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STATUTORY INSTRUMENTS

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**2022 No. 218**

**CREMATION, ENGLAND AND WALES**

The Cremation (England and Wales)  
(Amendment) Regulations 2022

<i>Made</i>	- - - -	<i>2nd March 2022</i>
<i>Laid before Parliament</i>		<i>4th March 2022</i>
<i>Coming into force</i>	- -	<i>25th March 2022</i>

The Secretary of State makes the following Regulations in exercise of the powers conferred by section 7 of the Cremation Act 1902<sup>(1)</sup>:

**Citation and Commencement**

1. These Regulations may be cited as the Cremation (England and Wales) (Amendment) Regulations 2022 and come into force on 25th March 2022.

**Amendment of the Cremation (England and Wales) Regulations 2008**

2. The Cremation (England and Wales) Regulations 2008<sup>(2)</sup> are amended as follows.

**Amendment of regulation 2 (interpretation)**

3. In regulation 2(1), for the definition commencing “medical certificate” and including “confirmatory medical certificate” substitute with—

“(1) “medical certificate” is a reference to the certificate so named given in accordance with regulation 17(1);”

**Amendment of regulation 12 (supplementary powers of medical referee)**

4. In regulation 12, omit sub-paragraph (a).

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(1) 1902 c. 8. Section 7 was amended by Part 5 of Schedule 11 to the Finance Act 1949 (c. 47) And by section 2(1) and (2) of the Cremation Act 1952 (c. 31). By virtue of section 10 of the Births and Deaths Registration Act 1926 (c. 48), the power to make regulations under section 7 of the Cremation Act 1902 includes a power to make regulations for the purpose of applying the provisions of the Births and Deaths Registration Act 1926 to cases where human remains are disposed of by cremation

(2) S.I. 2008/2841, as amended by S.I.2013/1869, 2015/1360, 2016/883, 2016/1154 and 2017/1238.

**Amendment of regulation 14 (forms)**

5. In regulation 14(2)(b)(i), omit “the confirmatory medical certificate,”.

**Amendment of regulation 16**

6. In regulation 16(1)(c)(i) —
- (a) for “and, subject to regulation 17(3), a confirmatory medical certificate are” substitute “is”, and
  - (b) omit “and (2) respectively”.

**Amendment of regulation 17 (medical certificate and confirmatory medical certificate)**

7. In regulation 17—
- (a) in the heading omit “and confirmatory medical certificate”, and
  - (b) omit paragraphs (2), (3) and (4).

**Amendment of regulation 22 (right to inspect medical certificate and confirmatory medical certificate)**

8. In regulation 22—
- (a) in the heading omit “and confirmatory medical certificate”,
  - (b) in paragraph 1(a)(i) omit “and confirmatory medical certificate”,
  - (c) in paragraph 1(a)(ii) for “those certificates” substitute “that certificate”,
  - (d) in paragraph (2) omit “and confirmatory medical certificate” and for “those certificates” substitute “that certificate”,
  - (e) in paragraph (3)(a) omit “and confirmatory medical certificate”, and
  - (f) in paragraph (3)(b) for “such a” substitute “the”.

**Amendment of regulation 23 (authorisation of cremation of the remains of a deceased person by medical referee)**

9. In regulation 23—
- (a) in paragraph (1)(d)(ii), for “certificates have”, substitute “a certificate has”, and
  - (b) in paragraph (2), omit, “and confirmatory medical certificate”.

**Amendment of regulation 24 (medical referee not satisfied about the cause of death of the deceased person)**

10. In regulation 24(4)(b), omit “or confirmatory medical certificate”.

**Amendment of regulation 33 (register kept by registrar)**

11. In regulation 33(2)(k), omit “and confirmatory medical certificate”.

**Amendment of Schedule 1 (Forms)**

12. In Schedule 1, omit the Cremation 5 Form which is headed “Confirmatory medical certificate”.

2nd March 2022

*Tom Pursglove*  
Parliamentary Under Secretary of State  
Ministry of Justice

**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

The Cremation (England and Wales) Regulations 2008 set out the conditions that must be met before the body of a deceased person may be cremated.

This instrument amends those Regulations by making permanent the changes introduced on 26th March 2020 by section 19 of the Coronavirus Act 2020 (c. 7) and which removed the need for a confirmatory medical certificate. This change was made to allow cremations to take place without the need for additional medical practitioner oversight so as to reduce the burden on healthcare professions; and free them to support the response to the pandemic. It was also intended to reduce the likelihood of delays to families who were making cremation arrangements.

When the Coronavirus Act 2020 reaches its sunset date of 24th March 2022, without these amending Regulations, the Regulations would revert to their pre-26th March 2020 form and a confirmatory medical certificate would be required from that date. The role of the medical examiner, as provided for under sections 19 and 20 of the Coroners and Justice Act 2009 (c. 25), is expected to be extended in 2022, thus rendering the confirmatory medical certificate unnecessary. To avoid possible confusion in the funeral sector in the intervening months, the need for a confirmatory medical certificate will not be reintroduced.