
2 In schedule 1, page 17, line 30, after <functions)> insert—
   <( ) in sub-paragraph (1), for “and” where it first occurs substitute “to”>

Shona Robison
3 In schedule 1, page 17, line 30, at end insert—
   <“(2ZA) HIS may authorise an employee to carry out the functions of a medical reviewer under section (Verification of foreign death certificates).>

Shona Robison
4 In schedule 1, page 17, line 31, after <Any> insert <other>

Section 2

Helen Eadie
15 In section 2, page 1, line 16, leave out <randomly selected> and insert <all>

Mary Scanlon
16 In section 2, page 1, line 16, leave out <randomly selected> and insert <a selection of>

Helen Eadie
17 In section 2, page 1, line 25, leave out subsection (4)
Helen Eadie
18 In section 2, page 2, line 16, leave out subsection (6)

Mary Scanlon
19* In section 2, page 2, line 18, at end insert—

<( ) the minimum number of certificates of cause of death relating to deceased persons who are to be cremated which are to be selected for referral under subsection (1) in any year, and>

Shona Robison
5 In section 2, page 2, leave out lines 33 and 34 and insert—

<(9) An order under made subsection (7)—
(a) must be laid before the Scottish Parliament, and
(b) ceases to have effect at the expiry of a period of 28 days beginning with the date on which it was made unless, before the expiry of that period, the order has been approved by resolution of the Parliament.
(10) In reckoning for the purposes of subsection (9)(b) any period of 28 days, no account is to be taken of any period during which the Scottish Parliament is—
(a) dissolved, or
(b) in recess for more than 4 days.
(11) Subsection (9)(b) is without prejudice to anything previously done by reference to an order under subsection (7) or to the making of a new order under that subsection.”.>

Section 4

Helen Eadie
20 In section 4, page 3, leave out lines 25 and 26

Section 14

Shona Robison
6 In section 14, page 9, line 7, after <11(2),> insert <, or

(b) determining whether it is safe to cremate the body of a person who died outwith Scotland under section 17(2),>
Before section 17

Shona Robison
7 Before section 17, insert—

<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.>

Section 17

Shona Robison
8 In section 17, page 10, line 12, leave out <an individual> and insert <a person>

Section 23

Shona Robison
9 In section 23, page 12, line 24, leave out <have regard to> and insert <not set a fee in excess of>

Shona Robison
10 In section 23, page 12, line 30, after <sections> insert <(Verification of foreign death certificates),>
After section 24

Mary Scanlon

21* After section 24, insert—

<Conditions under which cremation may take place

After section 27 of the 1965 Act insert—

“27B Conditions under which cremation may take place

(1) Cremations of deceased persons must not take place except in a crematorium, the opening of which notice has been given to the Scottish Ministers.

(2) Where the body of a deceased person is to be cremated in such a crematorium, cremation must not take place unless—

(a) a medical certificate of cause of death has been provided by a registered medical practitioner who has attended to the deceased person during his last illness (or, if no medical practitioner attended the deceased during his last illness, by a registered medical practitioner who is the ordinary medical attendant of the deceased person provided that they can definitely certify the cause of death), and

(b) certification of a medical cause of death certificate under paragraph (a), has been given to that crematorium by a medical practitioner of not less than five years’ standing who is not a relative of the deceased person or a partner of the practitioner who has provided the certificate under subsection (a).>

After section 26

Ian McKee

22 After section 26, insert—

<Certificate of cause of death

Certificate of cause of death

(1) In section 24 of the 1965 Act (certificate of cause of death), after subsection (2), insert—

“(3) For the purposes of this section, the Scottish Ministers may by order incorporate registered nurses within the definition of registered medical practitioner.

(4) No order is to be made under subsection (3) unless a draft of the statutory instrument containing the order has been laid before, and approved by resolution of, the Parliament.”.>
Section 28

Shona Robison

11 In section 28, page 14, line 19, at end insert—

<(1A) An order made under section 4(7)—
(a) must be laid before the Parliament, and
(b) ceases to have effect at the expiry of a period of 28 days beginning with the date on which it was made unless, before the expiry of that period, the order has been approved by resolution of the Parliament.
(1B) In reckoning for the purposes of subsection (1A)(b) any period of 28 days, no account is to be taken of any period during which the Parliament is—
(a) dissolved, or
(b) in recess for more than 4 days.
(1C) Subsection (1A)(b) is without prejudice to anything previously done by reference to an order under section 4(7) or to the making of a new order under that provision.>>

Shona Robison

12 In section 28, page 14, leave out line 21

Schedule 2

Shona Robison

13 In schedule 2, page 18, line 5, at beginning insert—

<(1) The Cremation Act 1902 is amended as follows.
(2) In section 7 (regulations as to burning)—
(a) the words from “and” where it fifth occurs to “place” where it second occurs are repealed,
(b) the words from “Each” to “prescribe” are repealed.
(3) After section 7 insert—

“7A Forms of documentation for burning
The Scottish Ministers may make regulations prescribing the forms of notices, certificates and applications to be given or made before the burning of any human remains is permitted to take place.

7B Procedure for regulations
A statutory instrument containing regulations under section 7 or 7A is subject to annulment in pursuance of a resolution of the Scottish Parliament.”.>
Shona Robison

14 In schedule 2, page 18, line 7, at end insert—

<\textit{Cremation Act 1952 (c. 31)}

In section 2(2) of the Cremation Act 1952 (procedure for regulations made under section 7 of the Cremation Act 1902) the words from “Any” to “and” are repealed.>