



Ministry of  
**JUSTICE**

# **Cremation Regulations 2008**

## Guidance for funeral directors

3 November 2008

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## The new regulations

1. The Cremation Regulations 2008 come into effect on 1 January 2009. They modernise and consolidate all previous regulations, replacing the Cremation Regulations 1930 as amended. A copy of the regulations is attached to this guidance. The forms can be downloaded from our website at [www.justice.gov.uk](http://www.justice.gov.uk). The forms made under the 1930 Regulations may also be used until 31 January 2009.
2. You should familiarise yourself with the text of the new regulations although there are very few policy changes requiring different procedures. The only significant new provision is that giving the applicant for cremation a right to inspect the medical forms (forms Cremation 4 and Cremation 5) before the medical referee authorises cremation. We expect the numbers of applicants wishing to exercise this right to be relatively low, but we will keep the position under close review.

## The forms

3. It is important that the statutory wording is fully adhered to. Medical referees have been instructed to reject forms that do not follow the statutory wording.
4. A minor change to the application form is that the countersignature is no longer required.
5. The forms make it clear that it is a criminal offence under the Cremation Act 1902 wilfully to make a false statement in order to procure a cremation.
6. There are 13 forms which are explained in **Annex A**.

## Annex A

### **Form Cremation 1 - Application for cremation of remains of deceased person (replacing form A)**

1. This form is to be completed by the applicant for cremation. This should usually be a near relative or an executor. If the applicant is not a near relative or an executor reasons should be given on the form explaining why that person is making the application rather than a near relative or an executor. All questions will need to be answered. All parts of the form have to be completed before it is passed to the medical referee. You should assist applicants in providing the information which is required.
2. Question 10 asks about hazardous implants. The medical referee will need to check the information provided with that given by the certifying doctor. After discussion with the applicant, you may also be able to provide information or confirm that the implant has been removed.
3. Part 5 of the form deals with the applicant's **right to inspect** the medical forms (forms Cremation 4 and Cremation 5) before the medical referee authorises cremation. We expect you to advise the applicant in neutral terms of the right and neither to encourage nor deter applicants from exercising it (a suggested form of words is set out at **Annex B**). In certain circumstances, the death may need to be referred to a coroner. The coroner may then require a post-mortem examination to be held or an inquest to be opened. In these circumstances there is no right of inspection, as there are no medical forms to inspect and the death is being fully investigated.
4. You should ensure that forms Cremation 1, 4 and 5 are sent to the crematorium as soon as possible before the date of the funeral. This is to ensure that the funeral is not delayed in the event that the applicant wants to inspect the forms. The applicant may not, however, want to inspect the forms if he or she would like the funeral to take place as soon after death as possible.

5. There is no easy solution to reconciling the applicant's right of inspection with a timely funeral. Your main role is to ensure that the forms are completed as quickly as possible, to facilitate inspection, and - importantly - to keep in contact with all the parties concerned in the process. If the applicant says that they want to see the forms you will need to advise them that they may delegate inspection to a nominee or that they may be accompanied. Space at crematorium offices is sometimes short and we appreciate that it may not always be easy to identify a suitable place for the applicant to inspect the forms. [It may be acceptable for the applicant to inspect the forms at your office, but that should only be with the agreement of the cremation authority.]

6. We have advised cremation authorities that we do not expect the applicant to be charged a separate fee for inspecting the forms. However, if the applicant wants a medical explanation for the cause of death you should advise him or her that the medical referee may charge a fee for doing this (that is entirely a matter for the medical referee). On the other hand, if the applicant wishes to draw the medical referee's attention to a possible inconsistency or inaccuracy within the medical forms, we do not think that there should be a charge for so doing.

7. If the applicant's inspection of the forms raises a possibility that the cause of death was not natural, the medical referee may consider that the case should be referred to a coroner for further consideration. Any assistance that you can provide in ensuring that the referral takes place as smoothly and speedily as possible will be welcomed.

8. The forms must be inspected at least 24 hours before the funeral is due to take place, to enable any further investigation or clarification to be carried out by the medical referee or others. The family may want the funeral to go ahead but cremation to be deferred, in case the coroner wants the body to be examined. In such cases it will be necessary for the body to be returned to your premises pending any final decision by the coroner. We anticipate that cases like these will be extremely rare.

9. We do not expect there will be great demand for inspection, given that the more 'difficult' cases will have already been referred to the coroner for investigation and most applicants do not have concerns about the circumstances surrounding the death.

## **Form Cremation 2 - Application for cremation of body parts (replacing form AA)**

10. This form should also be completed by a near relative or an executor. If it is more appropriate for the form to be completed by someone acting on behalf of the next of kin (perhaps the bereavement officer at the hospital) then an explanation for this should be given on the form. There is no right to inspect the associated certificate releasing body parts for cremation (form Cremation 8), because it provides no information about the cause of death and the body will have already been cremated or buried. Applications for the cremation of body parts are likely to remain as infrequent as under the previous regulations.

