



## Joint Statement from APCC, Cremation Society, FBCA, ICCM

### Coronavirus Act 2020 (Commencement No. 1) Regulations 2020

On 26 March 2020 the Home Secretary, Priti Patel, signed the Coronavirus Act 2020 (Commencement No. 1) Regulations 2020. These Regulations relate to the Coronavirus Act 2020, and effectively 'switch on' the provisions that could only be enacted by separate regulation.

The Regulations state:

#### ***Provisions of the 2020 Act coming into force immediately after making***

***2. The following provisions of the 2020 Act come into force immediately after these Regulations are made—***

*(a) section 18 and schedule 13 (registration of deaths and still-births etc.);*

*(b) section 19 (confirmatory medical certificate not required for cremations: England and Wales); and*

*(c) section 21 (modifications of requirements regarding medical certificates for cremations: Northern Ireland).*

The passing of these regulations means that:

**A.** In England and Wales, Registrars can send the disposal certificate to burial or cremation authorities via electronic means. The Deputy Registrar General has issued a letter to all registrars stating:

#### Electronic transmission of documents

- The provisions also allow for the electronic transfer of documents relating to the certification and registration process (e.g. transfer of the MCCD from the medical practitioner to the registrar and the form for burial or cremation (the Green), from the registrar to the relevant authority).
- It is not envisaged that scanned documents should be received via a third party.
- Under this arrangement these documents can be scanned or photographed and sent as an attachment, though a wet signature is still required on the original.
- Disposal forms can be completed manually and similarly scanned or photographed for onward sending. Registrars should engage to find an email address for the relevant authority (local burial and crematorium authority); which could be a local authority shared mailbox (as long as the relevant person at the crematorium or cemetery can access it) as well as an address for returning counterfoils.

- After the emergency period, arrangements should be made to have all original forms sent to the register office to be processed in the normal manner.

A full copy of the Coronavirus Act 2020 (Commencement No. 1) Regulations 2020 can be viewed at <http://www.legislation.gov.uk/uksi/2020/361/introduction/made>

A copy of the letter sent to registrars by the Deputy Registrar General can be viewed at <https://www.iccm-uk.com/iccm/wp-content/library/GROCircular-5-2020.pdf>

**B.** In England and Wales, a confirmatory medical certificate (Cremation Form 5) is no longer required for cremations. A Medical Certificate (Cremation Form 4) and an Authorisation of cremation of deceased person by medical referee (Cremation Form 10) are still required.

A copy of section 19 of the Coronavirus Act 2020 giving further details can be viewed at <http://www.legislation.gov.uk/ukpga/2020/7/section/19/enacted>.

The Ministry of Justice have contacted crematoria with the following guidance:

*We will be issuing revised guidance very shortly but, in the meantime, here are the key changes.*

- a. The requirement to complete the confirmatory medical certificate (form Cremation 5) is suspended. Cremations should be authorised on the basis of form Cremation 4 only.
- b. Form Cremation 4 remains unchanged and a PDF version continues to be available on our website. It can be submitted electronically and an electronic signature includes being sent from the secure email account of the person completing the form Cremation 4.
- c. The requirement for form Cremation 4 to be completed by the attending medical practitioner is suspended. Any medical practitioner can now complete form Cremation 4, even if they did not attend the deceased during their last illness or after death, if the following conditions are fulfilled:
  - i. The medical practitioner who did attend the deceased is unable to sign the form Cremation 4 or it is impractical for them to do so and,
  - ii. A medical practitioner has seen the deceased (including audiovisual/video consultation) within 28 days before death, or has viewed the body in person after death.
- c. Examination of the body is not required for completion of form Cremation 4 if the deceased was seen by a medical practitioner (including audiovisual/video consultation) in the 28 days before death.
- e. When a medical practitioner who did not attend the deceased completes form Cremation 4, the following applies:
  - i. Question 5. 'Usual medical practitioner'. Where the certifying doctor did not themselves attend the patient either during their illness or after death, the certifying doctor should provide the GMC number and name of the medical practitioner who did

attend at Question 9. This should also include the date when the deceased was seen and a report of the record made by the attending doctor.

- ii. Question 6. 'Not applicable' is acceptable.
- iii. Question 7. 'Not applicable' is acceptable.
- iv. Question 8. 'Not applicable' is acceptable. As at (iii) above, if the form Cremation 4 is being completed on the basis of another medical practitioner having seen the deceased after death, the date, time and nature of their examination should be recorded at Question 9.

- f. Any completed cremation forms 5 that you may receive will not form part of the application and there will be no duty to retain them.
- g. There will be no need for a medical referee to re-authorise any cremation that they have already authorised under the arrangements which applied prior to implementation of the 2020 Act.

*If you require further advice before we issue our revised guidance, please email [coroners@justice.gov.uk](mailto:coroners@justice.gov.uk) Please note that we are dealing with a higher than usual number of queries but will aim to respond as quickly as possible.*

C. In Northern Ireland, the confirmatory medical certificate (Form C) is no longer required.

A copy of section 21 of the Coronavirus Act 2020 giving further details can be viewed at <http://www.legislation.gov.uk/ukpga/2020/7/section/21/enacted>. Any guidance that is issued to support the Regulations will be circulated as soon as it is released.

### **Closure of Crematoria in England**

On March 26 2020 the Health Protection (Coronavirus, Restrictions) (England) Regulations 2020 came into force. The Regulations were made in response to the serious and imminent threat to public health which is posed by the incidence and spread of severe acute respiratory syndrome coronavirus. The Regulations relate to the exercise of powers conferred by various sections of the Public Health (Control of Disease) Act 1984.

Section 5 of the Regulations deals with restrictions and closures during the emergency period. Paragraph 8 states:

*A person who is responsible for a crematorium or burial ground must ensure that, during the emergency period, the crematorium is closed to members of the public, except for funerals or burials.*

This means that crematoria should be closed for anything other than funeral services. Funeral services can only be attended by immediate family as per previous Government advice.

Clarification is currently being sought on if this same requirement to close applies to burial grounds.

A copy of the Regulations can be viewed at <http://www.legislation.gov.uk/uksi/2020/350/made>