



Updated: April 2020

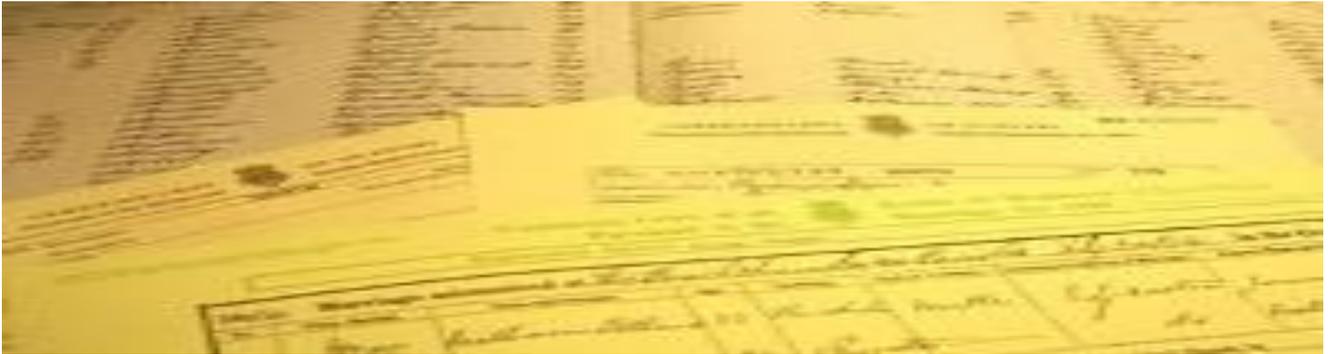
Diploma in Funeral Arranging and Administration

Module 3 SCOTLAND	Unit 7	Registration of Death and Procurator Fiscal Procedures.
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Purpose and Aim of the Unit:	The purpose of the unit is to develop learners' understanding of Registration and Procurator Fiscal procedures. Specifically, the unit aims to develop learners' knowledge of the relevant requirements for Registration of Death and the role of the Procurator Fiscal and associated documentation.
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This unit has 8 learning outcomes.

LEARNING OUTCOMES	
The learner will:	
1	Understand the function of the Registrar.
2	Understand the requirements of Registering a Death.
3	Understand the relevance of the Medical Certificate of Cause of Death.
4	Understand the documentation used by the Registrar.
5	Understand the Registrar's duty to report a death
6	Know the purpose of the Procurator Fiscal's Office.
7	Understand the purpose of the Procurator Fiscal's documentation. <i>Note: reference to PF documentation is contained within the Coroner related content throughout the document and is not restricted to information contained within Learning Outcome 7</i>
8	Understand the procedures for a Procurator Fiscal's removal of the deceased.



Government advised changes in place due to Covid 19 (Coronavirus) with effect from 24 March 2020 until further notice.

The Registration of Births, Deaths and Marriages (Scotland) Act 1965 allows another medical practitioner to provide an MCCD in circumstances where no registered medical practitioner who attended the deceased during their last illness is available, or if the attending practitioner is unable to provide a certificate.

As is currently the case, an application for cremation can be made once the death has been registered using the MCCD. Concern that the process for review of some MCCDs might lead to delays in cremations and burials have led to Scottish ministers exercising their powers under the Coronavirus Act 2020 to suspend the current processes for review of MCCDs. This will also have the effect of pausing current reviews unless the reviewer considers that it may be appropriate to refer the death to the procurator fiscal.

In Scotland, guidance has clarified that for the purposes of completing an MCCD (form 11) related to COVID-19:

- the terms COVID-19 disease and SARS-CoV-2 infection are acceptable**
- if the disease is suspected but not confirmed, you may write: 'Presumed COVID-19 disease' on the MCCD**
- in both cases, the hazards box on the form must be ticked and the public health department informed.**

Unlike the case with other notifiable diseases, deaths secondary to COVID 19 or SARS-CoV-2 infection do not need to be reported to the procurator fiscal. This suspension of the normal



reporting requirement came into effect on 24 March and will be reviewed in July 2020.

Deaths from COVID-19 only need to be reported to the procurator fiscal if there is another reason for reporting the death based on their guidelines. Deaths due to other notifiable diseases must still be reported to the procurator fiscal in the usual way, as must deaths from COVID-19 where there are other factors which would normally mean that the death would be reportable to the procurator fiscal.