## **Form Cremation 3 - Application for cremation of stillborn baby**

11. This form may be completed by one of the parents of the stillborn baby but may also be completed by the bereavement officer at the hospital. There is no right to inspect the associated certificate of stillbirth (form Cremation 9), as there is no cause of death. You should ensure that form Cremation 3 is either accompanied by form Cremation 9 or by a declaration given by a person who can give information concerning the birth (see regulation 20(2)). Where the stillbirth took place outside England and Wales, a broadly equivalent form to form Cremation 9 can be given (please refer to regulation 14(4)).

## **Form Cremation 4 - Medical certificate (replacing form B)**

12. This form will need to be completed by a doctor who can certify the cause of death. It contains the most detailed information about the circumstances surrounding the death. All questions should be answered. The doctor completing the form will need to give information as to whether any hazardous implant has been removed and whether the death has been discussed with a coroner.

## **Form Cremation 5 - Confirmatory medical certificate (replacing form C)**

13. Medical referees have been given information about the eligibility of doctors from the European Economic Area (EEA) whose periods of qualification before full registration with the General Medical Council may count towards the five-year period. It is attached at **Annex C**. It is very important that doctors from outside the EEA and with less than five years full registration do not sign form Cremation 5. Medical referees should inform you that they have rejected such forms, so that you can refund any fee the doctor concerned may have been paid.

## **Form Cremation 6 - Certificate of coroner (replacing form E)**

14. Please note that there is a space for the cause of death to be recorded. This should not be left blank (even if the cause is unascertained).

## **Form Cremation 7 - Certificate following anatomical examination (replacing form H)**

## **Form Cremation 8 - Certificate releasing body parts for cremation (replacing form DD)**

## **Form Cremation 9 - Certificate of stillbirth**

15. This form should be linked with form Cremation 3 and the appropriate registration document. If the medical referee is satisfied that cremation can take place, he or she will authorise it with form Cremation 13. The form may be completed by a registered midwife as well as by a fully registered medical practitioner.

**Form Cremation 10 - Authorisation of cremation of deceased person by medical referee (replacing form F)**

**Form Cremation 11 - Certificate after post-mortem examination (replacing form D)**

16. Cremation authorities will need to decide who should pay for any post-mortem examination ordered by the medical referee and that all the relevant provisions of the Human Tissue Act 2004 are met. These include any necessary consent from the applicant or other family member for the post-mortem examination to take place, that the post-mortem is made by a pathologist under the authority of a licence issued for that purpose by the Human Tissue Authority, and that the place where the post-mortem is to take place is also duly licensed. You may be asked to assist in obtaining the necessary consent.

**Form Cremation 12 - Authorisation of cremation of body parts by medical referee (replacing form FF)**

**Form Cremation 13 - Authorisation of cremation of remains of stillborn child by medical referee**

17. The medical referee will only authorise cremation of a stillborn baby after having considered form Cremation 3 and either form Cremation 9 (or the overseas equivalent) or a declaration given by a person who can give information concerning the birth and the appropriate registration document.

## Further information

18. This guidance is not exhaustive. If you have any further queries or need more information about the new regulations please contact Brian Patterson on 020 3334 6404 ([brian.patterson@justice.gsi.gov.uk](mailto:brian.patterson@justice.gsi.gov.uk)).

## Annex B

### **Suggested form of words to use to explain the right of inspection to applicants**

It is essential that you present the right to the applicant in the correct terms. We suggest the following words are used – but only when the death has not been referred to a coroner:

You have the right to inspect the medical forms which doctors complete before cremation is authorised. Cremation is authorised by a medical referee, that is, a doctor whose role it is to check the medical forms.

If you are satisfied that you know the cause of death and have no problems with that cause then you may decide that there is little reason why you need to inspect the forms.

However, if you do have doubts about the cause of death or were surprised that the death happened when it did, you may wish to inspect the forms.

You can inspect the forms yourself or you can nominate someone else to inspect on your behalf. You might want to do this, for example, if you think someone else would be in a better position to go through the forms (perhaps because that person was present at the death and you were not).

You do not have to make up your mind now.

If you already have serious concerns about the death and believe the case should be investigated by a coroner, you need to contact the coroner's office [at this point you should provide contact details and other assistance].

The forms will be available for you to inspect at the crematorium office for no longer than 48 hours after you are informed that they have arrived there.

If you wish, the medical referee can give you advice about the cause of death, but he or she may charge a fee for this service. More information is set out in this leaflet [you should then hand over the leaflet].

If you want the funeral to be held within the next two or three days, it may well be difficult for that to happen and for you also to be able to inspect the medical forms. However, that is your decision.

