

Statutory Medical Examiners system – August Q&A

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Background

This document was produced following a number of stakeholder questions raised at our August 2024 roundtable events. It sets out Q&A in relation to the implementation of the Death Certification Reforms (DCR) and statutory medical examiner (ME) system on 9 September 2024. The changes set out will apply only from the 9 September 2024 commencement date; until then, existing forms, guidance and processes will continue to apply.

This document should be read alongside the Ministry of Justice's new legislation – the Cremation, Coroners and Notification of Deaths (England and Wales) (Amendment) Regulations 2024 (available here <https://www.legislation.gov.uk/uksi/2024/668/contents/made>) and this overview of the Death Certification Reforms: <https://www.gov.uk/government/publications/changes-to-the-death-certification-process/an-overview-of-the-death-certification-reforms#annex-b-regulations-to-be-made-or-amended>.

Additional sources of information are set out below:

- [Diagram overview of the whole the new death certification process](#)
- [NHS England » The national medical examiner system](#)
- [National Medical Examiner - good practice guidelines \(england.nhs.uk\)](#).

In preparation for the introduction of the statutory ME system and wider DCR, the following guidance has been amended. This guidance – which we are sending to stakeholders alongside this Q&A - will be available on [Cremation forms and guidance - GOV.UK \(www.gov.uk\)](#) from 9 September 2024:

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

Death certification process

Will the 'green form' be sent to the crematorium and funeral director?	The current arrangement with regards to sharing the green form will continue: the green form is issued to the informant after registration. At their request it can be emailed by the registrar to the crematorium or funeral director.
Where will crematoria be able to find out who the attending practitioner (AP) or medical examiner (ME) are?	The name of the AP and ME will be on the additional page that accompanies the green form, which will be received by the MR.
How will the MoJ reassure themselves that MEs/MEOs are not interfering with the statutory cremation forms when the final layer of scrutiny (by MRs) has been removed?	The MoJ and other interested government departments will carefully consider the future of the MR, and any issues arising during the transitional period.

Role of the Medical Referee

<p>What is the role of the MR from 9 September?</p>	<p>MRs will still be required, by statute, to authorise all cremations in England and Wales: they will continue to review cremation forms and decide whether or not a cremation should go ahead.</p> <p>To authorise cremations, MRs will complete a slightly modified version of form cremation 10 (or the existing versions of 12/13 where relevant) – the amendments will reflect the fact that they will be required to confirm that the Certificate of Cremation (the ‘green form’) has been provided, and that the scrutiny of form cremation 1 has been completed. As at present, the cremation will not go ahead without the authorisation of the MR.</p> <p>In addition, the role of the MR during the transitional period will be unchanged in relation to:</p> <ol style="list-style-type: none"> 1. stillbirths, 2. coronial cases, 3. anatomical research cases, 4. the cremation of body parts, and 5. deaths that occurred inside the British Islands but outside of England and Wales. <p>However, for deaths in England and Wales, MRs will no longer:</p> <ol style="list-style-type: none"> 1. Be required to be satisfied that the fact and cause of death has been definitely ascertained - this scrutiny will take place earlier in the process by an ME; 2. Be required to consider form Cremation 4, which is being removed; 3. Be able to commission a post-mortem examination of the body of the deceased person; or 4. Be required to scrutinise form Cremation 11 (Certificate after post-mortem examination).
<p>Do crematoria need a MR from 9 September 2024?</p>	<p>Yes, each cremation authority is required to have an MR under regulation 6 of the Cremation (England and Wales) Regulations 2008.</p>
<p>What happens if a crematorium loses an MR?</p>	<p>As at present, if an MR decides to retire from the post, the cremation authority should send their request to appoint a new MR, which could be a current deputy MR, to the MoJ at this e-mail address – CORONERS@Justice.gov.uk.</p>

	<p>The functions of the MR may be performed by a deputy medical referee during a vacancy in the office of medical referee. In addition, the functions of a MR may be performed by a medical referee or a deputy medical referee for any other cremation authority in an emergency.</p> <p>For further information, see Regulation 10 of the Cremation (England and Wales) Regulations 2008 - https://www.legislation.gov.uk/ukxi/2008/2841/regulation/10</p>
Will MRs still be paid?	MRs will still be remunerated by the relevant cremation authority.
Will MRs be required to renew their licence to remain in the role?	Yes – medical referees are required to hold a General Medical Council (GMC) licence to practise (and be fully registered) in order to act as a medical referee.
Why can't administrative staff authorise cremations/why do MRs need an up to date licence?	<p>In order to provide an extra safeguard as the new system beds in, MRs will remain in post, with a continuing requirement that they hold a licence to practise, for a transitional period following implementation of the statutory ME system.</p> <p>This is intended to ensure that any unexpected issues can be worked through, and an appropriate future regime consulted on, following implementation of the statutory ME system.</p>