REGISTRATION OF DEATHS IN SCOTLAND – Post Covid 19

Learning Outcome 1	Understand the function of the Registrar.
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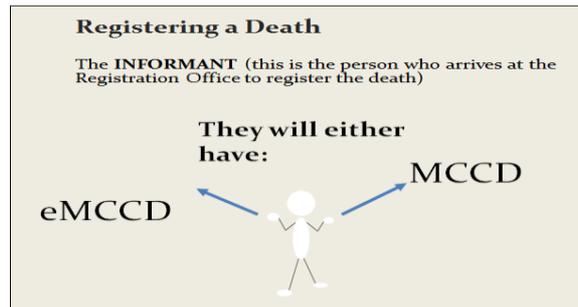
Registration of death by civil authorities began in Scotland in 1855. From then until the present, it has been mandatory for deaths of individuals to be registered with civil registrars. Prior to 1855, apart from the Church, very few corporate bodies were interested in recording deaths per se, and records of burials or some other aspect of death, such as succession to property after death, are more common. The Scottish system of investigating sudden deaths differs from the system of coroner's inquests in England and Wales. Sudden deaths in Scotland are investigated by procurators fiscal (local state-funded prosecutors). Since 1895 sheriff courts have carried out Fatal Accident Inquiries (FAI) in certain cases.

Funeral Directors should be in a position to offer guidance to their clients on how to register a death. This information covers the procedures to follow and the documentation you will need. Every Funeral Director should check with their local register office regards location, contact details, opening hours and whether an appointment is required. Some Registrars offer an online registration appointment service.

Learning Outcome 2

Understand the requirements of Registering a Death.

A death must be registered within eight days, at any registration office in Scotland.



WHO IS QUALIFIED TO ACT AS AN INFORMANT?

The qualified informants, who must be at least 16 years of age, are:

- any relative of the deceased;
- any person present when the person died;
- the deceased's executor or other legal representative;
- the occupier of the property where the person died; or
- anyone else who knows the information to be registered.

For any death occurring in Scotland a Medical Certificate of Cause of Death (MCCD) (Form 11) has to be issued by the doctor who saw the person during the last 14 days of life and to the best of his or her knowledge and belief can state the cause of death. If the death has been reported to the Procurator Fiscal then the MCCD will not be issued. If death occurred abroad (outside England, Wales, and Northern Ireland) then a document showing the cause of death (not necessarily the Medical Certificate of Cause of Death as these are not issued universally) must accompany the deceased and be presented to Healthcare Improvement Scotland (HIS) for permission to bury or cremate the person in Scotland. If a document is issued abroad it may have to be translated. The remaining 60% of deaths will be certified manually by doctors at the hospital.

MCCD's will be issued to the families as normal. When the informant attends the registrar's office to register the death the case may be randomly selected for review when the registrar submits



the information to the registration database. However, if the M CCD has been submitted electronically it may have been selected for review (and this may have been completed) before the family register the death. There is a 10% sample for Level 1 Review with a small number of Level 2 review. There is a parallel system introduced for manual Registration Offices.

The particulars required:

1. Full name of deceased.
2. Address if different from place of death.
3. Occupation.
4. Date and place (country) of birth.
5. Place, time and date of death.
6. If married/widowed/divorced: Full name(s) of spouse(s) and occupation (if applicable).
7. Father's full name and occupation - whether deceased.
8. Mother's full name and maiden surname - whether deceased.
9. Name and address of the NHS doctor of the deceased, and NHS number.
10. Cause of death.
11. Whether in receipt of any Government pension.
12. Name and address of informant.

Documents required:

1. The Medical Certificate of Cause of Death - Form 11, issued by the doctor who saw the person during the last 14 days of life and to the best of his or her knowledge and belief can state the cause of death.
2. The Birth and Marriage Certificates of the deceased (or civil partnership document).
3. The NHS Medical Card of the deceased - if available.
4. Any book, certificate or document relating to any pension or allowance which the deceased received from public funds, e.g. War pension etc.
5. A note of the names of any Insurance Companies, Banks etc. for which documentary evidence of death may be required.

Learning Outcome 3

Understand the relevance of the Medical Certificate of Cause of Death.

