

Local Authority Chief Executives
Burial Authority Managers



31 July 2015

Dear Chief Executive

Certification of Death (Scotland) Act 2011 – Booking procedures for Burial and Cremation

We are writing to confirm the Scottish Government's intentions for the operation of the new arrangements for death certification and registration in Scotland required by the Certification of Death (Scotland) Act 2011 (the Act) which came into force on 13 May 2015.

The Act brings to an end burial without registration and the statutory role of the crematoria medical referees. Instead independent medical reviewers check a random sample of medical certificates of cause of death for accuracy and quality, regardless of whether the deceased will be buried or cremated.

This is a more equally applied system i.e. same level of scrutiny of cause of death regardless of the method of disposal providing a better quality of service to, and care of, the bereaved and wider public through improved recording, accuracy and use of cause of death information.

Implementation of the Act is being assisted by the Funeral Industry Group. The Group is in place to ensure Industry colleagues are equipped to deal with the changes and assist in dealing with the practical implications of the new arrangements.

It has come to our attention, via the Group, that following the introduction of the Act, some cremation and burial authorities have instigated a new policy of refusing to take burial or cremation bookings without a Form 14 being provided. This is the documentation required under the Act authorising burial or cremation. It is an offence under the Act to dispose of the body of a deceased person without this Form. It is not, however, necessary in making any provisional booking for cremation or burial.

Authorities should work with funeral directors to develop co-ordinated booking processes that minimise any unnecessary delays to bereaved family and friends.

This follows advice on this issue provided by the funeral industry group and trade organisations the ICCM and FBCA, of whom the majority of authorities are members.

Communication between funeral directors and authorities at the point of booking is of paramount importance. Funeral Directors should be reminded that an appointment at the registrars must be made and any booking should take account of the possibility that the case may be selected for review.

Under the Act, burial and cremation authorities are responsible for ensuring that the appropriate paperwork has been received prior to the funeral taking place. If a funeral were unable to go ahead due to the Form 14 not being available, the reputational risk would be to the funeral director. If the authority were to encounter a funeral director who abuses the agreed process it would be entirely appropriate for the authority to consider refusing a booking from that particular funeral director without the form 14 being provided.

It would be very helpful to receive confirmation of the process in place in your authority. Please respond by email to sarah.dillon@scotland.gsi.gov.uk no later than 31 August 2015.

Should you encounter any issues relating to this, or any other aspect of the Certification of Death Act 2011 then please feed your comments back via your representatives on the funeral industry subgroup - Rick Powell, FBCA - fbcasec@btconnect.com and Bill Stanley, ICCM - PADconsulting@hotmail.com

We are very grateful for your assistance in resolving this issue as a matter of priority.

Kind Regards



Gareth Brown
Head of Health Protection
Scottish Government