

2024 No. 668

CORONERS, ENGLAND AND WALES
CREMATION, ENGLAND AND WALES
MEDICAL PROFESSION, ENGLAND AND WALES

The Cremation, Coroners and Notification of Deaths (England and Wales) (Amendment) Regulations 2024

<i>Made</i> - - - -	<i>20th May 2024</i>
<i>Laid before Parliament</i>	<i>21st May 2024</i>
<i>Coming into force</i> - -	<i>9th September 2024</i>

The Lord Chancellor and the Secretary of State makes these Regulations in exercise of the powers conferred on the Secretary of State by section 7 of the Cremation Act 1902(a) and on the Lord Chancellor by sections 18(1) and 43(1)(a) and (3)(g) of the Coroners and Justice Act 2009(b).

In accordance with section 18(2) of the Coroners and Justice Act 2009(c), the Lord Chancellor has consulted the Secretary of State for Health and Social Care and the Chief Coroner.

In accordance with section 43(2) of the Coroners and Justice Act 2009, the Lord Chancellor has obtained the agreement of the Lady Chief Justice.

Citation, commencement and extent

1.—(1) These Regulations may be cited as the Cremation, Coroners and Notification of Deaths (England and Wales) (Amendment) Regulations 2024 and come into force on 9th September 2024.

(2) These Regulations extend to England and Wales.

Amendment of the Cremation (England and Wales) Regulations 2008

2.—(1) The Cremation (England and Wales) Regulations 2008(d) are amended as follows.

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- (a) 1902 c. 8. Section 7 was amended by Part 5 of Schedule 11 to the Finance Act 1949 (c. 47) and by section 2 of the Cremation Act 1952 (c. 31). Other amendments have been made to section 7, but none is relevant. By virtue of section 10 of the Births and Deaths Registration Act 1926 (c. 48), the power to make regulations under section 7 of the Cremation Act 1902 includes a power to make regulations for the purpose of applying the provisions of the Births and Deaths Registration Act 1926 to cases where human remains are disposed of by cremation.
- (b) 2009 c. 25.
- (c) Section 18(2) was amended by S.I. 2018/378.
- (d) S.I. 2008/2841. Relevant amending instruments are referenced below.

- (2) In regulation 2 (interpretation)—
- (a) in paragraph (1), omit the definition of “medical certificate”(a);
 - (b) in paragraph (2), for “regulations 22(3), 23(1)(d) and (2) and 32(2)” substitute “regulation 32(2)”.
- (3) After regulation 2 and before Part 2 insert—

“Application of Regulations in relation to deaths in Scotland, Northern Ireland, the Isle of Man and the Channel Islands

2A.—(1) This regulation applies where—

- (a) an application for the cremation of the remains of a deceased person is made; and
- (b) the death of the deceased person occurred in Scotland, Northern Ireland, the Isle of Man or the Channel Islands.

(2) Regulations 2, 12, 14(2), 16, 17, 22, 23(1) and (2), 24, 27 and 33 and forms Cremation 1, 4, 10 and 11 in Schedule 1 continue to have effect as in force immediately before 9th September 2024, subject to paragraph (3).

(3) Regulation 14(2) (as it has effect under paragraph (2) above) is to be read as if sub-paragraph (a) were omitted.”.

- (4) In regulation 12 (supplementary powers of medical referee)(b), omit paragraph (b).
- (5) In regulation 14 (forms)(c)—
- (a) in paragraph (1), omit “regulation 37(3) and”;
 - (b) omit paragraph (2)(b) and the “and” immediately before it.
- (6) In regulation 16 (cremation of the remains of a deceased person)(d), in paragraph (1)(c)—
- (a) omit paragraph (i);
 - (b) in paragraph (ii), after “given by a coroner” insert “confirming that the body of the deceased person does not need to be retained for the purposes of an investigation by a coroner into the person’s death”;
 - (c) in paragraph (iii)—
 - (i) for “a certificate is given that” substitute “where”;
 - (ii) after “for that purpose” insert “, a certificate is given by a registered medical practitioner confirming that fact(e)”.
- (7) Omit regulation 17 (medical certificate)(f).
- (8) For regulation 18 (certificate of coroner) substitute—

“Certificate of coroner

18.—(1) This regulation applies for the purposes of regulation 16(1).

(2) This regulation applies where—

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- (a) The definition of “medical certificate” was substituted by S.I. 2022/218.
 - (b) Regulation 12 was amended by S.I. 2022/218.
 - (c) Regulation 14 was amended by S.I. 2017/1238 and 2022/218.
 - (d) Regulation 16 was amended by S.I. 2022/218.
 - (e) The definition of “registered medical practitioner” in Schedule 1 to the Interpretation Act 1978 (c.30) was substituted by S.I. 2002/3135.
 - (f) Regulation 17 was amended by S.I. 2022/218.

