

CREMATION REGULATIONS 2008

Major changes in how cremations are arranged in England and Wales

Just when you thought you knew everything there was to know about cremations, the statutory forms and how to keep your clients well informed have all changed.

During the past two years the Ministry of Justice has been consulting with the Association and other organisations within the funeral sector regarding proposed changes to the cremation regulations. The consultation has been completed and the new regulations will **take effect from 1 January 2009**. After further representation by the NAFD, it has been agreed by the Ministry that existing forms will be accepted until 31 January 2009. **NB: the new regulations only apply to England and Wales. However, existing forms used in Scotland and Northern Ireland will be accepted in England and Wales when necessary.**

The major points to note are:-

- all the existing forms will be changed and will be numbered 1 to 13;
- the Application Form will **no longer have to be countersigned**;
- the next of kin of the deceased will have the **right to inspect** the forms completed by the Doctors, and this can be arranged at the crematorium. A form that should be handed to the applicant to ensure that they are aware of their rights and that no disputes can be raised later is enclosed, together with a suggested form of words for you to use to explain this right of inspection.

THE NEW FORMS

Form 1	Application for Cremation
Form 2	Application for Cremation of Body Parts
Form 3	Application for Cremation of a Still-Born Child
Form 4	Medical Certificate
Form 5	Confirmatory Medical Certificate
Form 6	Certificate of Coroner
Form 7	Certificate following Anatomical Examination
Form 8	Certificate releasing Body Parts for Cremation
Form 9	Certificate of Still Birth
Form 10	Authorisation of Cremation of Deceased Person by Medical Referee
Form 11	Authorisation of Cremation of Body Parts by Medical Referee
Form 12	Authorisation of Cremation of Remains of Still-Born Child by Medical Referee
Form 13	Certificate after Post-Mortem Examination requested by Medical Referee

These new forms can be downloaded from the Ministry of Justice website at <http://www.justice.gov.uk/guidance/cremation.htm> - where further guidance notes for funeral directors are also available. Alternatively, please contact Su Lewis at National Office on 0845 230 1343 ext 20 or su@nafd.org.uk to arrange for the forms to be emailed or posted to you.

RIGHT TO INSPECT

The right to inspect only covers Forms 4 and 5. Where the Coroner is involved and he issues Form 6, then no inspection can take place.

It needs to be said that it is the view of the Ministry of Justice that there will be very few cases where the family will exercise their right to view the Medical Certificates. Any unusual death, or one that is suspicious or unexpected, will be dealt with by the Coroner in the normal way. It will, however, put pressure on funeral directors to ensure that all the paperwork is delivered to the crematorium at the earliest possible time if delays are to be avoided.

Suggested form of words to use to explain the right of inspection to applicants

It is essential that you present the right to the applicant in the correct terms. We suggest the following words are used - but only when the death has not been referred to a Coroner:-

"You have the right to inspect the medical forms which Doctors complete before cremation is authorised. Cremation is authorised by a Medical Referee, that is a Doctor whose role it is to check the medical forms.

If you are satisfied that you know the cause of death and have no problems with that cause then you may decide that there is little reason why you need to inspect the forms.

However, if you do have doubts about the cause of death or were surprised that the death happened when it did, you may wish to inspect the forms.

You can inspect the forms yourself or you can nominate someone else to inspect on your behalf. You might want to do this, for example, if you think someone else would be in a better position to go through the forms (perhaps because that person was present at the death and you were not).

You do not have to make up your mind now.

*If you already have serious concerns about the death and believe the case should be investigated by a Coroner, you need to contact the Coroner's office.**

The forms will be available for you to inspect at the crematorium office for no longer than 48 hours after you are informed that they have arrived there.

*If you wish, the Medical Referee can give you advice about the cause of death, but he or she may charge a fee for this service. More information is set out in this leaflet.***

If you want the funeral to be held within the next two or three days, it may well be difficult for that to happen and for you also to be able to inspect the medical forms. However, that is your decision".

*** At this point you should provide contact details and other assistance.**

**** You should then hand over the leaflet.**

In addition to that, there is a form that should be given to the applicant to ensure that they are aware of their rights and that no disputes can be raised later:-



Ministry of JUSTICE

CREMATION REGULATIONS 2008 – YOUR RIGHT TO INSPECT THE MEDICAL CERTIFICATES

You have applied for cremation and that means that you have the right to inspect the medical forms about the death of the deceased. Inspection of the forms will take place before the cremation is authorised by the Medical Referee (that is the Doctor attached to the crematorium).

Part 4 of the application form deals with this right. Please read it carefully. The funeral director will have explained this right to you, but you might find it helpful to have something in writing as well.

There are two medical forms. One is completed by the Doctor who treated the deceased during his or her last illness, the other by a Doctor who did not and who is independent of the first Doctor. The second Doctor has to examine the deceased, and discuss the death with the first Doctor and at least one other person.

If you know the cause of death and have no problems with that cause you may decide that there is very little reason why you need to inspect these forms. However, if you do have doubts or were surprised that the death happened when it did, you may decide that you would like to inspect them.

You can nominate someone else to inspect the forms on your behalf. You might want to do this, for example, if you think someone else would be in a better position to go through the forms (perhaps because that person was present at the death and you were not).

If you already have serious concerns about the death and believe the case should be investigated by a Coroner, you should contact the Coroner's office right away. Your funeral director will be able to provide contact details and other assistance. Where the death is unnatural or violent, it should have already been referred to a Coroner by a Doctor or by the Police.

The forms will be available for inspection at the crematorium office for up to 48 hours after you are informed that they have been received there. It is important that you can be contacted during this period.

The Medical Referee may be able to give you advice on the cause of death, but he or she may charge a fee for this service. As the Referee is often also a working Doctor, you will need to take account of this when arranging the meeting.

If you want the funeral to be held within the next two or three days, it could be difficult to do this and also inspect the medical forms.

Funeral directors, crematoria, Doctors and Medical Referees will all be affected by these changes and it will take time for the new system to become embedded. We all need to work together to ensure that the new regulations are taken into use with as few problems as possible - after all, this involves approximately three-quarters of your workload.

If you have any questions about the new forms or any other aspect of the regulations, please do not hesitate to contact Geoff Caldwell (the NAFD Executive member responsible for legislation) on 07764 618147 or at geoff.caldwell@mcsfuneralservices.co.uk