LEGISLATION

The Certification of Death (Scotland) Act 2011 introduced a single system of independent, effective scrutiny applicable to deaths that do not require a Procurator Fiscal investigation. It also aims to improve the quality and accuracy of the Medical Certificate of Cause of Death (MCCD), or Form 11, as it is also known, and provides improved public health information and strengthened clinical governance in relation to deaths.

HOW TO REGISTER

Before death registration can take place, the informant must be in possession of the Form 11 Medical Certificate Cause of Death (MCCD). If there is no MCCD, the death cannot be registered. An appointment should be made with a Registrar. Although registration can take place without an appointment, the Funeral Director should advise their client to make an appointment, or make one on their behalf to avoid unnecessary delays or further stress.

Where resources permit, Funeral Directors might even provide transport for their clients to the register office. The only document that must be taken to the Registrar is the Form 11 MCCD. Under the Registration of Births, Deaths and Marriages (Scotland) Act 1965, Section 24, the registered medical practitioner who attended the deceased during their last illness, will within 7 days sign and issue the MCCD. "Attended" is not defined but is taken as having cared for the patient in the illness leading to death and familiarity with the history and treatment of that illness.

In summary, a doctor will normally issue the MCCD when:

- he/she is a registered Medical Practitioner - even if only provisionally registered.
- he/she was in attendance during the last illness - in practice this is within 14 days.
- he/she knows the cause of death.
- he/she does not consider it a case that requires referral to the Procurator Fiscal

Ideally the informant would also take with him/her the following documents:



- the deceased's birth and marriage certificates, and any divorce certificates
- the deceased's NHS medical card
- any documents relating to the receipt of a pension or allowance from government funds.

If these additional documents cannot be produced the Registrar will still be able to proceed.

The MCCD may be completed electronically (eMCCD), although the informant would still be given a paper copy to take to the Registrar.

PART C - CAUSE OF DEATH

PLEASE PRINT CLEARLY IN BLOCK CAPITALS AND DO NOT ABBREVIATE

	Approximate interval between onset and death		
	Years	Months	Days
I Disease or condition directly leading to death * (a)			
Antecedent causes – Morbid conditions, if any, giving rise to the above cause, stating the underlying condition last due to (or as a consequence of)			
(b)			
due to (or as a consequence of) (c)			
due to (or as a consequence of) (d)			
II Other significant conditions contributing to the death, but not related to the disease or condition causing it			

* This does not mean mode of dying, such as heart or respiratory failure; it means the disease, injury or complication that caused death.

PART D - HAZARDS

To the best of your knowledge and belief;		Y	N
DH1	Does the body of the deceased pose a risk to public health: for example, did the deceased have a notifiable infectious disease or was their body "contaminated", immediately before death?		
DH2	Is there a cardiac pacemaker or any other potentially explosive device currently present in the deceased?		
DH3	Is there radioactive material or other hazardous implant currently present in the deceased?		

PART E – ADDITIONAL INFORMATION

Post mortem examination by a pathologist (tick one)		
PM1	Post mortem has been done and information is included above	
PM2	Post mortem information may be available later	
PM3	No post mortem	
Attendance on deceased (tick one)		
A1	I was in attendance upon the deceased during last illness	
A2	I was not in attendance upon the deceased during last illness: the doctor who was is unable to provide the certificate	
A3	No doctor was in attendance on the deceased	
Procurator Fiscal (tick if applicable)		
PF	This death has been reported to the procurator fiscal	
Extra information for statistical purposes (tick if applicable)		
X	I may be able to supply the Registrar General with additional information	
Maternal Deaths (tick if applicable)		
M1	Death during pregnancy or within 42 days of the pregnancy ending	
M2	Death between 43 days and 12 months after the end of pregnancy	



MEDICAL CERTIFICATE OF CAUSE OF DEATH (Form 11) Serial number: 00000017
(Section 24(1) of the Registration of Births, Deaths and Marriages (Scotland) Act 1965)

The completed certificate should be taken to the Registrar of Births, Deaths and Marriages and will be retained by them.