<p>Why are MRs no longer going to see the cause of death in non-coronial cases?</p>	<p>The new system is designed to ensure there is independent scrutiny of all deaths, either by an ME or by a coroner, and regardless of whether the death is followed by cremation or burial.</p> <p>In non-coronial cases, the ME will now scrutinise the cause of death proposed by the AP and will sign off the AP's MCCD accordingly. The MCCD will be transmitted to the registrar, who will complete the Certificate for Burial or Cremation (the "green form") using the information from the MCCD, as authorised by the ME. The green form will therefore provide the MR with evidence that the scrutiny of the cause of death has already taken place.</p> <p>As scrutiny of the cause of death will have taken place prior to an application for cremation being made, the MR will no longer need to see the cause of death – instead, they will be required to confirm that the green form has been completed.</p> <p>Authority to cremate will then be determined by the MR by reviewing the application for cremation (form Cremation 1) and the green form or (where relevant) form Cremation 6 or 7. Where the MR is satisfied that the cremation can proceed, they will then sign off the amended form Cremation 10 (or 12/13 as appropriate). The Cremation (England and Wales) Regulations 2008 has been amended on this basis.</p>
<p>How can an MR refer a case to a coroner if they do not know the cause of death?</p>	<p>With the removal of form Cremation 4 under the new system, families will have the opportunity to raise any concerns relating to the cause of death with the ME, rather than with the MR. As such, we expect that under the new system MRs will rarely, if ever, need to refer a case to a coroner.</p> <p>In the unlikely event that the MR becomes aware of a need to refer a death to the coroner, they have a duty to refer the death, just as any doctor does.</p>

<p>Will an MR be able to decline to authorise the cremation?</p>	<p>Yes: as at present, an MR is able to refuse to authorise a cremation if the statutory requirements in regulation 23(1) of the Cremation (England and Wales) Regulations 2008 have not been met. Any MR who refuses to authorise a cremation must give written reasons to the applicant.</p>
<p>Will MRs be required to sign off on the cremation of still births and body parts?</p>	<p>Yes: MRs will continue to authorise cremation in coronial cases, and the cremation of still births (using form Cremation 13), body parts (using form Cremation 12), and anatomical research cases (using form Cremation 10). These forms are not changing under the new system.</p>
<p>Will the role of the MR in relation to pre-24 week foetal remains and non-viable foetuses be changing?</p>	<p>No: arrangements regarding the cremation of pre-24 week foetal remains and non-viable foetuses are not changing under the new system. Foetal remains under 24 weeks gestation are not subject to the provisions of the Cremation (England and Wales) Regulations 2008, although most crematoria will be prepared to cremate such remains at their discretion. MRs should not complete a form Cremation 10 to authorise cremation in these circumstances. If an MR is asked by crematoria managers and staff for professional advice on an application to cremate pre-viable foetal remains, it is entirely a matter for them whether to provide such advice.</p>
<p>Will MRs be able to sign the MCCD if they were the attending practitioner, or are also the ME?</p>	<p>Where there is a concern that an MR may not be sufficiently independent of the doctor completing the MCCD, the MR should consider whether the application for cremation should be scrutinised and authorised by an alternative MR.</p> <p>The GMC also have rules on managing conflicts of interest, which can be found at Identifying and managing conflicts of interest - GMC (gmc-uk.org)</p>
<p>How long will MRs be retained for?</p>	<p>On 26 May 2022, the Government committed to retaining the role of MRs for a transitional period following implementation of the death certification reforms.</p> <p>The transitional period will be of sufficient duration to:</p> <ol style="list-style-type: none"> 1. allow us to identify and address any unforeseen issues arising under the new system, 2. engage with stakeholders on what they think the future role of MRs should be; and 3. work through the policy implications of any changes to the role. <p>We will provide further clarity on the duration of the transitional period and next steps in due course. Any change to the role of the MR will be subject to consultation with stakeholders and will then require the laying of legislation. We will work with the sector to determine a suitable lead-in time to support any change required..</p>