- (a) a coroner has or had a duty under section 1 of the 2009 Act^(a) to conduct an investigation into the death of the deceased person; or
- (b) in a case where sub-paragraph (a) does not apply, the death of the deceased person occurred outside the British Islands.”.

(9) Omit regulation 22 (right to inspect medical certificate and to make representations to medical referee)^(b).

(10) In regulation 23 (authorisation of cremation of the remains of a deceased person by medical referee)^(c)—

- (a) in paragraph (1)—
 - (i) in sub-paragraph (a), after “regulation 16(1)(a), (b) and (c)” insert “(so far as relevant)”;
 - (ii) omit sub-paragraphs (b) to (d);
- (b) omit paragraph (2);
- (c) omit paragraph (3).

(11) Omit regulation 24 (medical referee not satisfied about the cause of death of the deceased person)^(d).

(12) In regulation 27 (authorisation of cremation by medical referee – inquiries by medical referee), omit paragraphs (2) and (3).

(13) In regulation 30 (disposal of ashes), in paragraph (1), in the opening words omit “and regulation 37(5) and (6)”.

(14) In regulation 33 (register kept by registrar), omit paragraph (2)(k).

(15) In regulation 37 (savings and transitional provisions)^(e), omit paragraphs (3), (5) and (6).

(16) In Schedule 1 (forms)—

- (a) for form Cremation 1 (application for cremation of the body of person who has died)^(f) substitute the form in Schedule 1;
- (b) omit form Cremation 4 (medical certificate);
- (c) for form Cremation 6 (certificate of coroner)^(g) substitute the form in Schedule 2;
- (d) for form Cremation 10 (authorisation of cremation of deceased person by medical referee) substitute the form in Schedule 3;
- (e) omit form Cremation 11 (certificate after post-mortem examination).

Amendment of the Coroners (Investigations) Regulations 2013

3. In the Coroners (Investigations) Regulations 2013^(h), in the Schedule (forms)—

- (a) for Form 2 (notice of discontinuance) substitute the form in Schedule 4;
- (b) for Form 3 (order for burial) substitute the form in Schedule 5.

(a) For the meaning of “the 2009 Act”, see regulation 2(1) of S.I. 2008/2841. The definition of “the 2009 Act” was inserted into S.I. 2008/2841 by S.I. 2013/1869 (C. 80).

(b) Regulation 22 was amended by S.I. 2022/218.

(c) Regulation 23 was amended by S.I. 2022/218.

(d) Regulation 24 was amended by S.I. 2022/218.

(e) Regulation 37 was amended by S.I. 2017/1238.

(f) Form Cremation 1 was substituted by S.I. 2017/1238.

(g) Form Cremation 6 was substituted by S.I. 2022/611.

(h) S.I. 2013/1629. There are amendments to S.I. 2013/1629, but none is relevant.

Amendment of the Notification of Deaths Regulations 2019

- 4.—(1) The Notification of Deaths Regulations 2019(a) are amended as follows.
- (2) In regulation 1 (citation, commencement and meaning of “relevant senior coroner”)—
- (a) in the heading, for “meaning of “relevant senior coroner”” substitute “interpretation”;
- (b) for paragraph (2) substitute—
- “(2) In these regulations—
- “attending practitioner”, in relation to a deceased person, means a registered medical practitioner who attended the deceased person before their death;
- “relevant senior coroner”, in relation to a death, means the senior coroner appointed for the coroner area(b) in which the body of the deceased person lies.”.
- (3) In regulation 2 (duty to notify a relevant senior coroner of a death), for paragraph (2) substitute—
- “(2) But the duty in paragraph (1) does not apply if the registered medical practitioner reasonably believes that—
- (a) the relevant senior coroner has already been notified of the death under these Regulations; or
- (b) a referral has been made to the relevant senior coroner under regulation 3(1)(b)(ii) or 10(1) of the Medical Certificate of Cause of Death Regulations 2024(c).”.
- (4) In regulation 3 (circumstances in which the duty to notify arises)—
- (a) in paragraph (1)—
- (i) in sub-paragraph (c)(i), for “attending medical practitioner required to sign a certificate of cause of death” substitute “attending practitioner”;
- (ii) in sub-paragraph (e), for “attending medical practitioner required to sign a certificate of cause of death” substitute “attending practitioner”;
- (iii) for sub-paragraph (f) substitute—
- “(f) the registered medical practitioner reasonably believes that—
- (i) there is an attending practitioner in relation to the deceased person; but
- (ii) an attending practitioner is not available within a reasonable time of the person's death to prepare and sign an attending practitioner's certificate;”;
- (b) in paragraph (2), in the list of definitions—
- (i) omit the definition of “attending medical practitioner”;
- (ii) at the appropriate place insert—
- ““attending practitioner's certificate” has the meaning given in regulation 2(1) of the Medical Certificate of Cause of Death Regulations 2024;”;
- (iii) omit the definition of “certificate of the cause of death”.
- (5) In regulation 4 (notifying the relevant senior coroner), for paragraph (3)(h) substitute—

(a) S.I. 2019/1112.

