



Coroners and Justice Act 2009

2009 CHAPTER 25

PART 1

CORONERS ETC

CHAPTER 2

NOTIFICATION, CERTIFICATION AND REGISTRATION OF DEATHS

20 Medical certificate of cause of death

- (1) The Secretary of State may by regulations make the following provision in relation to a death that is required to be registered under Part 2 of the 1953 Act—
- (a) provision requiring a registered medical practitioner who attended the deceased before his or her death (an “attending practitioner”)—
 - (i) to prepare a certificate stating the cause of death to the best of the practitioner's knowledge and belief (an “attending practitioner's certificate”), or
 - (ii) where the practitioner is unable to establish the cause of death, to refer the case to a senior coroner;
 - (b) provision requiring a copy of an attending practitioner's certificate to be given to a medical examiner;
 - (c) provision allowing an attending practitioner, if invited to do so by the medical examiner or a registrar, to issue a fresh attending practitioner's certificate superseding the existing one;
 - (d) provision requiring a senior coroner to refer a case to a medical examiner;
 - (e) provision requiring a medical examiner to make whatever enquiries appear to be necessary in order to confirm or establish the cause of death;
 - (f) provision requiring a medical examiner to whom a copy of an attending practitioner's certificate has been given—
 - (i) to confirm the cause of death stated on the certificate and to notify a registrar that the cause of death has been confirmed, or

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- (ii) where the examiner is unable to confirm the cause of death, to refer the case to a senior coroner;
 - (g) provision for an attending practitioner's certificate, once the cause of death has been confirmed as mentioned in paragraph (f), to be given to a registrar;
 - (h) provision requiring a medical examiner to whom a case has been referred by a senior coroner—
 - (i) to issue a certificate stating the cause of death to the best of the examiner's knowledge and belief (a “medical examiner's certificate”) and to notify a registrar that the certificate has been issued, or
 - (ii) where the examiner is unable to establish the cause of the death, to refer the case back to the coroner;
 - (i) provision for a medical examiner's certificate to be given to a registrar;
 - (j) provision allowing a medical examiner, if invited to do so by the registrar, to issue a fresh medical examiner's certificate superseding the existing one;
 - (k) provision requiring a medical examiner or someone acting on behalf of a medical examiner—
 - (i) to discuss the cause of death with the informant or with some other person whom the examiner considers appropriate, and
 - (ii) to give him or her the opportunity to mention any matter that might cause a senior coroner to think that the death should be investigated under section 1;
 - (l) provision for confirmation to be given in writing, either by the informant or by a person of a prescribed description, that the requirement referred to in paragraph (k) has been complied with;
 - (m) provision prescribing forms (including the form of an attending practitioner's certificate and of a medical examiner's certificate) for use by persons exercising functions under the regulations, and requiring the forms to be made available to those persons;
 - (n) provision requiring the Chief Medical Officer of the Department of Health [F¹and Social Care], after consulting—
 - (i) the Officer with corresponding functions in relation to Wales,
 - (ii) the Registrar General, and
 - (iii) the Statistics Board,
 to issue guidance as to how certificates and other forms under the regulations are to be completed;
 - (o) provision for certificates or other forms under the regulations to be signed or otherwise authenticated.
- (2) Regulations under subsection (1) imposing a requirement—
- (a) may prescribe a period within which the requirement is to be complied with;
 - (b) may prescribe cases or circumstances in which the requirement does, or does not, apply (and may, in particular, provide for the requirement not to apply during a period of emergency).
- (3) The power under subsection (1)(m) to prescribe forms is exercisable only after consultation with—
- (a) the Welsh Ministers,
 - (b) the Registrar General, and
 - (c) the Statistics Board.

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- (4) Regulations under subsection (1) may provide for functions that would otherwise be exercisable by a registered medical practitioner who attended the deceased before his or her death to be exercisable, during a period of emergency, by a registered medical practitioner who did not do so.
- (5) The appropriate Minister may by regulations provide for a fee to be payable to [^{F2}an English NHS body (as defined by section 18A) or a Welsh NHS body (as defined by section 18B)] in respect of—
- (a) a medical examiner's confirmation of the cause of death stated on an attending practitioner's certificate, or
 - (b) the issue of a medical examiner's certificate.
- (6) Section 7 of the Cremation Act 1902 (c. 8) (regulations as to burning) does not require the Secretary of State to make regulations, or to include any provision in regulations, if or to the extent that he or she thinks it unnecessary to do so in consequence of—
- (a) provision made by regulations under this Chapter or by Coroners regulations, or
 - (b) provision contained in, or made by regulations under, Part 2 of the 1953 Act as amended by Part 1 of Schedule 21 to this Act.
- (7) In this section—

“the appropriate Minister” has the same meaning as in section 19;

“informant”, in relation to a death, means the person who gave particulars concerning the death to the registrar under section 16 or 17 of the 1953 Act;

“period of emergency” has the same meaning as in section 19;

“the Statistics Board” means the body corporate established by section 1 of the Statistics and Registration Service Act 2007 (c. 18).

Textual Amendments

- F1** Words in s. 20(1)(n) inserted (11.4.2018) by [The Secretaries of State for Health and Social Care and for Housing, Communities and Local Government and Transfer of Functions \(Commonhold Land\) Order 2018 \(S.I. 2018/378\)](#), art. 1(2), [Sch. para. 15\(b\)](#) (with art. 14)
- F2** Words in s. 20(5) substituted (1.10.2023) by [Health and Care Act 2022 \(c. 31\)](#), [ss. 169\(3\)](#), 186(6); [S.I. 2023/1035](#), reg. 2(b)

Commencement Information

- I1** [S. 20](#) in force at 1.10.2023 by [S.I. 2023/1036](#), [art. 2\(b\)](#)

Changes to legislation:

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 11A and cross-heading inserted by [2023 c. 41 Sch. 11 para. 1\(1\)](#)
- Sch. 1A inserted by [2023 c. 41 Sch. 11 para. 1\(2\)](#)