



Ministry of JUSTICE

Ministry of Justice

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To: Cremation Authorities
Coroners

11 November 2008

Dear Sir / Madam

THE CREMATION REGULATIONS 2008

1. This letter draws your attention to the Cremation Regulations 2008, which come into force on 1 January 2009. There will be a transitional period of one month, during which the forms made under the 1930 Regulations and the forms made under these regulations may be used. The new Regulations, guidance and forms have been drafted in the light of full consultation with all the relevant stakeholders and are attached. Cremation authorities should ensure that they draw their medical referees and deputy medical referees' attention to these documents.

2. Guidance is being issued to all medical referees, doctors signing the medical forms, cremation authorities, funeral directors and applicants for cremation. All cremation authorities will need to ensure that medical personnel, funeral directors and anyone else who signs the statutory forms within the crematorium catchment area are notified and provided with copies of the new forms before the date of commencement. The coroner certificate E is being replaced by the Cremation 6 form. All forms can be downloaded from the Ministry of Justice web-site at <http://www.justice.gov.uk/guidance/cremation.htm>.

3. The new Regulations revoke and replace the Regulations made by the Secretary of State under section 7 of the Cremation Act 1902 and section 10 of the Births and Deaths Registration Act 1926, dated 28th October 1930 ("the 1930 Regulations") and subsequent amendment regulations. They reproduce many of the provisions made in the 1930 Regulations and introduce some new provisions. The details of these changes are set out in the various sets of guidance.

4. Part 1 of the Regulations deals with interpretation matters. Part 2 sets out the requirements for the maintenance and inspection of crematoria. Part 3 contains the provisions relating to a medical referee. Provision is made so that more than one deputy medical referee may be appointed and for a deputy medical referee to perform the functions of the medical referee in a wide range of circumstances. A medical referee or a deputy may also perform the functions of the medical referee appointed for another cremation authority in an emergency.

5. Part 4 sets out the conditions under which cremations may take place, in particular, the documentation that must be provided before a cremation may be authorised. The forms in Schedule 1 to the Regulations must be used in the cases to which they apply. Regulation 22 is a new provision so that where the person who applied for the cremation, or someone

nominated by that person, has given a contact telephone number to the cremation authority, the cremation authority is required to notify that person when the medical certificates giving details as to the deceased's cause of death are available for inspection. The applicant, or the person nominated by them, then has 48 hours to inspect the certificates and make any representations to the medical referee.

6. Regulation 23(2) enables a medical referee to authorise a cremation if satisfied that the cremation authority has made all reasonable efforts to make contact with the person who has given their contact telephone number to the cremation authority but has been unable to do so within 48 hours from the time it received the certificates

7 Part 5 deals with the incineration of body parts and Part 6 deals with the disposition or interment of ashes, the registration of such cremations as have taken place and the preservation of the documents relating to the cremation. Part 7 contains revocations, savings and transitional provisions. Regulation 37(1) provides that medical referees, deputy medical referees and registrars appointed under the 1930 Regulations are treated as having been appointed under these Regulations. Regulation 37(3) provides that the 1930 Regulations continue to apply to a cremation taking place before 1st February 2009.

Enquiries

8. Please address any enquiries about the regulations or the contents of this letter to Brian Patterson, Current Coroner Policy Team, Coroners Unit, Ministry of Justice, 2nd Floor, 102 Petty France, London SW1H 9AJ (tel: 020 3334 6404; fax: 020 3334 6452; brian.patterson@justice.gsi.gov.uk).

Yours faithfully

PAUL HARRIS
Head of Coroners and Burials