(b) For the meaning of “coroner area”, see section 48(1) of the Coroners and Justice Act 2009.

(c) S.I. 2024/492.

- “(h) if the registered medical practitioner is not an attending practitioner in relation to the deceased person, the name of any registered medical practitioner who is.”.

Transitional provision

5.—(1) Except where paragraph (2) applies, the amendments made by regulations 2 and 4 do not apply in relation to a death which occurs before the coming into force of these Regulations.

(2) This paragraph applies where, before the coming into force of these Regulations—

- (a) the death has not been registered under Part 2 of the 1953 Act,
- (b) a registered medical practitioner has not signed a certificate in the prescribed form in accordance with section 22(1) of the 1953 Act (registration of cause of death on receipt of medical certificate) in relation to the death, and
- (c) a senior coroner is not under a duty to hold an inquest into the death under section 6 of the 1953 Act.

(3) In this regulation, “the 1953 Act” means the Births and Deaths Registration Act 1953^(a).

Signed by authority of the Lord Chancellor and Secretary of State

20th May 2024

Mike Freer
Parliamentary Under Secretary of State
Ministry of Justice

I agree

20th May 2024

Sue Carr
Lady Chief Justice of England and Wales

(a) 1953 c. 20.

SCHEDULES

SCHEDULE 1

Regulation 2(16)(a)

Form Cremation 1 (application for cremation of the body of person who has died)

Application for cremation of the body of a person who has died

Cremation 1
replacing Cremation 1
issued 2018

03/24

This form must be completed by a person who is at least 16 years of age.
Please complete this form in full, if a part does not apply enter 'N/A'.

Part 1 Details of the crematorium

Name of crematorium where cremation will take place

Name of funeral director

Telephone number

E-mail

Full name of the deceased person

The information provided on this form is a legal requirement under the Cremation (England and Wales) Regulations 2008 and will be processed in line with Data Protection legislation. The data will be held by the cremation authority that is carrying out the cremation. It will be held securely, in confidence and processed solely for the purpose of carrying out the cremation and the handling of ashes. You have the right to know what data is held about you and you can, by contacting the cremation authority in writing, receive a copy of that data. The cremation authority is obliged to include in their privacy notice how the information will be held, for how long and how you may make a complaint to the Information Commissioner's Office.

I confirm that all relevant documentation has been provided to the crematorium.

A list of relevant documentation can be found in the guidance at the link below.

<https://www.gov.uk/government/collections/cremation-forms-and-guidance>

continued over the page 

Part 2 Your details (the applicant)

Your full name

Address

Telephone number

E-mail

1. Are you a near relative and / or an executor of the person who has died?
(please tick all that apply)

Near relative means the widow, widower or surviving civil partner of the person who has died, or a parent or child of the person who has died, or any other relative usually residing with the person who has died.

Near relative

Yes No

Executor

Yes No

If you answer No to both Near relative and Executor, please give the nature of your relationship and explain why you are making the application rather than a near relative or an executor.

2. Is there any near relative(s) or executor(s) who has not been informed of the proposed cremation? Yes No

If Yes, please give the name(s) and the reason(s) why they have not been contacted.

3. Has any near relative(s) or executor(s) expressed any objection to the proposed cremation? Yes No

If Yes, please give details including name(s).

Part 3 Details of the person who has died

Full name

Address

Occupation or last occupation if retired or not in work at date of death

Age at date of death

Sex

Male Female

Status

married/civil partnership widow/widower/surviving civil partner single

1. To the best of your knowledge, what was the date and time of death of the person who has died?

Date

Time

2. Please give the address where the person died.

Address

3. Please give the name, address, e-mail address and telephone number of the medical practitioner(s) who attended the deceased person.

Doctor's name

Address

Telephone number

E-mail

4. Was any implant placed in the body which may become hazardous when the body is cremated (e.g. a pacemaker, radioactive device or "Fixion" intramedullary nailing system)? Yes No Don't know
5. If you have answered Yes to question 4, please state whether it has been removed. Yes No Don't know
6. If you have answered No or Don't know to question 5, please give details of the device and its location.

