



# Ministry of **JUSTICE**

**Coroners, Burials, Cremation and  
Inquiries Policy Team**  
**Law and Access to Justice**  
4.38 4<sup>th</sup> Floor  
102 Petty France  
London  
SW1H 9AJ

T 020 3334 3555  
F 020 3334 2233  
E [judith.bernstein@justice.gsi.gov.uk](mailto:judith.bernstein@justice.gsi.gov.uk)

[www.justice.gov.uk](http://www.justice.gov.uk)

To all crematorium medical referees and cremation  
authorities in England and Wales

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Dear colleagues

## **Change to Scottish legislation to be implemented 13 May 2015 - new arrangements for cremation in England and Wales following a death in Scotland**

As you may know, new death certification legislation in Scotland is due to be implemented on 13 May 2015. The legislation creates the role of Medical Reviewers and a national Senior Medical Reviewer whose primary functions are to quality assure the completion of MCCDs by conducting reviews of a randomised sample of MCCDs from across Scotland.

When the Act comes into force, the new system it sets out, and the functions of the new Medical Reviewers, will mean the end of the existing statutory role of Crematoria Medical Referees in Scotland. Additionally the statutory forms B and C, that is, the cremation medical certificate and confirmatory medical certificates equivalent to Cremation forms 4 and 5 in England and Wales will also be discontinued under the new system.

### **I am writing to explain the arrangements on and after 13 May for a cremation in England and Wales when the death occurred in Scotland.**

The Ministry of Justice (MoJ) estimates that around 500-600 deaths per year in Scotland result in a cremation in England and Wales. MoJ and Scottish Government officials met in October 2014 to discuss stakeholders' concerns about scrutiny. The MoJ were concerned to know what measures would be in place to ensure a level of scrutiny that would prevent medical referees referring cases to coroners or refusing to authorise cremations. It is estimated that 25% of deaths are investigated by the Procurator Fiscal in Scotland, and are excluded from the new system. Stillbirths are also excluded from the new review system. 14% of the remainder of MCCDs will be reviewed.

An essential document under the new Scottish legislation is the revised Scottish **Form 14**, the certificate of registration of death given to the family/informant by the Registrar. Form 14 contains details of the certifying doctor who completed **Form 11** (the revised Scottish Medical Certificate of the Cause of Death). The form also contains information on hazardous materials, implants and notifiable infectious diseases that appear on the MCCD.

The MoJ is content that the documentary requirements for a cremation in England and Wales will be met if either of the following groups of documents is provided:

In a non coroner's case:

- an application for cremation as provided for use in Scotland or in England and Wales;
- a certificate of No Liability to Register the death in England and Wales;
- a full extract of the death from the register of deaths (a copy of which the family or funeral director will need to request from the registrar in Scotland and for which there will be a fee of £10 if requested at the time of registration or £15 if requested later) or a form E1 for deaths investigated by the Procurator Fiscal in Scotland and
- Scottish Form 14;

In a coroner's case:

- an application for cremation as provided for use in Scotland or in England and Wales;
- a coroner's certificate under Regulation 18 in a case where a coroner has directed a post-mortem examination and is satisfied that further investigation is unnecessary, or has opened an investigation into the death.

If a medical referee has concerns they can speak to the certifying doctor named on the Form 14. The medical referee may wish to contact the Medical Reviewer Service in Scotland if there are any concerns following a discussion with the certifying doctor, although as the Medical Reviewer gathers information from the certifying doctor, it is unlikely they would be able to offer any further information.

The Scottish Government Funeral Industry Sub-Group is developing guidance on the new procedure in Scotland setting out best practice. This will be made available to cremation authorities in England and Wales.

My team will as always be glad to respond to any day to day queries about the Cremation Regulations.

Yours faithfully



**Judith Bernstein**

Head of Coroners, Burials, Cremation and Inquiries Policy Team