GUIDANCE FOR COMPLETION OF THIS FORM IS AVAILABLE AT www.nrscotland.gov.uk/MCCDGuidance

PLEASE PRINT CLEARLY IN BLOCK CAPITALS AND DO NOT ABBREVIATE

PART A - DETAILS OF DECEASED

Name of deceased	
Date of death (dd/mm/yyyy)	
Time of death (24-hour clock – hh:mm)	
Place of death	
Health Board area in which death occurred	
Community Health Index (CHI) number	
Date of birth (dd/mm/yyyy)	

PART B - DETAILS OF CERTIFYING DOCTOR

Name	
GMC number	
Business address	
Business contact telephone number	
<i>For a death in hospital</i> Name of the consultant responsible for the deceased	

I hereby certify that to the best of my knowledge and belief the information contained in this Medical Certificate of Cause of Death is correct.

Signature of certifying doctor	
Date	

For registration office use	RD Number	Year	Entry number
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08/2014

Learning Outcome 4

Understand the documentation used by the Registrar.

INFORMATION REQUIRED BY THE REGISTRAR

The Registrar will require the following information:

- The full name, occupation and postal address of the deceased person and his or her date and country of birth,
- If the party was:
 - married or a civil partner
 - widowed or a surviving civil partner
 - divorced or his or her civil partnership was dissolved or annulled
- The full name and occupation of the husband, wife or civil partner of the deceased and details of any previous spouses or civil partners,
- The date of birth of any surviving widow, widower or civil partner,
- The full name and occupation of the deceased person's father, and the full name and maiden surname of his or her mother,
- Whether the person was in receipt of a pension or an allowance from public funds,
- The name and address of the person's NHS doctor,
- The name and address of the informant.

Upon registration, the informant will receive:

- Form 14: Certificate of Registration of Death,
 - To pass to the cemetery or crematorium via the Funeral Director
- Form 334/SI: Registration or notification of death,
 - Used to obtain or adjust benefits or for National Insurance purposes. This is not required if the client has used the Tell Us Once service.
- An abbreviated extract of the entry of death (free of charge),
 - this does not include details of the cause of death
- A full extract of the death on payment of a fee.

Learning Outcome 5

Understand the Registrar's duty to report a death

When a death is reported to the registrar, they look at the Form 11 and there are certain circumstances that would warrant them sending a notification to the procurator fiscal. These are as follows:

- Any death due to violent, suspicious or unexplained circumstances
- Any death resulting from fault or neglect on the part of another
- Any fracture
- Possible or suspected suicide
- Any death resulting from an accident
- Any death arising out of the use of a vehicles including train, ship or aircraft
- Any death by drowning
- Any death by burning or scalding or as the result of a fire or explosion
- Certain children's deaths
- Any death at work whether as the result of an accident or not
- Any death related to occupation (industrial disease)
- Any death as result of an abortion or attempted abortion
- Any death as a result of medical mishap or which suggests medical treatment or absence of contributed
- Any death due to poisoning (drugs, solvent or gas)
- Any death due to notifiable infectious disease or food poisoning
- Any death in legal custody
- Any death of a person of residence unknown who died other than in a house
- Any death where a doctor has been unable to certify a cause

The registrar will automatically complete a Form PF for any of the above instances. Even when a medical practitioner has already said that the death has been reported to the procurator fiscal, the registrar will also issue a form to the procurator fiscal as a backup.

A Fatal Accident Inquiry

A Fatal Accident Inquiry (FAI) is a statutory public inquiry into the circumstances of a death.

The Procurator Fiscal can apply to the Sheriff Court to hold a FAI once the investigation of the death is complete. The Procurator Fiscal must hold a FAI when a death was caused during employment, or while in legal custody, *i.e.* whilst being held at a police station or prison.

REVIEW SYSTEM

Any death which is not referred to the Procurator Fiscal may be subject to medical review. This is a procedure by which appointed medical reviewers examine a random sample of MCCD before registration takes place. Alongside this process are facilities for advance registration enabling a funeral to proceed before the review is complete where religious or other reasons require it, (see advanced registration below).

The MCCD is issued and the informant will present it to the Registrar. A random selection will then be made of cases for review at one of two levels.

- Level 1 review
 - medical reviewer scrutinises MCCD and speaks to issuing doctor before authorising the completion of death registration; completion should be within one working day
- Level 2 review
 - In addition to the Level 1 enquiries scrutiny of medical records also takes place and the reviewer will consult other relevant persons; completion should be within three working days.

About 10% of cases will be selected for Level 1 review with additional level 2 reviews accounting for around 2%.

A Level 1 review might well be complete before the informant attends the Registrar, if the eMCCD has been sent in advance. A Level 2 review may take longer. The Registrar will explain the process to the informant and in some cases the review will continue after the registration has been completed or the funeral has taken place.