Cremation forms and guidance

Forms

<p>Where an application for cremation is made by a person who is neither a close relative nor an executor, will the final decision on authority to cremate still lie with the MR?</p>	<p>Yes, as under the current system, MRs will continue to determine whether or not a cremation may go ahead, and will authorise cremations by means of an amended form Cremation 10.</p> <p>Regulation 15 is also not changing on 9 September. As such, an application for cremation may continue to be made by a person other than an executor of the deceased person; or a near relative who has attained the age of 16; if the MR is satisfied —</p> <ul style="list-style-type: none"> a) that the person is a proper person to make the application; and b) as to the reason why the application is not made by an executor or a near relative who has attained the age of 16.
<p>Under the new system, how does a family member object to a cremation taking place?</p>	<p>As under the current system, if a near relative or executor objects to an application for cremation, the cremation authority will invite the applicant to resolve the issue before applying for cremation. Funeral directors should advise at the time of making arrangements that any potential disputes should be resolved before applying for cremation.</p>
<p>What happens if there is opposition to the cremation?</p>	<p>This part of Form Cremation 1 has not changed and so we would therefore expect you to continue your current practice. We would suggest that the cremation authority invite the applicant to resolve any external issues before applying for a cremation - this can be done through a funeral service provider where used.</p> <p>It is for the cremation authority to decide whether the reason given is acceptable to them. If unsatisfied, the cremation authority may wish to ask the family to resolve disputes through mediation and arbitration before the cremation can go ahead. Funeral directors should advise at the time of making arrangements that any potential disputes should be resolved before applying for cremation.</p>
<p>What is the relevance of requesting occupation in Cremation 1?</p>	<p>Recording of the occupation of the person cremated is a current requirement under Regulation 33(2)(d) of the Cremation (England and Wales) Regulations 2008, which is being retained.</p>

<p>What happens where an applicant does not know the time of death?</p>	<p>Where the exact time is not known, the applicant should complete this part of the application form to the best of their knowledge, as indicated in the form.</p> <p>As with any other question, if the applicant does not know the answer, they may enter 'N/A'.</p>
<p>Who should tick the box on form Cremation 1 which says 'I confirm that all relevant documentation has been provided to the crematorium'?</p>	<p>The applicant is asked to confirm by ticking a box on the application form that all relevant documentation has been provided to the crematorium. A funeral service provider, if used, will assist the applicant in checking to ensure the relevant documentation is included with the application.</p>
<p>Who should complete form Cremation 1?</p>	<p>It has always been the case that the cremation application form must be completed and signed by the applicant and that, although funeral directors may provide assistance, they may not themselves complete or sign it.</p> <p>Where the applicant has difficulties in filling in the form, it may be appropriate to consider whether anyone else may apply for the cremation: Regulation 15 of the Cremation Act 2008 describes who may make an application for cremation.</p>
<p>What documentation will the funeral director receive under the new system?</p>	<p>From 9 September 2024, the documentation going to the funeral director will be form Cremation 1 and the green form with the accompanying page, which will include the details of the AP, the ME and information about medical devices.</p>
<p>Is there still a requirement to make cremation forms available to the family for inspection?</p>	<p>As form Cremation 4 is being removed, so too is the right to inspect it. However, ME offices will provide a bereaved person with an opportunity to ask questions or raise concerns prior to the completion of certification and registration of the death. Where a death is being or has been investigated by the coroner, the coroner's office should always provide an explanation for any issues raised by the bereaved family.</p>
<p>Will the Welsh language version of forms be available on 9th September?</p>	<p>The bilingual version of the forms will be available on Gov.uk as soon as possible after 9 September. In the meantime, if bi-lingual versions of the forms are required, please let us know at this e-mail address - FuneralSectorBurialsandCremation@justice.gov.uk.</p>

Guidance

When will guidance be issued?	Guidance will be published on the cremation Gov.uk page on 9 September 2024, to align with the statutory ME system and death certification reforms going live. We have also circulated PDFs of this guidance.
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Cremation Register

Do we need to record the details of the medical practitioner/AP/ME from the green form in the Cremation Register?	No, you only need to record the information required in Regulation 33(2) - https://www.legislation.gov.uk/uksi/2008/2841/regulation/33 .
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Medical implants

