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Inquest The circumstances under which an inquest must be held are set out in the Coroners Act 1988, s 8, Halsbury's Statutes, 4th edn Vol 11, title Coroners.
 England This includes Wales; see the Interpretation Act 1978, s 23, Sch 1, Sect 2, paras 4, 5, 6, in the title Statutory Instruments, Vol 1 (Pt 2) of this work.
 Coroners (Amendment) Act 1926, s 24(1) Repealed by the Coroners Act 1988 and replaced by s 19(1), (2) thereof, Halsbury's Statutes, 4th edn Vol 11, title Coroners.
 Section 2(1), (2) and (4) of the Act of 1926 i.e. s 2(1), (2) and (4) of the Births and Deaths Registration Act 1926; see the heading "Definitions", ante. By virtue of the Births and Deaths Registration Act 1953, s 42(4), this regulation is now to be construed as referring to s 24(1), (2) and (4) of the 1953 Act, Halsbury's Statutes, 4th edn Vol 37, title Registration Concerning the Individual.

17 (1) No cremation shall be allowed to take place unless application therefor has been made in Form "A" set out in the Schedule hereto and the information requested in that form duly furnished, the following provisions of this Regulation having been complied with.

(2) The application shall be signed by an executor or the nearest relative of the deceased, so, however, that it may be signed by some other person if the cremation authority is satisfied that that person is a proper one to have signed, and a satisfactory reason is given on the application why it is not signed by an executor or the nearest relative but by that other person.

(3) The application shall be verified by being countersigned by a householder to whom the applicant is known who shall certify that the applicant is known to him or her and that he or she has no reason to doubt the truth of any of the information furnished by the applicant.]

NOTES

Amendment This regulation was substituted by SI 1952/1568, and the words in square brackets in para (3) were subsequently substituted by SI 1965/1146.

8 Except as hereafter provided, no cremation shall be allowed to take place unless

(a) A certificate in Form "B" has been given by a registered medical practitioner who has attended the deceased during his last illness and who can certify definitely as to the cause of death, and a confirmatory medical certificate in Form "C" has been given by another medical practitioner who must be qualified as prescribed in Regulation 9; or

(b) A post-mortem examination has been made by a medical practitioner expert in pathology appointed by the Cremation Authority (or in case of emergency appointed by the Medical Referee), and a certificate given by him in Form "D"; or

(c) A post-mortem examination has been made and the cause of death has been certified by the Coroner under Section 21(2) of the Coroners (Amendment) Act, 1926, and a certificate has been given by the Coroner in Form "E"; or

(d) An inquest has been [opened] and a certificate has been given by the Coroner in Form "E"; or

(e) In relation to a person whose body has undergone anatomical examination pursuant to the provisions of the Anatomy Act 1832, a certificate in Form H has been given by a person licensed under section 1 of that Act that the body has undergone such examination.]

No cremation shall take place except on the written authority of the Medical Referee given in Form "F".

NOTES

Amendment The word in square brackets in para (d) was substituted, the words omitted from that paragraph were revoked, and para (e) was added, by SI 1965/1146.
 Registered medical practitioner i.e. a fully registered person within the meaning of the Medical Act (1953, s 55, Halsbury's Statutes, 4th edn Vol 28, title Medicine and Pharmacy (Pt 1), of Sch 6, para 11 to that Act, *ibid*.

Inquest See the note to reg 6.
 Coroners (Amendment) Act 1926, s 21(2) Repealed; see now the Births and Deaths Registration Act 1953, s 23(3), Halsbury's Statutes, 4th edn Vol 37, title Registration Concerning the Individual.
 Anatomy Act 1832 Repealed by the Anatomy Act 1984, s 1(2)(g), Halsbury's Statutes, 4th edn Vol 28, title Medicine and Pharmacy (Pt 1), and replaced by provisions of that Act.

8A (1) A confirmatory medical certificate in Form "C" is not required where—

(a) the death of the deceased occurred in a hospital and the deceased was an in-patient there; and

(b) a post-mortem examination has been made by a medical practitioner qualified as prescribed in Regulation 9 and the medical practitioner who gives the certificate in Form "B" knows the results of that examination before giving his certificate.

(2) In this Regulation "hospital" means any institution for the reception and treatment of persons suffering from illness or mental disorder, any maternity home, and any institution for the reception and treatment of persons during convalescence.]

NOTES

Amendment This regulation was inserted by SI 1985/153.

9 The confirmatory medical certificate in Form "C", if not given by the Medical Referee, must be given by a registered medical practitioner of not less than five years' standing, who shall not be a relative of the deceased or a relative or partner of the doctor who has given the certificate in Form "B".

10 Every Cremation Authority shall have a Medical Referee and a Deputy Medical Referee, who must be registered medical practitioners of not less than five years' standing and must possess such experience and qualifications as will fit them for the discharge of the duties required of them by these Regulations. The Medical Referee or Deputy Medical Referee if otherwise qualified may be a person holding the office of Coroner or Medical Officer of Health.

The Deputy Medical Referee shall act in the absence of the Medical Referee and in any case in which the Medical Referee has been the medical attendant of the deceased.

The Secretary of State shall appoint as Medical Referee and Deputy Medical Referee such fit persons as may be nominated by the Cremation Authority.

Any medical Referee or Deputy Medical Referee appointed by the Secretary of State may in case of emergency act as the Medical Referee or Deputy Medical Referee of a Cremation Authority other than that for which he has been appointed.

11 It shall be lawful for the Medical Referee if he has personally investigated the cause of death to give a certificate in Form "C", and if he has made the post-mortem examination to give a certificate in Form "D". The Medical Referee, if a Coroner, may himself give the Coroner's certificate in Form "E".

12 The duties of the Medical Referee shall be as follows:—

(1) ...

(2) He shall not (except where a post-mortem examination has been made under Regulation 8 (c) or an inquest has been [opened], and a certificate given by a Coroner in Form "E") allow any cremation to take place unless he is satisfied—

(a) by the production of a certificate in pursuance of Section 2(1) of the Act of 1926 that the death of the deceased has been duly registered; or

(b) by the production of a certificate in pursuance of Section 2(2) of the Act of 1926 that the death of the deceased is not required by law to be registered in England.

The production of a duplicate which has been duly issued in pursuance of Section 2(4) of the Act of 1926 may be accepted in lieu of the production of the original certificate under sub-section (1) or sub-section (2).

(3) He shall, before allowing the cremation, examine the application and certificates and ascertain that they are such as are required by these Regulations and that the inquiry made by the persons giving the certificates has been adequate. He may make any inquiry with regard to the application and certificates that he may think necessary.

(4) He shall not allow the cremation unless he is satisfied that the application is