If the medical reviewer is satisfied with the certificate issued, the Registrar is notified and registration may proceed. A Level 1 review might be escalated to a Level 2 review. If the medical reviewer is not satisfied, the doctor issuing the MCCD is informed of the reasons and invited to submit a new MCCD, taking account of those reasons. If this is then deemed to be in order registration may proceed. If the reviewer is still not satisfied, the senior medical reviewer is informed. Again, the doctor may be

invited to submit a new MCCD. If in order, registration may proceed. If it is not in order, the senior medical reviewer may refer the certificate to the Procurator Fiscal for investigation.

INTERESTED PERSON REVIEW

The facility exists for interested parties to request reviews of cases. This is called an interested person review and must be done within three years of the date of death and it is always a Level 2 review. Applications can only be made in relation to people who have died after 13 May 2015. If a review was requested prior to the funeral being held, it would normally be complete within 14 days and will not delay the funeral if death has been registered (if the application is before registration, registration will not proceed until the review is complete).

Generally, interested person reviews are requested where there are questions or concerns regarding the content of the MCCD Form 11. The care of the deceased is not covered under this process.

The following may apply for an Interested Person Review:

- a person who, under Registration of Births, Deaths and Marriages (Scotland) Act 1965, is required or stated to be qualified to give information concerning the deceased's death
- a healthcare professional (or other carer) who was involved with the deceased's care prior to the deceased's death;
- the Funeral Director responsible for the funeral arrangements of the deceased;
- the person having charge of the place of disposal of the body of the deceased; and
- such persons as the Scottish Ministers may, by order, specify.

ADVANCE REGISTRATION

It may be that the family wish to proceed with a funeral when the case has been selected for review. In this case they notify the Registrar of the fact and the Registrar will assist with an application for advance registration. If granted, this allows registration (and therefore the funeral) to proceed before the review is complete.

Applications for advance registration will normally be considered within two hours and may be made on the basis of:

- religious/cultural reasons (for example, local tradition or faith requirements to bury a person's

body quickly)

- compassionate reasons, (where delays would cause significant and unnecessary distress)
- practical/administrative reasons, (for example, family have travelled from abroad to attend the funeral)

To agree to the request, the medical reviewer must be satisfied that the case is justified and that there are no obvious indications that the MCCD is not in order and may make relevant enquiries.

The National Records of Scotland administers death registration, its website contains all relevant information along with details of all locations where registration can take place.

Click here to visit: www.nrscotland.gov.uk/registration/registering-a-death

The Death Certification Review Service has revised their leaflets and an easy read version of the main guide is available here:

<https://easy-read-online.co.uk/erdocs/scottish-health-council/>

All forms and guidance relating to registering a death in Scotland are available here:

www.healthcareimprovementscotland.org/our_work/governance_and_assurance/death_certification/review_service_information.aspx

Learning Outcome 6

Know the purpose of the Procurator Fiscal's Office.

The Procurator Fiscal (PF) is employed by the Crown Office and Procurator Fiscal Service (COPFS). Procurators Fiscal are lawyers who are responsible for the prosecution of crime in Scotland. They act on instruction from the Lord Advocate and have responsibility in Scotland for investigating deaths which may be sudden, suspicious, accidental, unexpected or unexplained, or occurred in circumstances which might cause public concern. The PF's duty to investigate such deaths grew from Scottish Common Law.

No burial or cremation may take place in Scotland without the issue of Form 14 Certificate of Registration of Death. Where the death is reported to the PF this will not happen until the PF is satisfied that a doctor can issue a Medical Certificate of Cause of Death (Form 11).

For this purpose Scotland is divided into three federations: North, East and West. Each of these has a Scottish Fatalities Investigation Unit, which investigates all sudden, suspicious, accidental and unexplained deaths. These may be reported by a doctor, by the police, a Registrar, the officer of the crematorium deputed to authorise cremation and any person who feels there is reason to report the death.

The COPFS issues guidelines to doctors advising under what circumstances a death should be reported, broken down into:

- unnatural causes;
- natural causes where a range of circumstances apply; and
- deaths in custody.

Unnatural Causes

Into this category fall:

- suspicious deaths, where there is a possibility of murder;
- drug related deaths, including those which may be a result of a reaction to medicines administered;
- accidents;

- industrial accidents;
- child deaths resulting from suffocation; and
- possible suicides.