Part 4 Disposal of ashes

The term "ashes" means all the material left in the cremator after cremation, and following the removal of any metal, and any subsequent grinding or other process which is applied to the material.

Applicant's instructions for ashes

Local practices regarding ashes vary and your funeral director or cremation authority will be able to advise you about these.

Please then tick the relevant box to confirm whether you have chosen Option 1, 2 or 3 below for the ashes following this cremation and provide further details in the relevant free text box.

If you choose Option 1 or 2 you may alter your choice, confirmed in writing with your signature, before the cremation authority has made arrangements to implement your chosen option, so please advise your funeral director or the crematorium as soon as possible if you change your mind.

- Option 1: Ashes to be scattered / interred / otherwise dealt with by the crematorium

Please give further details of your wishes here, from the options offered by the crematorium, for instance where the ashes should be scattered / placed and when; and whether you wish this to be witnessed or unwitnessed.

- Option 2: Ashes to be collected from the crematorium

Please give further details of your wishes here, such as who will collect the ashes (for instance you and / or another family member, the funeral director, or another specified person); and by which date, if known. The person collecting the ashes should bring a form of identification.

- Option 3: Ashes to be held awaiting your decision


Please give further details of your wishes here, for instance where and for how long the ashes should be held awaiting your decision.

When you have later made a decision, please confirm this, in writing with your signature, to your funeral director or crematorium.

Disposal of metals

- Should you wish to dispose of the metals in any other way then please indicate by ticking the box and metals will be returned to you within the cremated remains or separately from them.

See guidance for more details.

continued over the page 

Part 5 Recovery of ashes

- Despite every effort being made to recover ashes following a cremation, on very rare occasions (particularly with a cremation following an early pregnancy loss) there may be no recoverable ashes. If you have any questions about this, please ask your funeral director or crematorium.

Please tick the box to confirm that you understand this and that you wish to proceed with the cremation.

Part 6 Statement of truth

I apply for the body of the person who has died to be cremated and I certify that I am at least 16 years of age.

I believe that the facts given in this application are true. I am aware that it is an offence to wilfully make a false statement with a view to obtaining the cremation of any human remains.

Print your full name

Signed

Dated

SCHEDULE 2

Regulation 2(16)(c)

Form Cremation 6 (certificate of coroner)

Certificate of coroner

Cremation 6
replacing Cremation 6
issued in 2022

03.24

Please complete this form in full. If a part does not apply enter 'N/A'.

Part 1 Details of the deceased person

Full name

Age at date of death

Sex

Male Female

Date of death

Place of death or where body found

Registration district and sub-district in which the death is to be registered

Cause of death or insert unascertained

- I. (a) Disease or condition directly leading to death (this does not mean the mode of dying, it means the disease, injury, or complication which caused death)

(b) Other disease or condition, if any, leading to (a)

(c) Other disease or condition, if any, leading to (b)

(d) Other disease or condition, if any, leading to (c)

Regulation 16(c)(ii) of the Cremation (England and Wales) Regulations 2008

II. Other significant conditions contributing to the death but not related to the disease or condition causing it.

III. Was any hazardous implant placed in the body (e.g. a pacemaker, radioactive device or 'Fixion' intramedullary nailing system)? Yes No
 Don't know

IV. If yes to question III, please state whether it has been removed? Yes No
 Don't know

V. If the answer to question IV is either No or Don't know, please give details of device type and location.

Part 2 Certification of coroner

I certify that:

- I have or had a duty under section 1 of the Coroners and Justice Act 2009 to conduct an investigation into the death of the deceased person, or
- the death of the deceased person occurred outside the British Islands and no coronial investigation into the person's death is necessary,

and the body of the deceased person does not need to be retained for the purposes of a coronial investigation into the person's death.

Print your full name

Signed

Coroner area

Date

Part 3 Notification by Registrar of cremation

(Section 3(1) of the Births and Deaths Registration Act 1926)

Name of deceased person

Date of death

Place of death

was cremated on

Name of crematorium

Print your full name

Signed

Dated

SCHEDULE 3

Regulation 2(16)(d)

Form Cremation 10 (authorisation of cremation of deceased person by medical referee)

Authorisation of cremation of deceased person by medical referee

Cremation 10 replacing Cremation 10 issued in 2018

03/24

Please complete this form in full, if a part does not apply enter 'N/A'.

Part 1 Details of the deceased person

Full name

[Text input field for full name]

Address

[Text input field for address with two small grid boxes for postal code]

Occupation or last occupation if retired or not in work at the date of death

[Text input field for occupation]

Part 2 Authorisation by medical referee

An application has been made for the cremation of the remains of the deceased person.

