



Ministry
of Justice

Guidance for deaths which occurred in Scotland, Northern Ireland, the Isle of Man, or the Channel Islands but where the cremation takes place in England and Wales

1. This document sets out the effect of the Cremation, Coroners and Death Notification (Amendment) Regulations 2024 (at this link <https://www.legislation.gov.uk/ukxi/2024/668/contents/made>) on the Cremation (England and Wales) Regulations 2008 (“the 2008 Regulations”) in relation to deaths occurring in Scotland, Northern Ireland, the Isle of Man or Channel Islands, **but where the deceased person is to be cremated in England or Wales.**
2. Regulations 2, 12, 14(2), 16, 17, 22, 23(1) and (2), 24, 27 and 33 and forms Cremation 1, 4, 10 and 11 in Schedule 1 of the 2008 Regulations continue to have effect as in force immediately before 9th September 2024. The appropriate forms and role of the Medical Referee (“MR”) are explained further below.
3. Where someone dies in Scotland, Northern Ireland, the Isle of Man or the Channel Islands but is to be cremated in England or Wales, the forms issued under the law in those jurisdictions (where applicable) are acceptable in England and Wales provided they contain all the particulars required in the forms set out in paragraph 4 below which are used in England and Wales.

Forms to be used on or after 9 September 2024

4. The following form/s, **or their equivalents**¹ where applicable should be used by either the applicant, coroner or medical professionals (forms used by a Medical Referee (MR) can be found at paragraph 7) for deaths occurring in Scotland, Northern Ireland, the Isle of Man or Channel Islands **on or after 9 September 2024** but where the deceased person is to be cremated in England or Wales:

Forms used by an applicant –

- Application form (Cremation 1) published in 2018,²
- Application for cremation of body parts (form Cremation 2) published in 2018,
- Application for cremation of stillborn baby (form Cremation 3) published in 2018,

Form used by a coroner –

- Certificate of the coroner (form Cremation 6)³ published in 2024,

Forms used by medical professionals –

- Medical certificate (form Cremation 4)⁴ published in 2009,
- Certificate following anatomical examination (form Cremation 7)⁵ published in 2018,
- Certificate releasing body parts for cremation (form Cremation 8)⁶ published in 2018,
- Certificate of stillbirth (form Cremation 9)⁷ published in 2018,

¹ Forms are considered equivalent where they contain the relevant information e.g. in Scotland, Form N is used for body parts; this is considered equivalent to England and Wales's Form Cremation 8.

² All forms, apart from new form Cremation 6, are available here:
<https://www.legislation.gov.uk/ukxi/2008/2841/schedule/1>.

³ The equivalent form in Scotland is Form E1 (Authorisation for Cremation Following Investigation by Procurator Fiscal).

⁴ There is no equivalent form in Scotland, Form B in Northern Ireland.

⁵ The equivalent form in Scotland is Form M (Certificate of Authorisation for the disposal of a body following anatomical examination).

⁶ The equivalent form in Scotland is Form N (Certificate of Authorisation for disposal of parts of a body).

⁷ The equivalent form in Scotland is Form 6 (Certificate of Still-birth), Form I in Northern Ireland.

5. The following forms (where relevant) should be used by the MR in England and Wales for deaths occurring in Scotland, Northern Ireland, the Isle of Man or Channel Islands **on or after** 9 September 2024 but where the deceased person is to be cremated in England or Wales:⁸
- Authorisation of cremation of deceased person by medical referee (form Cremation 10) published in 2018,
 - Certificate after post-mortem examination (form Cremation 11) published in 2018,
 - Authorisation of cremation of body parts by medical referee (form Cremation 12) published in 2018, and
 - Authorisation of cremation of stillborn child by medical referee (form Cremation 13) published in 2018
6. The appropriate forms should be given to the relevant crematorium, where the Medical Referee (MR) will scrutinise them before determining whether to authorise a cremation (see paragraphs 11 to 17 below).

Applicant's right to inspect form Cremation 4 and make representations to the medical referee (MR)

7. The form Cremation 4 or equivalent (where applicable in that jurisdiction)⁹ will continue to be completed by the medical practitioner who completed the medical certificate of cause of death that goes to the registrar. Following this, the applicant (either an executor or a near relative of the deceased person) has a right to inspect form Cremation 4 or equivalent.
8. The applicant can also make representations to the MR about any matter contained in that form.
9. Where the applicant or someone on behalf of the applicant has inspected form Cremation 4, the crematorium registrar will record, amongst other things, the name and address of the applicant or the person who inspected it on their behalf.

⁸ In Jersey, common practice is to use English forms if the body of a deceased person is being repatriated to England.

⁹ In Scotland, this may be Form 11 and/or Form 14.

Scrutiny by a crematorium MR

10. The MR will scrutinise all the documentation they receive and may make enquiries with the applicant to make sure that form Cremation 1 or equivalent has been completed correctly.
11. The MR will make enquiries with the medical practitioner who completed form Cremation 4 or equivalent to make sure that it has been completed satisfactorily.
12. If the MR is not satisfied that the fact and cause of death of the deceased person has been definitely ascertained, they may request a post-mortem examination of the body of the deceased person if they have obtained the appropriate consent of the family of the deceased person before doing so, as set out in the Human Tissue Act 2004 – this would be at the family’s expense. Although the 2004 Act requires that the deceased person gave consent for a post-mortem examination whilst still alive, this is unlikely to be common. It will therefore be necessary for the pathologist to be satisfied that a nominated representative or an adult who was in a “qualifying relationship” with the deceased person (such as a spouse, civil partner, parent, child, brother, sister, grandparent, grandchild, child of a brother or sister, stepfather, stepmother, half-brother, half-sister and friend of long standing) immediately before their death can provide consent.
13. If a post-mortem examination goes ahead, then the certificate after post-mortem examination (form Cremation 11) published in 2018 should be used to provide the results.¹⁰
14. You should consult the relevant authority in the jurisdiction concerned, in the case of a sudden, suspicious, accidental or unexplained death.

Authorisation of a cremation by a medical referee

15. The MR may not allow a cremation to take place unless he or she is satisfied that the relevant form (as set out in paragraphs 4 and 5 above) has been completed properly, the fact and cause of death have been ascertained to the best of a medical practitioner's knowledge and belief, or if not, ascertained that the coroner has investigated the death and has released the body and completed Cremation Form 6.
16. Once satisfied, the MR should authorise the cremation using form Cremation 10 (Authorisation of cremation of deceased person by medical referee) published in 2018.

¹⁰ In Scotland, it is the Crown Office and Procurator Fiscal Service (COPFS) who investigates all sudden, suspicious, accidental and unexplained deaths. If the COPFS has been involved in reviewing the circumstances around a death, the cremation cannot take place until the Scottish Fatalities Investigation Unit (SFIU) in COPFS issues a Form E1 releasing the remains of the deceased person for cremation. The MR in England and Wales should refuse to authorise a cremation until the Scottish Form E1 has been received, if the SFIU has been involved.