Natural Causes

Reportable deaths falling into this category are extensive. They include:

- deaths which are natural but for which a doctor cannot identify a cause;
- where there is neglect (either by the deceased or another party) or fault; and
- deaths from notifiable or infectious diseases.

Where there are questions over medical or dental care received a death might be reported if:

- there may be fault or negligence;
- relatives have concern about treatment given;
- equipment may have failed;
- an adverse event review may be required (being defined by Healthcare Improvement Scotland as “an event that could have caused, or did result in, harm to people or groups of people”);
- another medical practitioner or Health Board suggests an act or omission by medical staff may have caused the death;
- life-sustaining treatment, to a patient in a permanent vegetative state, has been withdrawn, with or without court authority; and
- other circumstances which may cause public anxiety.

Deaths of Children

The deaths of children are given particular attention. A death should be reported where:

- a perinatal death is sudden, unexpected or unexplained;
- a new born baby is found;
- it seems to be a case of sudden unexpected death in infancy (Sudden Infant Death Syndrome);
- a pregnancy was concealed;
- a child under 18 was in local authority care;
- a child was on the Child Protection Register;
- a supervision requirement was made at the behest of Children's Hearing Scotland;
- a child was in care following a court or Children's Hearing Order; and
- a child was in local authority care for another reason.

When a death occurs suddenly, it may be that the police will arrange for the deceased person to be transferred to a local mortuary in order that the PF can be informed that an unexpected death has occurred.

If the death is clearly medically related, the police may allow the bereaved family to contact their own Funeral Director who can attend in the interim period. At this time, the Funeral Director should not carry out any preparation or embalming of the deceased until the Medical Certificate of Cause of Death (MCCD) has been issued, as there is still a possibility that the PF will have to investigate the death.

Deaths in Custody

Deaths in legal custody include (but are not restricted to) those who are detained in prison or police offices, or being transported while in custody, or are in custody while at another location, such as a hospital or home while on leave.

It is worth noting that the guidance also excludes some circumstances of death. Deaths which are not reportable are those which occur:

- within 24 hours of admission to hospital;
- within 24 hours of surgery;

- occurring earlier than expected within a terminal illness; and
- which a consultant asks to be reported without giving a reason.

Common misconceptions

Only deaths which fall into the categories set out above require to be reported.

- In circumstances where the death does not fall into one of the above categories, the following are not reasons for rendering the death reportable:
 - That the death occurred within 24 hours (or any other timescale) of admission to hospital
 - That the death occurred within 24 hours (or any other timescale) of an operation;
- That the deceased, who had a terminal illness died earlier than expected; That the deceased had not been seen by a GP for some time; and that a consultant has instructed that the death be reported without specifying the reasons why.
- A Form 11 (Medical Certificate of Cause of Death) may be issued if a medical practitioner is able to identify a cause of death to the best of his or her knowledge and belief. Certainty is not required.

POLICE REPORTS

Enquiries on the PF's behalf are carried out by the police. This does not imply any suspicion of criminality (although there may be). If the PF anticipates that a post-mortem examination is required, a police report will always be obtained.

Possible courses of action

Three basic courses exist:

1. No action required.
2. View and grant (no invasive post-mortem required).
3. Post-mortem examination required.

The PF may also apply to a Sheriff to hold a Fatal Accident Inquiry (see below).

Learning Outcome 7

Understand the purpose of the Procurator Fiscal's documentation.

No action required

A pre-condition of the PF withdrawing from the case at this stage is that a doctor is prepared to issue a Form 11 (Medical Certificate of Cause of Death) attesting the cause of death.

If, on discussion with a relevant doctor and taking into account the history prior to and circumstances of the death, the PF is satisfied that no investigation is required, the Form 11 (Medical Certificate of Cause of Death) is issued and the PF's interest in the case ends.

View and grant

Where a doctor cannot issue a Form 11 (Medical Certificate of Cause of Death), it may be that the PF can be satisfied as to the cause of death and release the body without the need for an invasive post-mortem examination. For this to happen, a PF can ask a pathologist to carry out a "view and grant" examination.

This consists of a careful and detailed external examination of the body alongside detailed consideration by the pathologist of the medical records. It is up to the pathologist to decide, on each individual case, whether a view and grant examination is appropriate.

