



Ministry  
of Justice

# **Guidance for crematorium Medical Referees on transitional provisions in the Cremation, Coroners and Notification of Deaths (Amendment) Regulations 2024**

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## Introduction

This guidance is for **Crematorium Medical Referees (MRs)** and sets out **how MRs should carry out their duties under the Cremation (England and Wales) Regulations 2008** (“the Cremation Regulations”) as amended by the Cremation, Coroners and Notification of Deaths (Amendment) Regulations 2024 (“the 2024 Regulations”) during the transitional period.

The ‘transitional provisions’ in the 2024 Regulations are the rules which take effect on 9 September 2024 (the day on which the 2024 Regulations come into force) for deaths that occurred before that date. All other deaths should be dealt with under the Cremation Regulations as amended by the 2024 Regulations (see paragraphs 1 to 6 below).

The transitional provisions determine which scheme (the new or the old) will apply to those deaths occurring before 9 September; some should be dealt with under the old arrangements and some under the new. The transitional provisions apply until all the relevant deaths have been dealt with under one or other set of arrangements.

This guidance should be read in conjunction with the following pieces of guidance (available at [Cremation forms and guidance - GOV.UK \(www.gov.uk\)](https://www.gov.uk/guidance/cremation-forms-and-guidance)):

- Cremation: guidance for applicants
- Funeral directors: guidance on cremation regulations and forms
- Medical practitioners: guidance on completing cremation forms
- Crematorium medical referees: guidance on cremation forms

and:

- [Notification of Deaths Regulations 2019 guidance - GOV.UK \(www.gov.uk\)](https://www.gov.uk/guidance/notification-of-deaths-regulations-2019-guidance)

The 2024 Regulations are available at this link:

<https://www.legislation.gov.uk/ukxi/2024/668/contents/made>.

## Deaths occurring on or after 9 September 2024

1. The Medical Certificate of Cause of Death Regulations 2024 (“The MCCD Regulations”), the Registration of Births and Deaths (England and Wales) (Amendment) Regulations 2024, and the 2024 Regulations come into force on 9 September 2024. In accordance with those regulations, all deaths occurring on or after 9 September 2024 will be managed under the new statutory framework.
2. The updated forms which Attending Practitioners (“APs”) and coroners will use in connection with cremation are available at <https://www.gov.uk/government/collections/cremation-forms-and-guidance>. The updated forms are:
  - Application for cremation of the body of a person who has died (Cremation 1)
  - Certificate of coroner (Cremation 6)
  - Authorisation of cremation of deceased person by a medical referee (Cremation 10)
  - Notice of discontinuance – Form 2
  - Coroner’s order for burial – Form 3
3. For deaths occurring on or after 9 September 2024, MRs should only accept the updated forms. Where incorrect forms are used by APs and/or coroners, MRs should request new forms from the AP or coroner as quickly as possible in order to avoid delays.
4. No deaths that occur on or after 9 September 2024 should be dealt with under old arrangements with the old forms.
5. Arrangements for stillbirth, anatomical research and body part cremations processes are not affected by the 2024 Regulations and, therefore, will not change on 9 September 2024, and so neither will the relevant forms.
6. Where the death occurred within the British Islands but outside England and Wales (i.e. in Scotland, Northern Ireland, the Isle of Man or the Channel Islands), MRs should accept the documentation or its equivalent from those areas, as they did prior to the coming into force of the 2024 Regulations. Guidance on this will be available at [Cremation forms and guidance - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/collections/cremation-forms-and-guidance)

