

# THE FEDERATION OF BURIAL AND CREMATION AUTHORITIES

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Secretary: Richard J Powell

12<sup>th</sup> February 2010

## TO ALL CREMATION AUTHORITIES AND MEDICAL REFEREES IN ENGLAND AND WALES

Dear Sir or Madam,

### The Registration of Births and Deaths (Amendment) Regulations 2006

The above regulations came into force on 13<sup>th</sup> November 2006. Regulation 15 of these Regulations amended Regulation 49 of the Registration of Births and Deaths Regulations 1987 by permitting registrars to provide a certificate for disposal **before** registration for the purpose of cremation (as well as burial) in certain circumstances.

When the 2006 Regulations came into force, however, the General Register Office was advised that Regulation 15 did not align with the requirements of the then Cremation Regulations. Accordingly, the Registrar General issued advice to registrars that they should *not* issue a certificate before registration for cremation in accordance with Regulation 15. For the avoidance of doubt, this matter was rectified in January 2009, with the implementation of the Cremation (England and Wales) Regulations 2008. Regulation 16 of these Regulations states as follows:

“16.—(1) No cremation of the remains of a deceased person may take place unless—  
(a) an application for cremation is made in accordance with regulation 15;  
(b) except where regulation 18 applies,—  
(i) a certificate is given under section 24(1), (2) or (4) of the 1953 Act (certificates as to registration of death) in relation to the death of the deceased person”.

Section 24(1) of the Births and Deaths Registration Act 1953 states:

“24. Certificates as to registration of death

(1) The registrar, upon registering any death, shall forthwith give to the person giving information concerning the death a certificate under his hand that he has registered the death; but may, before registering the death and subject to such conditions as may be prescribed, upon receiving written notice of the occurrence of a death in respect of which he has received a certificate under section twenty-two of this Act, give to the person sending the notice, if required to do so, a certificate under his hand that he has received notice of the death; and any certificate given under this subsection shall be given without fee”. The registration Births and Deaths Handbook gives guidance on Section 24. This covers the situation where the death has been referred to the coroner and the registrar is notified by the coroner that he or she is not going to hold an inquest and will not be issuing a disposal certificate. Section 24 also requires that the registrar has received a valid medical certificate of cause of death. Under such circumstances a registrar's disposal certificate issued prior to registration will be acceptable for both burial and cremation purposes.

Yours faithfully

Richard J Powell  
Secretary