The pathologist needs to be satisfied, and be able to satisfy the PF, the deceased's family and other medical organisations, that the cause of death can be stated. If so, the pathologist issues Form 11 (Medical Certificate of Cause of Death).

The PF then issues a body release form and, if cremation is required, Form E1: Procurator Fiscal's Certificate, enabling cremation to take place. The representatives of the deceased person register the death and obtain Form 14 (Certificate of Registration for Burial).

Example Form 14



CERTIFICATE OF REGISTRATION OF DEATH
(Section 27(1) of the Registration of Births, Deaths and Marriages (Scotland) Act 1965)

This is to certify that the death of

Name _____

Address _____

_____ Postcode _____

was registered by me on _____

The certifying doctor has confirmed the following to the best of their knowledge and belief:

	Y	N
Does the body of the deceased pose a risk to public health, for example, did the deceased have a notifiable infectious disease or was their body 'contaminated', immediately before death?	<input type="checkbox"/>	<input type="checkbox"/>
Is there a cardiac pacemaker or any other potentially explosive device currently present in the deceased?	<input type="checkbox"/>	<input type="checkbox"/>
Is there radioactive material or other hazardous implant currently present in the deceased?	<input type="checkbox"/>	<input type="checkbox"/>

Details of Certifying Doctor

Name	_____
Business Address	_____
Business contact telephone number	_____

Signed _____ Registrar

Name _____

District of _____

Note: This certificate must be transmitted either directly or by the hand of the Funeral Director to the person having charge of the place of interment or cremation, before the interment or cremation takes place.

Form 14

Unlike in other parts of the UK, in Scotland alternative methods of non-invasive investigation, such as Magnetic Resonance Imaging (MRI), are not considered to be appropriate in determining cause of death.

Post-mortem examination required

Where a doctor cannot attest the cause of death, or the PF declines the certificate which is provided (rare, but possible), the PF may order a post-mortem examination (PM).

The PF will order a PM in cases where the death is suspicious or cannot be explained following an initial investigation.

Such a PM would usually take place within a few days of the date of death. Upon completion the

pathologist issues a Form 11 (Medical Certificate of Cause of Death), allowing the representatives of the deceased person to register the death. The Registrar issues Form 14 (Certificate of Registration for Burial) and if relevant, the PF would issue Form E1 Authorisation for Cremation. If natural causes are determined the PF's investigation ends at this point. It may be that the PF considers further investigation is required, perhaps to eliminate suspicion or even establish that a crime has taken place.

The cause of death given by the pathologist on the Form 11 (Medical Certificate of Cause of Death) may change as the result of further investigations. It may also be that no cause of death is given on that Form 11 (Medical Certificate of Cause of Death). The final cause of the death should be given within 6-8 weeks of the PM taking place.

If it has been changed, the PF notifies both the deceased person's representatives and National Records of Scotland, which arranges for amendment to be made with the relevant Registrar. The deceased person's representatives may then obtain revised copies of the revised Form 11 (Medical Certificate of Cause of Death). They may also request copies of the PM report.

Learning Outcome 8	Understand the procedures for a Procurator Fiscal's removal of the deceased.
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Fatal Accident Inquiries

A Fatal Accident Inquiry (FAI) may follow the PF's investigation. An FAI is mandatory if death occurs while in custody, or from an accident at work. One may also be held where the Lord Advocate considers that there are matters of public interest arising from the death, or the death remains suspicious or unexplained.

In such a case the Procurator Fiscal, acting on the Lord Advocate's behalf, applies to the Sheriff for a Fatal Accident Inquiry to be held.

What the FAI may determine is closely prescribed by Inquiries into Fatal Accidents and Sudden Deaths etc. (Scotland) Act 2016.

Where an inquiry is to be held into a death, the Procurator Fiscal must:

- investigate the circumstances of death; and



- arrange for the inquiry to be held.

An inquiry will be conducted by a Sheriff. The purpose of such inquiry will be to:

- establish the circumstances of the death; and
- consider what steps (if any) might be taken to prevent other deaths in similar circumstances.

Evidence presented at the inquiry is not admissible in any related civil or criminal proceedings. Also, the Lord Advocate might waive the requirement for an FAI where he or she considers that the circumstances have been fully established in the public interest during the course of a prosecution. That is frequently the case in relation to health and safety prosecutions.