## Annex C

### European Economic Area

#### European Union Members: Universities where Primary European Qualifications can be obtained within each state

**Austria** – Graz, Innsbruck, Salzburg, Salzburg (Paracelsus), Vienna (Wien)

**Belgium** – Antwerp, Brussels, Diepenbeek (Limburg), Gent, Louvain (Leuven), Liege, Mons, Namur

**Bulgaria** – Pleven, Plovdiv, Sofia, Trakia (Thrace), Varna

**Cyprus** – Medical Council of Cyprus (equivalent to General Medical Council)

**Czech Republic** – Brno (Masaryk Univ.), Hradec Kralove, Pilsen, Prague (Charles University), Olomouc

**Denmark** – Aarhus, Copenhagen, Syddansk (Odense)

**Estonia** – Tartu

**Finland** – Helsinki, Kuopio, Oulu, Tampere, Turku

**France** – Aix-Marseille, Amiens (Jules Verne), Angers, Besançon (Franche-Comté), Bordeaux (Victor Segalen), Brest (Bretagne), Caen, Clermont-Ferrand (Auvergne), Dijon, Grenoble, Univ Scientifique et Medicale Grenoble, Lille, Henri Warembourg de Lille, Limoges, Lyon-Sud, Lyon (Univ Claude-Bernard), Lyon (Alexis-Carrel), Montpellier-Nimes, Nancy, Nantes, Nice, Paris (Denis Diderot), Paris (Pierre et Marie Curie), Paris (René Descartes), Paris-Sud, Paris Val de Marne (Creteil), Poitiers, Reims, Rennes, Rouen, St Etienne, Strasbourg, Toulouse, Tours

**Germany** – Aachen, Berlin (Freiuniversität), Berlin (Humboldt), Bochum, Bonn, Dresden, Düsseldorf, Erlangen-Nürnberg, Essen, Frankfurt-am-Main, Freiburg im Breisgau, Giessen, Göttingen, Greifswald, Halle/Wittenberg, Hamburg, Hannover, Heidelberg, Homburg, Jena, Kiel, Köln (Cologne), Leipzig, Lübeck, Magdeburg, Mainz, Mannheim, Marburg, München (Ludwig-Maximilians), München (Technische), Münster, Regensburg, Rostock, Ulm, Witten-Herdecke, Tübingen, Würzburg

**Greece** – Alexandroupolis (Thrace), Athens (National), Crete, Ioannina, Patras, Larissa (Thessaly) Thessaloniki

**Hungary** – Semmelweis/Budapest, Debrecen, Pécs, Szeged

**Iceland** – Reykjavik

**Ireland** – Cork, Dublin (RCS), University College Dublin, Galway,

**Italy** – Ancona, Bari, Bologna, Brescia, Cagliari, Catania, Catanzaro (Reggio-Calabria), Chieti (D'Annunzio), Ferrara, Firenze, Genova, Messina, Milano, Modena, Napoli, Napoli (Federico II), Padova, Palermo, Parma, Pavia, Perugia, Pisa, Roma, Rome (Campus Bio-Medico), Sassari, Siena, Torino, Trieste, Udine, Varese, Verona

**Latvia** – Riga (Stradins), University of Latvia (Riga)

**Liechtenstein** – Nil

**Lithuania** – Kaunas, Vilnius

**Luxembourg** – Nil

**Malta** – Univ of Malta (Msida)

**Netherlands** – Amsterdam, Amsterdam (Vrije) Groningen, Leiden, Maastricht, Nijmegen, Rotterdam (Erasmus), Utrecht

**Norway** – Bergen, Oslo, Tromsø, Trondheim

**Poland** – Bialystok, Bydgoszcz, Gdansk, Krakow (Jagiellonian), Lodz (Military), Lublin, Poznan, Szczecin, Warsaw (Academy and Postgraduate), Wroclaw

**Portugal** – Beira, Coimbra, Lisbon, Porto (Abel Salazar) Porto

**Romania** – Arad, Brasov, Bucharest, Cluj-Napoca, Constanta, Craiova, Iasi, Mures, Oradea, Sibiu, Targu Timisoara

**Slovakia** – Bratislava, Kosice

**Slovenia** – Ljubljana

**Spain** – Albacete (Castillo la Mancha), Alcalá, Alicante, Badajoz (Extremadura), Barcelona, Barcelona (Autonoma), Barcelona (Pompeu Fabra), Cádiz, Córdoba, Granada, La Laguna Las Palmas de Gran Canaria, Lleida, Madrid (San Pablo), Madrid (Autonoma), Madrid (Complutense), Málaga Murcia, Pamplona (Navarra), Oviedo, Reus (Tarragona/Rovira Virgili) Salamanca, San Sebastian (Pais Vasco), Santa Cruz de Tenerife, Santander (Cantabria), Sevilla, Tenerife, Valencia, Valladolid, Zaragoza

**Sweden** – Göteborg, Linköping, Lund, Stockholm (Karolinska), Umeå, Uppsala

**Switzerland\*** – Basel, Bern, Genève, Lausanne, Zürich

**United Kingdom** – five years' registration required wherever qualified

\*Swiss nationals benefit from EC freedom of movement legislation under the terms of bilateral agreement, signed on 1 June 2002

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