
STATUTORY INSTRUMENTS

2008 No. 2841

The Cremation (England and Wales) Regulations 2008

PART 4

Conditions for cremation

Medical referee not satisfied about the cause of death of the deceased person

24.—(1) Paragraph (2) applies if—

- (a) the medical referee is not satisfied that the fact and cause of death of the deceased person have been definitely ascertained; or
- (b) the death of the deceased person may have been violent or unnatural.

(2) The medical referee may make a post-mortem examination of the body of the deceased person or request any person to do so if—

- (a) the medical referee, or the person so requested by the medical referee, is entitled to make a post-mortem examination under the authority of a licence granted under section 16 of the 2004 Act (licence requirement) for that purpose; and
- (b) the medical referee has obtained the appropriate consent for a post-mortem examination in accordance with the provisions of that Act.

(3) If a certificate is given by the person who has made the post-mortem examination stating the cause of death to the satisfaction of the medical referee, the medical referee may authorise cremation of the remains of the deceased person.

(4) Paragraph (5) applies if—

- (a) a post-mortem examination fails to satisfy the medical referee that the fact and cause of death have been definitely ascertained; or
- (b) it appears to the medical referee that the cause of death is violent or unnatural, or there are other suspicious circumstances connected with the death of the deceased person, whether revealed in the medical certificate or confirmatory medical certificate or otherwise.

(5) The medical referee may not authorise cremation of the remains of the deceased person unless an inquest is opened and a certificate is given under regulation 16(1)(c)(ii).