## Transitional provisions

### Applying on or after 9 September to deaths occurring before 9 September 2024

7. The transitional arrangements in the MCCD Regulations mean that, following the coming into force of the new system, some deaths occurring before 9 September 2024 will be subject to the new arrangements for the scrutiny of deaths by medical examiners, and some will be subject to old arrangements.
8. With respect to cremations, similarly, some deaths occurring before 9 September 2024 will follow the new arrangements in the Cremation, Coroners and Notification of Deaths (England and Wales) (Amendment) Regulations 2024 ([The Cremation, Coroners and Notification of Deaths \(England and Wales\) \(Amendment\) Regulations 2024 \(legislation.gov.uk\)](https://www.legislation.gov.uk)) and some will follow the old.
9. The transitional provisions are set out in Regulation 5 of the 2024 Regulations and determine which of those deaths occurring before 9 September must follow the old arrangements and which must follow the new.
10. However, it is important to note that Regulation 5 of the 2024 Regulations contains a small drafting error. That regulation on the face of it appears to mean that, for a death that occurred before 9 September, if by 9 September 2024 either (i) the death had been registered or (ii) a medical practitioner had signed the medical certificate of cause of death (MCCD) or (iii) the coroner was under a duty to hold an inquest into the death, the old arrangements would apply. However, because of the minor drafting error, that interpretation is wrong and only the first two conditions are determinative.
11. Therefore, the correct interpretation of the 2024 Regulations is that, from 9 September 2024 when these regulations come into force, **the old arrangements will apply to any death which occurred before 9 September 2024, if either or both of the conditions in (i) and (ii) below took place before that date.** The new arrangements will only apply if neither condition took place before 9 September 2024. The conditions are:
  - i. **the death has been registered; and**
  - ii. **a registered medical practitioner has signed a medical certificate of cause of death (MCCD).**

12. To reiterate, whether or not the coroner was under a duty to carry out an inquest before 9 September 2024 (i.e. condition (iii) in Regulation 5 of the 2024 Regulations), this has no bearing on whether the old or new arrangements apply in relation to the cremation of the deceased person.
13. Therefore, for deaths occurring before 9 September 2024, where there has been no MCCD or registration of a death but the coroner has opened an investigation under section 1 of the Coroners and Justice Act 2009, the old framework will apply in relation to the scrutiny of the death, but the new framework will apply in relation to the cremation of the deceased person. In practice, this means that the coroner will use old style forms in relation to the registration of the death (e.g. form 100B if informing the registrar that the investigation has been discontinued), but should provide the MR with the new style form Cremation 6 in relation to the cremation of the deceased person.

## Scenarios

**The following scenarios are intended to be helpful guides to practice. To reiterate, they apply to deaths occurring before 9 September 2024 but where the cremation is authorised by the MR on or after 9 September 2024.**

### Scenarios involving non-coronial cases

#### Scenario one

1. A person dies before 9 September and an MCCD is signed by an AP before 9 September.

MRs should only accept the **2018 version** of form Cremation 1 and the Certificate for burial or cremation (“the Green Form”), and will require form Cremation 4 to be completed by the medical practitioner.

The MR should authorise the cremation through use of the **2018 version** of form Cremation 10.

## Scenario two

2. A person dies before 9 September and an MCCD has not been signed by an AP before 9 September but is instead signed on or after 9 September.

MRs should only accept the **new 2024 version** of form Cremation 1, and of the Certificate for burial or cremation (“the Green Form”). A form Cremation 4 will not be required.

The MR should authorise the cremation through use of the **new 2024 version** of form Cremation 10.

## Scenarios where the coroner’s duty to hold an inquest is engaged

### Scenario three

3. A person dies before 9 September. An MCCD is signed by an AP before 9 September, but the case is then referred to the coroner. The coroner commences an investigation and issues a form Cremation 6.

The fact an MCCD was signed by an AP before 9 September means that the old legislative framework applies to the cremation. It does not matter whether or not the death was registered or, if registered, whether that was before or after 9 September. MRs should therefore only accept the **2018 version** of form Cremation 1 and the **2018 version** of form Cremation 6 from the coroner, and use the **2018 version** of form Cremation 10.

### Scenario four

4. A person dies before 9 September. An MCCD is not signed by an AP before 9 September and the case is referred to the coroner who opens an investigation before 9 September and issues a form Cremation 6 on/after 9 September. The death is not registered before 9 September.

Because of the drafting error in the 2024 Regulations, the fact that the coroner opened an investigation before 9 September is not relevant in determining whether the old or new arrangements apply. The fact that no MCCD was signed and/or that registration did not take place before 9 September means that the new arrangements must apply. MRs should

therefore only accept the new **2024 version** of form Cremation 1 and the new **2024 version** of form Cremation 6 from the coroner.

The MR should authorise the cremation through use of the new **2024 version** of form Cremation 10.



## Further Information

5. This guidance is not intended to be exhaustive and there will be unique instances that arise where you may require assistance. If you require any guidance or information that is not covered in this document, please contact the Funeral Sector, Burials and Cremation Policy team at the Ministry of Justice at [FuneralSectorBurialsandCremation@justice.gov.uk](mailto:FuneralSectorBurialsandCremation@justice.gov.uk).



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