
STATUTORY INSTRUMENTS

2008 No. 2841

The Cremation (England and Wales) Regulations 2008

PART 3

Medical referee

Appointment of medical referee and deputy medical referee

- 6.—(1) The Secretary of State must appoint a medical referee for each cremation authority.
- (2) The Secretary of State must appoint as many deputy medical referees for each cremation authority as the Secretary of State thinks appropriate.

Qualifications of medical referee and deputy medical referee

- 7.—(1) To be eligible for appointment as a medical referee or a deputy medical referee, a person must be a registered medical practitioner of at least five years' standing.
- (2) The Secretary of State must appoint as medical referee and deputy medical referee such persons as may be nominated by the cremation authority who have the character, experience and qualifications to discharge the duties required by these Regulations.

Guidance by the Secretary of State

8. The Secretary of State may issue guidance about the character, experience and qualifications that a person appointed as a medical referee or a deputy medical referee is expected to have.

Termination of office

9. The Secretary of State may remove a medical referee or a deputy medical referee from office for incapacity or misbehaviour.

Functions of deputy medical referee

- 10.—(1) The functions of the medical referee for a cremation authority may—
- (a) be performed by a deputy medical referee for the cremation authority—
 - (i) during any period when the medical referee is absent or unavailable;
 - (ii) in any case in which the medical referee has been the usual medical attendant of the deceased person in relation to whom an application for cremation has been made;
 - (iii) during any vacancy in the office of medical referee; or
 - (iv) in any other case, with the consent of the medical referee; and
 - (b) be performed by a medical referee or a deputy medical referee for any other cremation authority in an emergency.

(2) Accordingly, a reference in these Regulations to a medical referee is to be read, where relevant, as including a deputy medical referee.

Report to the Secretary of State

11. A medical referee must give such reports to the Secretary of State as the Secretary of State may from time to time require.

Supplementary powers of medical referee

12. A medical referee—

- (a) who has investigated the cause of death of a deceased person, may issue a confirmatory medical certificate in an emergency;
- (b) who has made a post-mortem examination of the body of the deceased person under regulation 24(2), may issue a certificate under regulation 24(3); and
- (c) who is a coroner, may issue a certificate under regulation 16(1)(c)(ii).