<p>How will the AP know if medical devices have been removed?</p>	<p>The AP will have access to medical records relating to the deceased. These records will contain information setting out the presence - and any removal - of medical devices. The AP will use this information to complete the MCCD.</p>
<p>How will the funeral director know if the deceased person has a medical device and whether that device is hazardous?</p>	<p>The funeral director will have access to the green form which will have an additional page that records the presence of medical devices, as well as the application form Cremation 1 which includes a question on medical devices. A list of implantable medical devices that may cause problems during cremation is provided at Annex A in the cremation guidance for funeral directors.</p>
<p>Is the question on medical devices in Form Cremation 1 still necessary given that information about medical devices will be received by the MR via the green form?</p>	<p>The question on medical devices in Form Cremation 1 provides the applicant with an opportunity to disclose any additional information they may have on medical devices present in the body of the deceased person. This ensures this information is gathered from all possible sources.</p>
<p>In coroner cases, what happens if the question on medical devices is blank or 'don't know' is ticked?</p>	<p>As under the current arrangements, the coroner may have information on medical devices or implants as a result of examining medical notes or completing a post-mortem examination. Where such information is available, we expect that it will be provided by them on form Cremation 6.</p> <p>As now, in cases where the question on the presence of medical devices is left blank, the MR should make enquiries with the coroner's office. If the coroner's office is not able to assist, the MR may find it useful to get in touch with the referring AP.</p>
<p>Who does the MR contact if the green form says there is a medical device implant, but the form Cremation 1 says no implant exists?</p>	<p>The information on the page accompanying the green form has information provided by the AP (the doctor who fills in the MCCD). As a starting point therefore, the MR should make enquiries with the relevant AP, who would have access to the deceased's medical records which may include records relating to any medical device implants.</p>

<p>How will an MR know that an implant or medical device has been removed where necessary?</p> <p>Will the Coroner provide information on Form Cremation 6 where implants have been removed and if there has been radiation treatment?</p>	<p><u>Non-coronial cases</u> The AP will be responsible for the completion of the MCCD and will be required to provide accurate medical information in that context, including whether there is a medical device in the body of the deceased person and if so, whether it has been removed. In the case of an ME MCCD, the ME will complete the statement about implantable devices. This information will be transferred directly from the MCCD onto a page accompanying the Certificate of Burial or Cremation (the green form), which can, at the request of the applicant, be emailed to the crematorium and passed on to the MR.</p> <p>If the funeral director discovers the presence of an implantable medical device, they must notify this in writing to the crematorium.</p> <p><u>Coronial cases</u> In coronial cases, where the coroner has information on medical devices or implants present in the body as a result of examining medical notes or completing a post-mortem examination, they should provide this in form Cremation 6; this includes whether the device has been removed or not.</p>
<p>Who is responsible for removing medical device implants?</p>	<p>Medical device implants are usually removed by mortuary staff at the hospital, or by the funeral director.</p>
<p>Who will ultimately be responsible for the costs if cremators are damaged?</p>	<p>Any liability for damage will depend on the circumstances. Independent legal advice should be sought.</p>
<p>How will medical device information be picked up in the case of Public Health Funerals?</p>	<p>As at present, this process will be the same as for any other cremation from 9 September 2024. In a non-coronial case, the AP will complete an MCCD, which is then scrutinised by the ME. The AP will be required to state whether there is either a medical device or implant, and if so, whether it has been removed on the MCCD. This information will be transferred to the page accompanying the Green Form.</p> <p>In coronial cases, this information should be provided on the form Cremation 6, where known.</p>

Have you considered the contamination of groundwater in the case of burials where the body of the deceased person may contain a medical device?

At present, there is no mechanism for burial authorities to be routinely provided with any information about the presence of medical devices. However, under the new system, information provided by the AP on the MCCD will be transferred to the page accompanying the Green Form, regardless of whether the deceased person will be buried or cremated. In addition, the coroners Order for burial also provides a space for the coroner to provide information on the presence of medical devices.

The burial authority will therefore have access to information about the presence of a medical device, so will be able to make an informed decision as to the burial of the deceased person based on this information.

Transitional arrangements

What are the transitional arrangements for the statutory Medical Examiner system? What happens for deaths that occur as the system is changing?

We have produced detailed guidance on the transitional arrangements which we have circulated with these Q&A