I am satisfied that:

- (a) the requirements of the Cremation (England and Wales) Regulations 2008 have been complied with; and
(b) where a coroner is under a duty to investigate under section 1 of the Coroners and Justice Act 2009, an investigation has been opened.

Accordingly, I authorise the Registrar of the following crematorium to cremate the remains of the deceased person within that crematorium:

Name of crematorium

[Text input field for name of crematorium]

Print your full name

[Text input field for printer's name]

Cremation authority

[Text input field for cremation authority]

Signed

[Text input field for signature]

Dated

[Date input fields: DD / MM / YYYY]

SCHEDULE 4

Regulation 3(a)

Form 2 (notice of discontinuance)

Date:

Dear

NOTICE OF DISCONTINUANCE

I can confirm that the investigation into the death of CD has been discontinued under section 4 of the Coroners and Justice Act 2009.

This is because the cause of death is natural and I am satisfied that it is not necessary to continue the investigation and hold an inquest.

The cause of death which I have provided to the Registrar is:

I(a)

(b)

(c)

(d)

II

You must now make arrangements to register the death.

Please contact [insert details] if you have any questions about this letter.

Yours sincerely,

SCHEDULE 5

Regulation 3(b)

Form 3 (coroner's order for burial)

Coroner's order for burial

I authorise the burial of C.D. (insert name)

Aged, (insert age)

Who died at, (insert time and place)

On, (insert date)

- I. Was any hazardous implant placed in the body (e.g. a pacemaker, radioactive device or 'Fixion' intramedullary nailing system)? Yes No
 Don't know
- II. If 'Yes' to question I, please state whether it has been removed? Yes No
 Don't know
- III. If the answer to question II is either 'No' or 'Don't know', please give details of device type and location.

Date:

Signature:

Coroner:

Regulation 21(2) of the Coroners (Investigations) Regulations 2013

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Cremation (England and Wales) Regulations 2008 (S.I. 2008/2841), the Coroners (Investigation) Regulations 2013 (S.I. 2013/1629) and the Notification of Deaths Regulations 2019 (S.I. 2019/1112).

The amendments made by these Regulations reflect a cross-government programme of death certification reform. As part of this reform, the Medical Certificate of Cause of Death Regulations 2024 (S.I. 2024/492) will require all deaths in England and Wales to be independently reviewed, either by the scrutiny of a medical examiner or by investigation by a coroner.

Regulation 2 amends the Cremation (England and Wales) Regulations 2008. Following the implementation of the new statutory medical examiner system in England and Wales, the requirement for a registered medical practitioner to complete a medical certificate where there is no coroner's certificate or certificate of anatomical examination is removed for the purposes of a medical referee authorising a cremation. Regulation 2 also removes the requirement for the medical referee to be satisfied as to the cause of death, including where a coroner's certificate or certificate of anatomical examination has been provided.

Regulation 2 further omits forms Cremation 4 (medical certificate) and Cremation 11 (certificate after post-mortem examination) and replaces form Cremation 1 (application for cremation of the body of a person who had died), form Cremation 6 (certificate of coroner) and form Cremation 10 (authorisation of cremation of deceased person by medical referee). It also makes a number of additional consequential amendments, clarifies existing provision and removes now redundant transitional provisions.

The amendments relating to the medical certificate and the role of the medical referee do not have effect in relation to deaths occurring in Scotland, Northern Ireland, the Isle of Man or the Channel Islands by virtue of inserted regulation 2A.

Regulation 3 amends the Coroners (Investigation) Regulations 2013 to replace Form 2 (notice of discontinuance) and Form 3 (coroner's order for burial).

Regulation 4 amends the Notification of Deaths Regulations 2019, which impose a duty on registered medical practitioners to notify a senior coroner of a person's death under certain circumstances. It amends the circumstances in which the duty arises, as well as the contents of the notification, to reflect the wider changes to the death certification system.

Regulation 5 makes transitional provision in respect of the changes made by regulations 2 and 4.

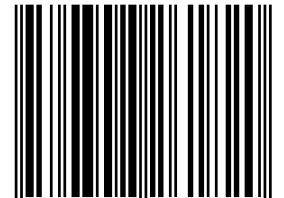
A full impact assessment of the effect that the introduction of the new medical examiner system in England and Wales will have on the costs of business, the voluntary sector and the public sector is available from https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/715242/death-certification-reform-impact-assessment.pdf. A separate impact assessment has not been produced for this instrument because no, or no significant, additional impact on the private, voluntary or public sector is foreseen.

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