
STATUTORY INSTRUMENTS

2008 No. 2841

The Cremation (England and Wales) Regulations 2008

PART 4

Conditions for cremation

Authorisation of cremation of the remains of a deceased person by medical referee

23.—(1) A medical referee may not authorise a cremation under regulation 16(1)(d) unless the medical referee is satisfied—

- (a) that the requirements of regulation 16(1)(a), (b) and (c) have been complied with;
- (b) that the inquiry made by a person giving a certificate under regulation 16(1)(c) has been adequate;
- (c) that the fact and cause of death of the deceased person have been definitely ascertained; and
- (d) subject to paragraph (2), in any case where notification has been given under regulation 22(2),—
 - (i) at least 48 hours have passed since that notification was given; and
 - (ii) where [^{F1}a certificate has] been inspected under regulation 22(3)(a), at least 24 hours have passed since the time of the inspection.

(2) Where the medical referee is satisfied that a cremation authority has made all reasonable efforts to comply with regulation 22(2) but has been unable to do so within 48 hours, beginning with the time at which the cremation authority received the medical certificate ^{F2}..., the medical referee may authorise cremation of the remains of a deceased person.

(3) If a coroner has decided to hold an inquest, a medical referee may not authorise cremation of the remains of the deceased person until the inquest has been opened.

Textual Amendments

- F1** Words in [reg. 23\(1\)\(d\)\(ii\)](#) substituted (25.3.2022) by [The Cremation \(England and Wales\) \(Amendment\) Regulations 2022 \(S.I. 2022/218\)](#), [regs. 1, 9\(a\)](#)
- F2** Words in [reg. 23\(2\)](#) omitted (25.3.2022) by virtue of [The Cremation \(England and Wales\) \(Amendment\) Regulations 2022 \(S.I. 2022/218\)](#), [regs. 1, 9\(b\)](#)

Changes to legislation:

There are currently no known outstanding effects for the The Cremation (England and Wales) Regulations 2008, Section 23.